



AGENDA

Tuesday, January 3, 2023: 6:00 PM

Town Council Agenda Meeting

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

1. CALL TO ORDER

2. TOWN MANAGER'S COMMENTS

3. ACTION ITEMS

4. REVIEW PUBLIC HEARING APPLICATIONS FOR UPCOMING BUSINESS MEETING AGENDA

a. SU-07-22: Southern Pines Country Club (hearing continued from 12/13/22 meeting)

This is a continuation of a public hearing that was opened at the December 13, 2022 Regular Meeting. On behalf of Mid-Pines Development Group, LLC, Mr. Bob Koontz with KoontzJones Design has submitted an application for a special use permit for the development of ten guest cottages on a portion of property that formerly served as the Southern Pines Elks Club Facilities, also known as the Southern Pines Country Club. The development proposal is for ten detached golf cottage temporary dwellings housing a total of fifty-six guest rooms with associated parking and amenities such as a putting green and practice tee. No subdivision of property is proposed for the site, which constitutes a portion of the +/-292.11 total acreage of the property.

b. SU-06-22: MidSouth Modifications

On behalf of Plantation Investors, LLC, Mr. Jeremy Sparrow with Koontz Jones Design has submitted an application for a special use permit and a major subdivision preliminary plat for various modifications to the MidSouth development. Modifications include adding two residential lots near the north entrance, subdividing off the property on which the north gatehouse is located, and amending the boundary of the 1988 MidSouth Master Plan to remove 9.26 acres between Knoll Road and Midland Road. The subject property is identified as PIN: 857200264820 (PARID: 00041026701).

c. PD-12-22 Caropines Phases 3B & 4

Mr. Bob Koontz has submitted an application on behalf of Caropines Ventures, LLC and 71st Partners, LLC for a Planned Development - Preliminary Development Plan and Major Subdivision Preliminary Plat to create 75 lots in two additional phases of the Caropines development located off Airport Road across from the Moore County Airport. The proposed 75 units consist of 12 detached single-family lots with 8,000 square-foot minimum lot sizes and 11 smaller "cottage lots" with 5,000 square-foot minimum lot sizes in Phase 3B, and 52 attached single-family (townhome) lots with 2,000 square-foot per unit minimum lot sizes in Phase 4.

d. OA-04-22 Various Text Amendments to the Unified Development Ordinance

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with a variety of text amendments and is requesting Town Council review and approval per UDO §2.17. The proposed amendments cover 9 topics, and the specific text of each amendment is depicted in a markup copy of the UDO that is attached to the staff report that is part of the Town Council meeting packet.

5. REVIEW PROPOSED ACTION ITEMS FOR UPCOMING BUSINESS MEETING AGENDA

a. AR-24-22 Fort Bragg Federal Credit Union

KoontzJones Design is requesting an Architectural Compliance Permit on behalf of Fort Bragg Federal Credit Union for development of a retail bank on an undeveloped parcel of land within the Southern Pines Village development. The undeveloped parcel of land is located on the west side of Brucewood Road, between TerraBella senior living facility and Residence Inn by Marriott.

6. REVIEW PROPOSED CONSENT AGENDA FOR UPCOMING BUSINESS MEETING AGENDA

a. Approve Resolution #1038: Records Retention and Disposition Schedule

Staff asks that the Council approve Resolution #1038 - Record Retention and Disposition Schedule per NCGS 121-5(c) and 132-8.

b. Budget Amendments

Staff requests approval on a number of budget amendments which are detailed in the attached memo.

- Ordinance #2042 - Amending the Sanitary Sewer Modernization Capital Project Fund
- Ordinance #2047 - Budget Ordinance for Municipal Service District Revenue Fund
- Ordinance #2048 - Amending the 2022/2023 Fiscal Year Budget - Move Leases
- Ordinance #2049 - Amending the 2022/2023 Fiscal Year Budget - Water Plant-Veolia
- Ordinance #2050 - Amending the 2022/2023 Fiscal Year Budget- ARPA monies to Enterprise Fund
- Ordinance #2051 - Amending the 2022/2023 Fiscal Year Budget - ARPA-Salaries

c. Town Council Meeting Minutes for December 13, 2022

Staff has prepared the December 13, 2022, meeting minutes for review.

7. ADJOURNMENT

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

Agenda Item

To: Reagan Parsons, Town Manager

From: Pamela Graham, Principal Planner

Subject: SU-07-22 Special Use Permit for the Development of Ten Guest Cottages on a +/-9.48 Acre Property Located on the West Side of Country Club Circle Between Spring Road and Ridge Street: Owner/Applicant: Mid-Pines Development Group, LLC; Authorized Agent: Bob Koontz, Koontz Jones Design

Date: January 10, 2023

I. SUMMARY OF APPLICATION REQUEST:

On behalf of Mid-Pines Development Group, LLC, Mr. Bob Koontz with Koontz Jones Design has submitted an application for a special use permit for the development of ten guest cottages on a portion of property that formerly served as the Southern Pines Elks Club Facilities, also known as the Southern Pines Country Club. The addition of guest accommodations to an existing private golf course requires a special use permit in the Facilities, Resource, and Recreation (FRR) Zoning District per the Town's Unified Development Ordinance (UDO).

The development proposal is for ten detached golf cottage temporary dwellings housing a total of fifty-six guest rooms with associated parking and amenities such as a putting green and practice tee. No subdivision of property is proposed for the site, which constitutes a portion of the +/-292.11 total acreage of the property. The subject property is identified as PIN: 858100121842 (PARID: 00048946).

II. PLANNING BOARD REVIEW:

On November 17, 2022, the Planning Board held a Preliminary Forum regarding SU-07-22 to accept public comments and compose a list of issues to forward to the Town Council for their consideration. With five members present, Mr. Andy Bleggi being absent, the Planning Board heard from staff as well as those in attendance who wished to speak to the special use permit request. Following a presentation by town staff regarding the project, the attorney for the applicant, Mr. Nil Ghosh, addressed the Planning Board and introduced Mr. Bob Koontz of KoontzJones Design, authorized agent for the applicant. Mr. Koontz made a presentation to the Planning Board, providing additional details and justification for the proposed project. At least nine attendees took the podium to express their concerns regarding the proposal and the impacts they believed would result if the project was approved. Additional comments were provided by Mr. Travis Fluitt of Kimley-Horn & Associates, the traffic engineer for the project, including that updated information indicates that a traffic design analysis will be required for the proposal. After all those present were provided an opportunity to speak, the Planning Board closed the Preliminary Forum and

adopted by unanimous vote the following list of issues to forward to Town Council for consideration during their review of the proposal:

1. Neighbors raised concerns about the consistency of the proposed SUP with the CLRP. In particular, the proposed development provides short term rentals in a location that would not be permissible under the UDO. The proposed land use does not appear to be consistent with components of the CLRP. Residents highlighted the tension in the CLRP between encouraging golf tourism and preserving the character of residential neighborhoods.
2. Neighbors raised their significant concerns, particularly the understanding of the definition of “limited guest accommodation” in the CLRP, and debated whether a hotel, cluster of short-term rentals, or golf guest cottages are consistent with the FRR authorized land uses and the character of the community and surrounding neighborhood.
3. Residents expressed concern about the future development of Southern Pines Golf Club vacant parcels and the “little nine”. They questioned the public welfare benefit of the proposed use. They also expressed concern about maintaining the new structures over time.
4. A resident raised concerns about traffic, noise, safety, and trash in the neighborhood, particularly at the intersection of Morganton Road and Country Club Circle. There was a question about on-site management. The Town Council should focus on the impact to traffic safety on neighborhood streets.

It should be noted that a Traffic Design Analysis has been submitted for the project since the Planning Board met. The document is included as an attachment and summarized in Section D.i.E. of this report.

III. PROJECT INFORMATION:

A. Property Owner & Applicant Information:

- i. **Property Owner(s):**
Mid Pines Development Group
c/o Kelly Miller
PO Box 88
Southern Pines, NC 28388
- ii. **Applicant:**
Mid Pines Development Group
c/o Kelly Miller
PO Box 88
Southern Pines, NC 28388
- iii. **Authorized Agent:**
Koontz Jones Design
Bob Koontz
150 S. Page Street
Southern Pines, NC 28387

B. Project History and Site Information:

i. Location:

The subject property is located southwest of downtown Southern Pines and borders developed residential areas in Southern Pines along the South and East, residential areas in Aberdeen to the southwest, and the CSX Rail corridor to the west. (See Figures 1 and 2).

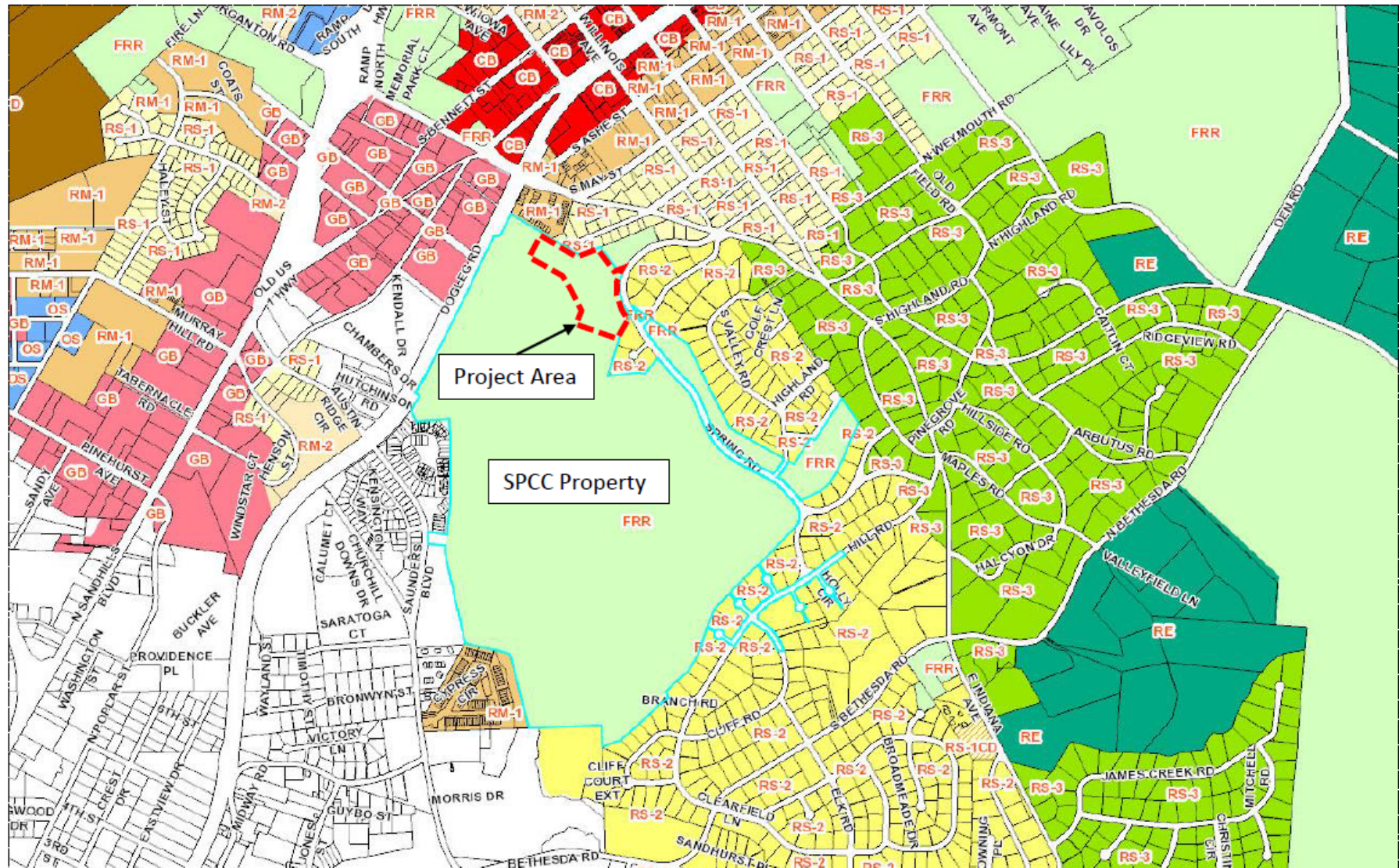
ii. Zoning:

The zoning of the subject parcel is Facilities, Resource and Recreation (FRR), consistent with remainder of the former Elks Club property.

iii. Future Land Use Map Designation:

The subject parcel is designated as Residential/Golf on the Future Land Use Map. *Per the CLRP, the Residential/Golf designation applies to areas that include public or private golf courses and residences. This category may accommodate a single family or attached dwellings at a variety of densities, recreational facilities in addition to the golf course, limited guest accommodations, and limited commercial services intended to serve residents of and visitors to the development.*

Figure 1: Zoning and Location Map:



[illegible]

IV. STAFF REVIEW:

A. Application Review Dates:

- TRC Pre-Application Review: September 28, 2021
- Special Use Permit SU-07-22 Application Submitted: October 10, 2022
- Application Deemed Complete: October 14, 2022
- Notice of Planning Board Public Hearing:
 - Posted On-site: October 27, 2022
 - Mailed: October 27, 2022
 - Internet: October 26, 2022
 - Published: N/A for SUP
- Planning Board Agenda Meeting: November 10, 2022 (Meeting Not Held)
- Planning Board Preliminary Forum: November 17, 2022
- Notice of Town Council Public Hearing:
 - Posted On-site: October 27, 2022
 - Mailed: November 18, 2022
 - Internet: November 18, 2022
 - Published: November 30 and December 7, 2022

B. Process of Review:

The procedures for 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.

C. Standards for Review:

The following UDO standards apply to the review of this special use permit:

- i. Special Use Permit Criteria, UDO §2.21.6 (A-F)
- ii. FRR Zoning District Standards, UDO §3.5.13
- iii. Various Standards, UDO Chapter 4

D. Criteria for Review:

Compliance with the UDO:

i. Compliance with Special Use Permit Criteria – UDO §2.21.6 (A-F):

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

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

The applicant's Justification document (attached) states the following: "The existing zoning for the property is Facilities, Resource and Recreation (FRR). This district permits a wide variety of uses including 'golf resorts and related facilities...and recreational facilities that typically include substantial open space.' The proposed lodging use replaces the previous Elks Lodge structure and adds very little built-upon area to the site while

preserving much of the approximately 292.11-acre property. With the demolition of the former lodge and the installation of the large practice putting green, impervious surface increases by only +/- 5,200 sf or .04% the overall property. The area of the property impacted by this Special Use Permit application will include approximately 9.48 acres of the +/-292.11-acre property. The proposed cottages will meet or exceed all regulations within the UDO related to the FRR district and other sections of the UDO, including setbacks, buffers and landscaping.”

The FRR Zoning District is described in the UDO §3.5.13 as being “intended for open space, public facilities and privately owned and recreation areas. Publicly owned land uses include governmental, recreational, education, natural resource and utility facilities. Privately owned land uses include golf resorts and related facilities, land trusts established to preserve natural resources, schools and recreational facilities that typically include substantial open space”.

The objectives of the FRR District are to:

- (1) Provide land for publicly-owned governmental facilities and privately-owned natural and man-made resource and recreation areas; and
- (2) Preclude major residential, retail office, institutional, and industrial uses that typically provide limited open space.

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;

Please refer to the applicant’s Justification document for the full response to this criterion. In summary:

- (1) The size, building heights, and general character of the proposed cottages will be designed to appear as single-family residences and to reflect the character of other homes in Southern Pines and the surrounding neighborhood.
- (2) Setbacks will exceed those required by the UDO, and will be driven by the commitment that no building will be located within 65’ of adjoining properties. Setbacks required by the UDO are as follows:
 - Front setback = 30’
 - Internal side setback = 10’
 - External side setback = 15’
 - Rear setback = 30’
- (3) An undisturbed buffer will be provided along the property boundary for a minimum of 25’.

- (4) Parking areas will be no closer to the property boundary than those which currently exist today, and will be screened in accordance with UDO standards.

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

The applicant has provided the following information regarding this item: “Public water and sewer utilities are readily available for the project. The cost of extending these utilities to the project will be borne by the developer. Water and sewer lines currently cross areas of the site.

The main entrance and secondary entrance to the site will be provided from Country Club Circle. There are currently 4 access points along Country Club Circle. The number of access points will be reduced to a total of 3 locations, with one serving only a service entrance. An emergency access connection will be provided to the existing right-of-way on Ridge Street. This access point will be gated and utilized only for emergency vehicles. The connection will not be “paved” with asphalt. The emergency access point will utilize grass pavers with an adequate base to accommodate emergency vehicles. These pavers will be designed to adequately meet the requirements of the Town of Southern Pines and will be approved by the Town’s Fire Marshall.”

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;

The application narrative states: “This is a redevelopment project located on the site of the former Elks Lodge. Adjacent properties have been located adjacent to the golf course, clubhouse, lodge and other facilities since it was constructed in the early 20th century. Proposed improvements to the property will maintain the overall character of the area, while providing updated facilities and high-quality cottage units, resembling single-family residences and creating an appearance which is consistent with the surrounding neighborhood. This project will not impair the ability of surrounding properties to achieve their full development potential or to meet the standards of the RS-1 zoning district. Accordingly, the project will not substantially diminish or impair the property values within the surrounding 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 narrative responds to this criterion as follows: “This project meets all of the standards set forth in the Town’s CLRP and UDO pertaining to land use. Based on the standards set forth in these publicly reviewed and approved documents, this project will not be detrimental to or endanger the public health, safety, comfort, or general welfare of the surrounding neighborhood or the Town of Southern Pines. The proposed development incorporates goals of the CLRP related to golf, golf course development and tourism.

Traffic volumes will not endanger the residents of the Town of Southern Pines and all vehicular access will remain in locations similar to the existing access points for the property. Traffic generated by the project will not have any adverse impact on existing neighborhoods or streets and will be similar to that which exists today. A Trip Distribution Analysis has been provided for the site as required by the UDO.”

Staff comments: An updated trip generation analysis was provided to staff by Mr. Travis Fluitt of Kimley-Horn and Associates; the document is attached to this report. Data used to create these types of analyses come from the Institute of Transportation Engineers Trip Generation Manual. The manual contains an exhaustive list of land use types to estimate trip generation; however, this specific use is relatively unique and is not included in the list. Mr. Fluitt provided calculations based on two similar land uses, Timeshare (10 units) and Resort Hotel (56 rooms). Based on the most impactful of these two use categories, the project is estimated to generate approximately 230 daily trips (115 in and 115 out). UDO §4.12.2(B) requires a traffic design analysis (TDA) for developments that are estimated to create between 200 and 1,000 daily trips more than existing conditions. It is noted in Mr. Fluitt’s report that no adjustments were made to the traffic count based on the pool being removed.

A TDA was provided by Mr. Fluitt on December 1, 2022 and is also attached to this report. The most significant items noted in the TDA are summarized as follows:

- Based on NCDOT traffic count data on Morganton Road just east of S. May Street, the existing traffic volumes as well as the low volume projected for site traffic, no capacity issues are expected from the proposed development.
- The proposal includes a slight realignment to the northern driveway to reduce the skew with Country Club Circle. This realignment is expected to improve upon the existing conditions at that location.
- Crash data reports at the intersection of E. Morganton Road and Country Club Circle/Country Club Drive/Dogwood

Lane for the five-year period that ended in October of this year indicate two crashes at that intersection. Both incidents involved vehicles entering from the southern leg of Country Club Circle, and not the southwestern leg that serves the golf club.

- Field reviews of available stopping sight distance at the intersection indicate that the 250 feet of sight distance required by the American Association of State Highway and Transportation Officials (AASHTO) *Policy on Geometric Design of Highways and Streets* is exceeded at all approaches. Occasional vegetation clearing within the rights-of-way near the site is recommended.
- Due to the low speeds on all roadways leading to the site, Mr. Fluitt states that “there is not an existing safety problem at this intersection, and site traffic is not expected to result in increased crash rates or create a safety issue”.
- Mr. Fluitt’s conclusions state that no transportation infrastructure improvements are recommended.

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

Please refer to the applicant’s Justification document for the full response to this criterion. In summary:

- (1) The proposed use is permitted and encouraged by the CLRP and UDO within the FRR District, including several specific goals and policies found in the document;
- (2) The proposed cottages will resemble single-family residential homes, consistent with the surrounding neighborhood;
- (3) The infrastructure extensions will be made by the developer and be dedicated to the Town, benefitting the public interest and welfare without adversely affecting individual interests;
- (4) The proposal is fully consistent with ordinances, plans, and standards found in the Town’s guiding documents. The public interests supporting the proposed uses outweigh any individual interests that may be adversely affected by the proposed use.

ii. Development Design and Other Standards from UDO Chapter 4

The proposal will require Site Plan Review and approval by the TRC as well as Architectural Review by the Town Council.

E. General Staff Comments and Recommendations

Approval of the request will result in the development of ten detached golf cottage temporary dwellings housing a total of fifty-six guest bedrooms with associated parking and amenities such as a putting green and practice tee. The existing swimming pool at the site is expected to be removed.

Pursuant to UDO §2.27.7, in approving any special use permit, the Town Council may impose such reasonable standards, conditions, or requirements as it may deem necessary to protect the public health, safety and welfare.

Staff has drafted a set of approval conditions for the Town Council's consideration, included in Section VI, below. Staff's recommendation is approval of the special use permit with conditions as drafted or as modified by Town Council.

F. Outside Agency and Neighborhood Meeting Comments:

Staff has provided information on the project to outside agencies and has received the following responses:

- A response from the Department of Transportation was received on November 2, 2022, stating that the agency had no comments.
- A response from the Regional Land Use Advisory Commission was also received on November 1, 2022, stating that the agency did not have any comments on this project.
- A response from the Town's Utilities Superintendent Ron Istre was received on October 26, 2022 stating that he had no initial comments.
- The Technical Review Committee reviewed a Pre-Application submittal for the project at their September 28, 2021 meeting, with no major issues identified. The Land Based Classification Standard (LBCS) was clarified as being #5353 (golf course resort). Site plan review and approval will be required prior to issuance of any building permits for the project. It was unknown at that time if the project would be required to submit for architectural review.

Additionally, the applicant conducted a neighborhood meeting on September 27, 2022 to present the proposal to the neighboring community and receive feedback. A copy of the resulting report is included in the attachments to this document.

V. ATTACHMENTS:

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

1. Special Use Permit Application
2. Applicant's Special Use Permit Narrative
3. Applicant's Special Use Permit Justification
4. Existing Conditions Plan

5. Site Plan
6. Immediate Vicinity Map
7. Property Deed
8. Appointment of Agent
9. Trip Generation Analysis dated November 17, 2022
10. Traffic Design Analysis dated December 1, 2022
11. Neighborhood Meeting Report

VI. TOWN COUNCIL ACTION:

To either approve or deny a Special Use Permit application, the Town Council shall make findings of fact and conclusions to the applicable standards. The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case. The Town Council shall then vote on whether the application complies with the criteria as set forth in Section 2.21.6(A-F) Criteria for a Special Use Permit. The Town Council may choose among the following motions or any alternative at their discretion.

Staff has provided draft findings, included as Attachments A and B. Attachment A is drafted with the assumption that the Council will vote to approve SU-07-22, and Attachment B is drafted with the assumption that Council will vote to deny SU-07-22. However, there are many unknown influences to the Council's decision when these findings are drafted, and it is likely that the final draft will require revision regardless of the outcome of the request.

I move to:

1. Adopt **Attachment A** of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-07-22.

-OR-

2. Adopt **Attachment A** of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-07-22, with the following changes:

-OR-

3. Adopt **Attachment B** of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-07-22.

-OR-

4. Adopt **Attachment B** of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-07-22, with the following changes:

Next, the Town Council may vote on whether to approve, deny, or approve with conditions the proposed Special Use Permit. The Town Council may choose one of the following motions, or any alternative at their discretion.

I move to:

1. Approve Special Use Permit SU-07-22.
2. Deny Special Use Permit SU-07-22.
3. Approve Special Use Permit SU-07-22 with the following conditions. Pursuant to UDO §2.27.7, in approving any special use permit, the Town Council may impose such reasonable standards, conditions, or requirements as it may deem necessary to protect the public health, safety and welfare.
 1. A planted buffer of no less than 25' along the project boundary with adjacent properties and/or rights-of-way shall be required prior to occupancy of the proposed lodging units.
 2. Any needed improvements or extensions of infrastructure shall be made at the cost of the developer.
 3. That the emergency access point will be designed using grass pavers with an adequate base to meet the requirements of the Fire Department and the Technical Review Committee prior to site plan approval. The access point will be gated and used only for emergency vehicles.
 4. That construction traffic will be prohibited from using Ridge Street and instead will use Country Club Circle.
 5. Signage shall be compliant with UDO 4.6 and will be subject to the sign permit process.

ATTACHMENT “A”
Draft Town Council Findings of Fact
Special Use Permit Application SU-07-22

Finding of Fact #1:

The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Special Use Permit approval has fully met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Special Use Permit, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criteria A-F, in that:

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

The Town Council finds that the Special Use Permit application SU-07-22 complies with the regulations of the Facilities, Resource and Recreation (FRR) Zoning District. The proposed use of “lodging” falls into the UDO’s Land Based Classification Standard (LBCS) #5353 “Golf Course Resort”, “which may include club house, guest accommodations and/or residences that may be individually owned, but fall within the management of the resort”. This use requires approval of a special use permit in the FRR District. Section 2.21.1 of the UDO states that special use permits may be issued after ensuring that the use complies with the special use permit approval criteria, and Town Council finds that no qualified evidence has been entered into the record for SU-07-22 that the proposal is in conflict with the regulations of the FRR District.

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 Town Council finds that the ten new guest cottages proposed by the special use permit request are generally consistent with the character of the neighborhood in which they will be located and will not alter the character of the neighborhood. This is due, in part, because the applicant has provided evidence on the record that the structures “will reflect a neighborhood character similar to that of the surrounding area” and “will appear as single-family detached residences similar in size and character to that of the surrounding neighborhood”. Additionally, the applicant has committed to and will be required to meet or exceed the setbacks required by the UDO and to provide a buffer of no less than 25’ along the project boundary with adjacent properties and/or rights-of-way. Furthermore, there has been no qualified evidence entered into the record for SU-07-22 that the proposal

will not conform to the character of the neighborhood or injure the use and enjoyment of property in the immediate vicinity.

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

Town Council finds that the proposed special use does not require inefficient expansion of public facilities due to the fact that site accesses from the public road are existing and will be reduced from four access points to three, and the project will provide an emergency access. Public water and sewer are readily available and the cost of any improvements to those utilities will be borne by the developer.

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;

Town Council finds that, there being no qualified evidence of negative impacts to property values within the neighborhood as a result of the special use, the proposed special use is expected to have no detrimental impact to surrounding properties or property values in the vicinity. Furthermore, the special use is not expected to impede the orderly development and improvement of surrounding property for uses permitted in the zoning district because all proposed improvements will be on-site, will be appropriately screened from neighboring properties, and the traffic design analysis entered into the record for SU-07-22 found no evidence that capacity issues are expected due to the development nor will the proposed development create a roadway safety issue.

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;

Town Council finds that, there being no qualified evidence entered into the record of negative impacts resulting from the proposed lodging use, there is no expected detrimental impact to the public health, safety, comfort or general welfare. Furthermore, the traffic design analysis entered into the record for SU-07-22 found no evidence that the proposed development will create a roadway safety issue.

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;

The proposed use of lodging at an existing golf course resort is consistent with the zoning of FRR. Adjoining property owners may reasonably expect that an existing golf course could be further developed with golf course resort lodging, subject to a Special Use Permit. Town Council finds that no qualified evidence has been entered into the record for SU-07-22 showing that allowing for the proposed ten golf cottages creates an adverse effect to individual interests that is not outweighed by the public interest and welfare. The public interest and welfare supports development of low-impact recreation tourism, utilization of existing public infrastructure for that tourism, and for allowing property owners to develop property in a manner not only consistent with zoning but also consistent with, and in support of, an existing historic land use.

Finding of Fact #3:

The Town Council finds that with all the evidence regarding this proposal in the record, including the December 13, 2022 Town Council Business Meeting, the application meets Criteria A through F as set out in 2.21.7 of the Unified Development Ordinance (UDO).

ATTACHMENT “B”
Draft Town Council Findings of Fact
Special Use Permit Application SU-07-22

Finding of Fact #1:

The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Special Use Permit approval has fully met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Special Use Permit, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criteria A-F, in that:

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

The Town Council finds that, although the Special Use Permit application SU-07-22 complies with the regulations of the Facilities, Resource and Recreation (FRR) Zoning District, there has been sufficient qualified evidence entered into the record that the proposal is in conflict with one or more of Criteria A-F as stated in UDO §2.21.6 regarding special use permits. The proposed use of “lodging” falls into the UDO’s Land Based Classification Standard (LBCS) #5353 “Golf Course Resort”, “which may include club house, guest accommodations and/or residences that may be individually owned, but fall within the management of the resort”. This use requires approval of a special use permit in the FRR District. Section 2.21.1 of the UDO states that special use permits may be issued only after ensuring that the use complies with the special use permit approval criteria, and Town Council finds that qualified evidence has been entered into the record for SU-07-22 that the proposal is in conflict with applicable criteria.

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 Town Council finds that the ten new guest cottages proposed by the special use permit request are not generally consistent with the character of the neighborhood in which they will be located, will alter the character of the neighborhood, and will injure the use and enjoyment of property in the immediate vicinity. This is due, in part, because although the applicant has provided evidence on the record that the structures “will reflect a neighborhood character similar to that of the surrounding area” and “will appear as single-family detached residences similar in size and character to that of the surrounding neighborhood”, qualified evidence has been entered into the record for SU-07-22 that the

proposed use will function sufficiently different from single-family residential uses to cause injury to the use and enjoyment of property in the immediate vicinity of the project.

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

Town Council finds that the proposed special use does not require inefficient expansion of public facilities as public water and sewer are readily available and the cost of any improvements to those utilities will be borne by the developer. However, sufficient qualified evidence has been entered into the record for SU-07-22 that the existing transportation network is inadequate to appropriately manage the anticipated daily traffic resulting from the proposal and there are no improvements planned that will reduce those impacts to an acceptable level.

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;

Town Council finds that, there being qualified evidence of negative impacts to property values within the neighborhood as a result of the special use, the proposed special use is expected to have detrimental impact to surrounding properties or property values in the vicinity. Furthermore, qualified evidence has been entered into the record for SU-07-22 that the special use is expected to impede the orderly development and improvement of surrounding property for uses permitted in the zoning district.

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;

Town Council finds that sufficient qualified evidence of negative impacts resulting from the proposed use has been entered into the record for SU-07-22, and that the proposed special use may be expected to have a detrimental impact to the public health, safety, comfort or general 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;

Town Council finds that sufficient qualified evidence has been entered into the record for SU-07-22 that the establishment of the special use will result in adverse impacts to individual interests and that the special use does not advance the public interest and welfare.

Finding of Fact #3:

The Town Council finds that with all the evidence regarding this proposal in the record, including the December 13, 2022 Town Council Business Meeting, the application does not meet Criteria A through F as set out in 2.21.7 of the Unified Development Ordinance (UDO).



Special Use Permit Application

Fee: \$ _____

Date Paid: _____

Case No.: SU- _____

Project Information:

Street Address: 290 COUNTRY CLUB CIR. SOUTHERN PINES, NC 28387

PIN: 858100121842

Parcel ID: 00048946

Site Size: ±292.63 AC

Zoning: FRR

Applicant:

Name(s): MID-PINES DEVELOPMENT GROUP LLC - C/O KELLY MILLER

Email: kelly.miller@rossresorts.com

Phone: 910-692-5372

Mailing Address: PO BOX 88 SOUTHERN PINES, NC 28388

Authorized Agent, if different from Applicant:

Name(s): KOONTZ JONES DESIGN - C/O BOB KOONTZ

Email: bkoontz@koontzjones.com

Phone: 910-684-8487

Mailing Address: 150 S PAGE ST SOUTHERN PINES, NC 28387

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

Name(s): _____

Email: _____

Phone: _____

Mailing Address: _____

8-27-21

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 EAST side of COUNTRY CLUB CIR. (St./Ave.), between SPRING RD (St./Ave.) and RIDGE ST (St./Ave.). The property has a frontage of ±3500 feet and a depth of ±2400 feet.

The special use sought is based upon Section(s) 2.21; 3.7.2 of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:

GOLF COURSE RELATED LODGING

Date: 10/10/22


Applicant
M10 Pines Development Group, LLC

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
plan@southernpines.net (910) 692-4003 www.southernpines.net

**SOUTHERN PINES COUNTRY CLUB
SPECIAL USE PERMIT NARRATIVE (SUP)**

Southern Pines Country Club (SPCC) was purchased in 2021 by Mid Pines Development Group, LLC. In addition to SPCC, Mid Pines Development Group, LLC also operates the Mid Pines and Pine Needles Golf Course Resort facilities, located in Southern Pines. Pine Needles recently hosted the 2022 USGA Women's US Open Golf Tournament. Since purchasing SPCC, the owners have made substantial investments in the restoration of the golf course to reflect the original Donald Ross design and significantly improve playing conditions. These investments and restructuring of the facilities have insured that the SPCC golf course will remain a vital part of the community, and that the community will retain the large open space that presently exists in this location.

With the golf course improvements, additional opportunities for the property now exist. The proposed development at SPCC described in this application will add additional lodging opportunities for golf travelers coming to Southern Pines at the newly restored golf course facility, in roughly the same location previously occupied by the Elks Lodge building. Lodging on site will improve the existing golf opportunities in the area, add a third unique property to the existing offerings, and provide another golf tourism destination for Southern Pines.

In the Town's Comprehensive Long-Range Plan (CLRP) one of the stated goals is "Capitalizing on Tourism". Specifically, it states "the Town should support promotional efforts, as well as efforts to retain their integrity." Additional lodging opportunities at this existing golf course will help maintain the integrity and quality of the facility and promote Southern Pines as a golfing destination. Also, goal G-7 of the CLRP states "Golf. Retain golf as an essential part of Southern Pines' economy, physical character and culture." Under policies P-11.i. the CLRP states "Coordinating with public and private golfing interests to facilitate changes needed to support golf's role as a recreational and economic asset to the Town." This project supports these goals.

Additional lodging and the restoration/renovation of the SPCC golf course facilitates changes that are needed to enhance the economic viability of one of the Town's premier golf assets. The addition of lodging, which will be operated by the golf club, also will assist in maintaining the character and quality of the SPCC golf course.

The existing zoning for this property is the Facilities, Resource and Recreation District (FRR). This district permits a wide variety of uses including "golf resorts and related facilities...and recreational facilities that typically include substantial open space." The proposed lodging use replaces the previous Elks Lodge structure and adds very little built-upon area to the site while preserving much of the approximately 292.11-acre property. With the demolition of the former lodge and the installation of a new large practice putting green, impervious surface only increases by +/- 5,200 sf (0.12 acres) or .04% of the overall property. The area of the property impacted by this Special Use Permit application will include approximately 9.48 acres of the +/- 292.11-acre property, or approximately 3.2% of the overall property.

Design elements for the project are described below.

- **Cottages**

- The proposed plan includes a mixture of four (4) and eight (8) bedroom cottages. The total number of bedrooms requested in this SUP will not exceed fifty-six (56) bedrooms. These lodging units will be managed by the Mid Pines Development Group, LLC.
- All buildings will be designed to resemble single-family detached homes. Buildings will not exceed the Town's standard for residential building height of thirty-five (35) feet. It is intended that only one two-story above grade building will be constructed as indicated on the plan. Up to five (5) buildings may have a basement level if grading permits an additional level below grade. Any units with a "basement" level will be designed to appear to be as one-story from the street side of the structure with the basement level facing the internal golf facilities.
- New buildings will be designed to reflect the original clubhouse facility which was constructed in the early 20th century. New buildings will be brick and stucco structures which mimic the character of the original clubhouse. Images of the original clubhouse have been included with this application.
- The new buildings will be constructed in phases and may be built over several years.
- The plans indicate construction of 2 cottages and the main entrance drive on the location of the existing pool facility. The existing pool facility is being evaluated for long term viability. Whether the pool remains permanently, is removed after several years or is removed in the first phase has yet to be determined. The plans indicate the possible full build-out of the cottage area.

- **Parking Areas**

- Adequate parking will be provided on site to meet the needs of both the golf course facilities and the lodging.
- Parking required and provided:
 - Parking required for the lodging = 56 spaces
 - Parking required for clubhouse = 48 spaces
 - Parking required for the golf course = 48 spaces
 - Total spaces required = 152 spaces
 - Total Parking provided = 155 spaces

- **Streets and Access**

- The main entrance and secondary entrance to the site will be provided from Country Club Circle. There currently are 4 access points along Country Club Circle. The number of access points will be reduced to a total of 3 locations, with one serving only as a service entrance.
- An emergency access connection will be provided to the existing right-of-way on Ridge Street. This access point will be gated and utilized only for emergency vehicles. The connection will not be "paved" with asphalt. The emergency access point will utilize grass pavers with an adequate base to accommodate emergency vehicles. These pavers will be designed to adequately meet the requirements of the Town of Southern Pines and will be approved by the Town's Fire Marshal.

- Construction traffic will be prohibited from using the Ridge Street access point. All construction traffic will be directed to Country Club Circle, which has the width and pavement structure necessary to accommodate construction vehicles.
- **Circulation and Pedestrian Connections**
 - All golf cart and pedestrian circulation will be internal to the property. A 12' wide golf cart path will be provided in front of all units and will connect to the clubhouse and golf course cart path network. This cart path also will serve as internal pedestrian circulation for the cottage area.
 - Ordinary vehicular circulation will be limited to the parking lot, entry drive and service access drive.
- **Open Space**
 - The project will maintain more than 280 acres of open space, which includes the golf course, driving range and other areas of the overall property. The Proposed developed area consists of approximately 9.48 sf or 3.2% the property. SPCC will continue to provide significant open space for the community.
- **Buffers/Setbacks/Landscaping**
 - The FRR zoning district requires that setbacks match the adjacent properties. The UDO states "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."
 - The adjoining properties are zoned RS-1. Building setbacks for the RS-1 district, which would apply to this property are as follows:
 - Front = 30'
 - Internal Side = 10'
 - External Side = 15'
 - Rear = 30'
 - Parking areas along the property boundary will be located no closer to the new buildings than the existing parking areas. The existing areas are located on flat ground. Utilizing the existing parking location will allow existing vegetation in this area to remain. Vegetation in the parking areas adjacent to the adjoining property boundaries, as indicated on the site plan, will be maintained. In addition, a 10' landscape buffer, which does not exist today, will be planted along the boundary of the parking lot in this area to meet the Town of Southern Pines parking lot screening standards and to screen the parking area from adjacent properties.
 - While the RS-1 zoning standards would apply to the adjacent FRR district per the UDO standards, buildings on the SPCC property will be no closer than 65' from the adjoining property boundary and the cart path and emergency access area will remain a minimum of 50' from the adjoining property boundary.
 - A 25' non disturbed buffer will remain along the adjacent property boundaries.
 - Landscaping for parking lots and other areas of the site will be provided as required by the Town of Southern Pines UDO.
- **Stormwater**
 - Stormwater best management practices will be applied as necessary and required by the Town of Southern Pines and State of North Carolina to control stormwater runoff for the

project. Any required stormwater management devices will be permitted as required by the appropriate state and local agencies.

- **Utility Service**

- Adequate water and sewer service can be provided by the Town of Southern Pines to this project and will be extended at the developer's expense. Utilities currently serve the property and additional services are within close proximity, along Country Club Circle. All utilities on the site will be located underground.

- **Signage**

- A sign indicating that the property is the location of the Southern Pines Country Club will be placed at each of the two entrances to the property off Country Club Circle.
- Small wayfinding signs and cottage identification signs will be installed internally on the property in a form that is consistent with the current golf course signage that exists on the site. Any additional directional or on-site signage for parking areas, cottages and golf course operations will follow the Town of Southern Pines sign standards in Section 4.6 of the UDO for size, materials, and height, if the signs are specifically regulated by the ordinance.

The descriptions and conditions described above will apply to the entire project as indicated in the Special Use Permit plan document.

EXHIBIT A

Southern Pines Country Club Special Use Permit Justification

Below are listed the six (6) criteria required to approve a Special Use Permit application as described in Section 2.21.7 of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in blue, describing how the project demonstrates compliance with each of these criteria.

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

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

The existing zoning for the property is Facilities, Resource and Recreation District (FRR). This district permits a wide variety of uses including “golf resorts and related facilities...and recreational facilities that typically include substantial open space.” The proposed lodging use replaces the previous Elks Lodge structure and adds very little built-upon area to the site while preserving much of the approximately 292.11-acre property. With the demolition of the former lodge and the installation of the large practice putting green, impervious surface increases by only +/- 5,200 sf or .04% the overall property. The area of the property impacted by this Special Use Permit application will include approximately 9.48 acres of the +/- 292.11-acre property. The proposed cottages will meet or exceed all regulations within the UDO related to the FRR district and other sections of the UDO, including setbacks, buffers and landscaping.

(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;

When a use is permitted as a special use within a zoning district, the law recognizes that the applicable ordinance creates a rebuttable presumption that the permitted use conforms with and is in harmony with the surrounding area. Since the FRR district permits “golf resorts and related facilities...and recreational facilities that typically include substantial open space,” the presumption is that this use conforms to the character of the neighborhood in which it is located and will not injure the use and enjoyment of property in the immediate vicinity. Per the UDO, Golf Resorts “may include club house, guest accommodations and/or residences that may be individually owned but fall within the management of the resort”.

The proposed cottages will be constructed to appear as single-family detached residences similar in size and character to that of the surrounding neighborhood and other homes located in Southern Pines. Cottages will range between 1,800 sf and 3,600 sf, similar to homes throughout Southern Pines. These buildings will be single-story or two-story units, and all will be constructed below the UDO’s 35’ maximum height regulation for single-family residential development.

The proposed cottages will reflect a neighborhood character similar to that of the surrounding area. Per the FRR standards in the UDO in Section 3.5.13.(D), “building heights and setbacks shall conform to those of the abutting zoning 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.” In this case, the required setbacks from the adjacent RS-1 zoned properties are as follows:

- Front = 30’
- Internal Side = 10’
- External Side = 15’
- Rear = 30’

EXHIBIT A

The proposed project will exceed these standards. No building will be located within 65' of the adjoining properties. This is more than double the required setbacks.

Buildings will be designed to reflect the architectural character of the original clubhouse facility which was constructed in the early 20th century. Buildings will be brick and stucco structures to mimic the original clubhouse. Buildings will be screened from adjoining properties and oriented toward the golf course to take advantage of the wonderful views. A non-disturbed buffer will be provided along the adjoining property boundary for a minimum 25'. Parking areas will be no closer to the property boundary than those which currently exist today, and landscape screening of the parking areas will be provided as required by the UDO.

The proposed project also is consistent with the Town's Comprehensive Long-Range Plan ("CLRP") for this property, which further indicates that it conforms to the character of the surrounding community.

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

Public water and sewer utilities are readily available for the project. The cost of extending these utilities to the project will be borne by the developer. Water and sewer lines currently cross areas of the site. All amenities and improvements will be provided by the developer.

The main entrance and secondary entrance to the site will be provided from Country Club Circle. There currently are 4 access points along Country Club Circle. The number of access points will be reduced to a total of 3 locations, with one serving only a service entrance. An emergency access connection will be provided to the existing right-of-way on Ridge Street. This access point will be gated and utilized only for emergency vehicles. The connection will not be "paved" with asphalt. The emergency access point will utilize grass pavers with an adequate base to accommodate emergency vehicles. These pavers will be designed to adequately meet the requirements of the Town of Southern Pines and will be approved by the Town's Fire Marshal.

(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 is a redevelopment project located on the site of the former Elks Lodge. Adjacent properties have been located adjacent to the golf course, clubhouse, lodge and other facilities since it was constructed in the early 20th century. Proposed improvements for the property will maintain the overall character of the area, while providing updated facilities and high-quality cottage units, resembling single-family residences and creating an appearance which is consistent with the surrounding neighborhood. This project will not impair the ability of surrounding properties to achieve their full development potential or to meet the standards of the RS-1 zoning district. Accordingly, the project will not substantially diminish or impair the property values within the surrounding neighborhood.

(E) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare; and

This project meets all of the standards set forth in the Town's CLRP and UDO pertaining to land use. Based on the standards set forth in these publicly reviewed and approved documents, this project will not be detrimental to or endanger the public health, safety, comfort, or general welfare of the surrounding neighborhood or the Town of Southern Pines. The proposed development incorporates goals of the CLRP related to golf, golf course development and tourism.

EXHIBIT A

Traffic volumes will not endanger the residents of the Town of Southern Pines and all vehicular access will remain in locations similar to the existing access points for the property. Traffic generated by the project will not have any adverse impact on existing neighborhoods or streets and will be similar to that which exists today. A Trip Distribution Analysis has been provided for the site as required by the UDO.

The setbacks provided around the property, will exceed the minimum UDO standards and will be planted to meet Town standards and requirements. These setbacks will further protect adjoining property owners from any detrimental impacts of the project.

(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.

The proposed use is permitted and encouraged by both the Town of Southern Pines CLRP adopted on March 8, 2016, and in the Town of Southern Pines UDO under the FRR zoning district classification. The Cottages proposed for the project, will replace the previous Elks Lodge, and will resemble single-family residential homes, consistent with the surrounding neighborhood and also will provide an additional golf lodging opportunity for the Town of Southern Pines.

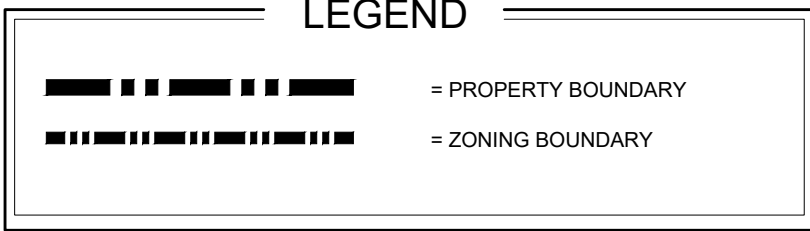
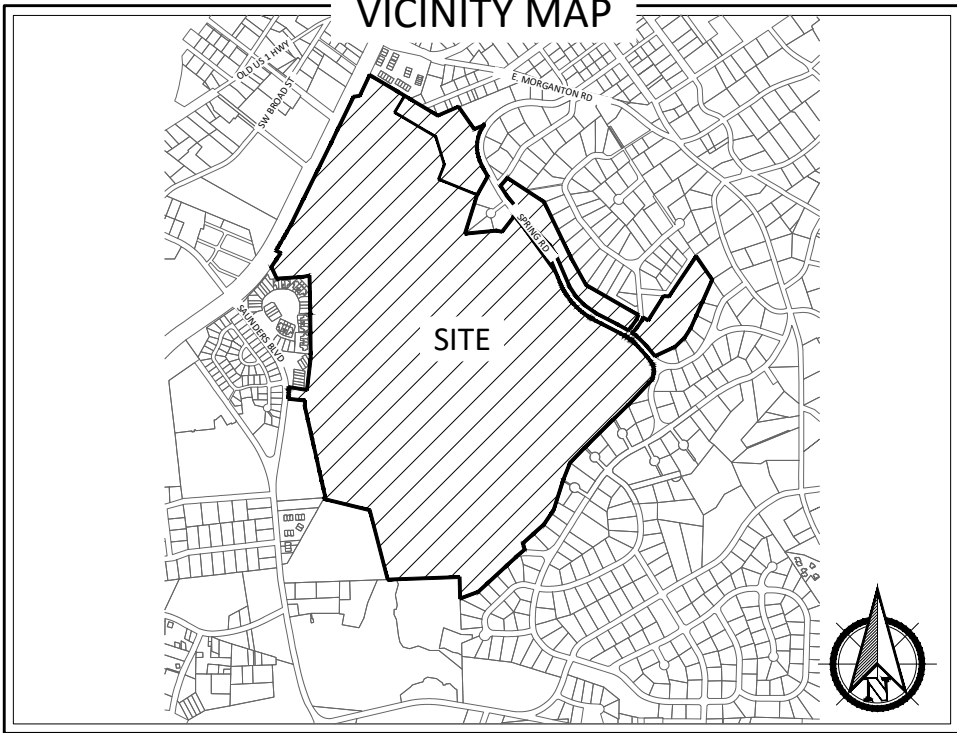
Any utility and roadway infrastructure will be extended and connected as necessary by the developer and dedicated to the Town of Southern Pines. This will benefit the public interest and welfare without adversely affecting any individual interests.

The CLRP expressly discusses “Capitalizing on Tourism” and states “the Town should support promotional efforts, as well as efforts to retain their integrity.” Additional lodging opportunities at the existing golf course, will help maintain the integrity and quality of the facility and promote Southern Pines as a golfing destination. Also, goal G-7, on page 2-7 of the CLRP states “Golf. Retain golf as an essential part of Southern Pines’ economy, physical character and culture.” Under policies P-11.i. on page 2-10, the CLRP states “Coordinating with public and private golfing interests to facilitate changes needed to support golf’s role as a recreational and economic asset to the Town.” The addition of lodging to, and the restoration/renovation of, the SPCC golf course will enhance the economic viability of the Town’s golf industry. The addition of lodging, which will be operated by the golf club, will assist in maintaining the open space, character and quality of the SPCC golf course, which also is a community asset.

This proposal is fully consistent with the ordinances, plans, and standards prescribed by the Town’s guiding documents. These documents were developed as a result of many hours of public input, staff review and Town Council deliberation in order to protect the public interest and promote the welfare of the community.

This project incorporates many goals and objectives of the CLRP and UDO and establishes a development pattern that is consistent with those documents. The development pattern also meets the land use goals defined by the CLRP because it is tourism related, utilizes existing facilities, protects open space, is a redevelopment project and makes efficient use of the town’s existing infrastructure.

Accordingly, the public interests supporting the proposed uses outweigh any individual interests that may be adversely affected by the proposed use.



PROPERTY INFORMATION

PROPERTY OWNER(S):
MID-PINES DEVELOPMENT GROUP LLC
P.O. BOX 88
SOUTHERN PINES, NC 28388

PARCEL ID: 00048946 **PIN:** 858100121842
DB: 5772 **PG:** 286

APPLICANT:
MID-PINES DEVELOPMENT GROUP LLC
P.O. BOX 88
SOUTHERN PINES, NC 28388

TOTAL ACREAGE: ±292.11 AC
SUP AREA: ±9.48 AC

ZONING INFORMATION

ZONING CLASSIFICATION:
FRR - FACILITIES, RESOURCE, & RECREATION

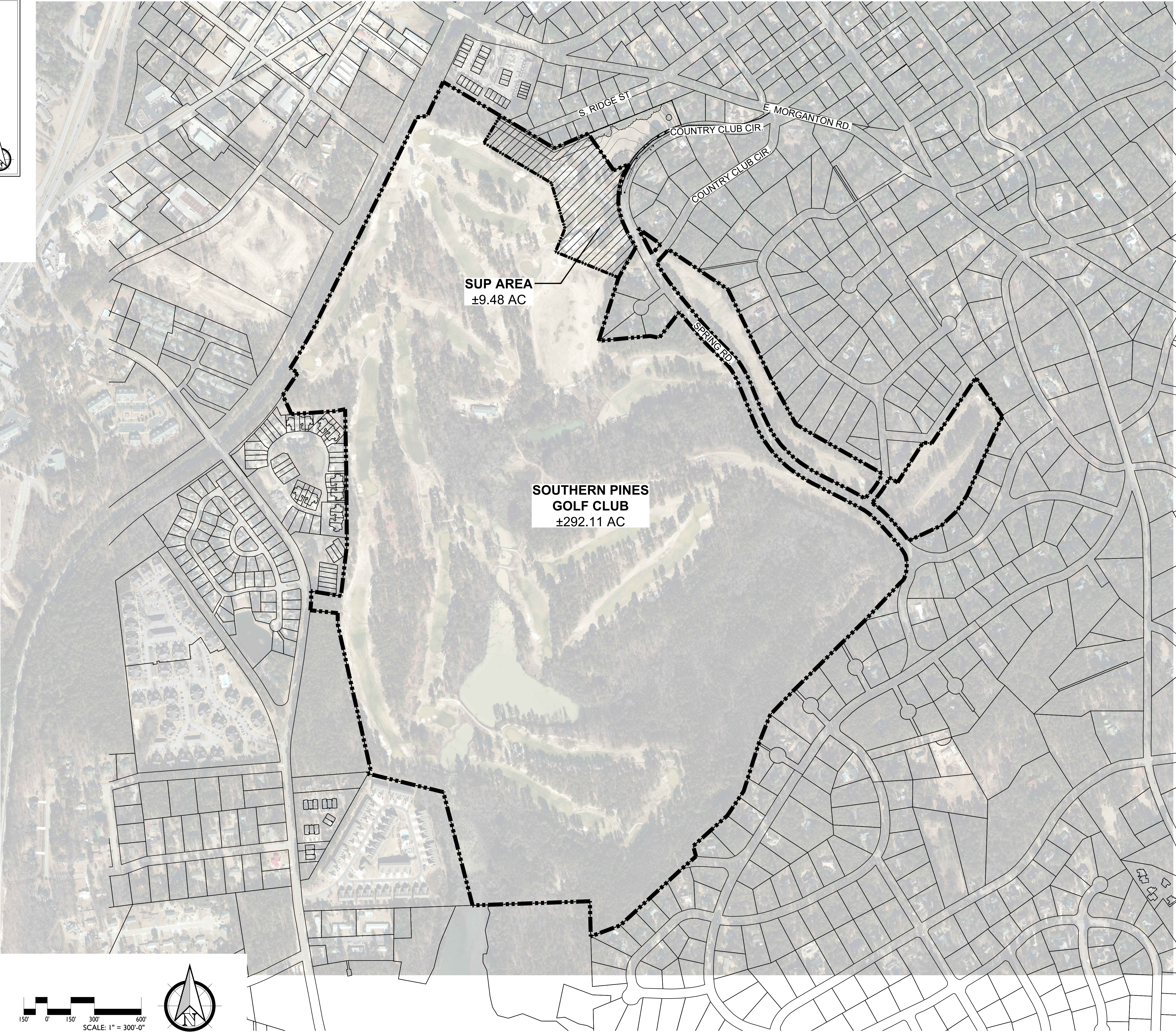
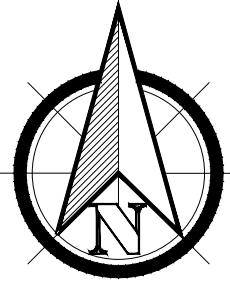
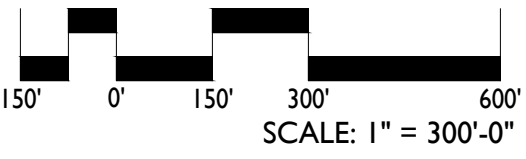
FLOODPLAIN DATA

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

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER
NFIP FIRM COMMUNITY
PANEL(S) NO: 8571, 8580
MAP(S): 3710857100J, 3710858000J
DATE: OCTOBER 17, 2006

CAUTION

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



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

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 639-4058
W: www.koontzjonesdesign.com

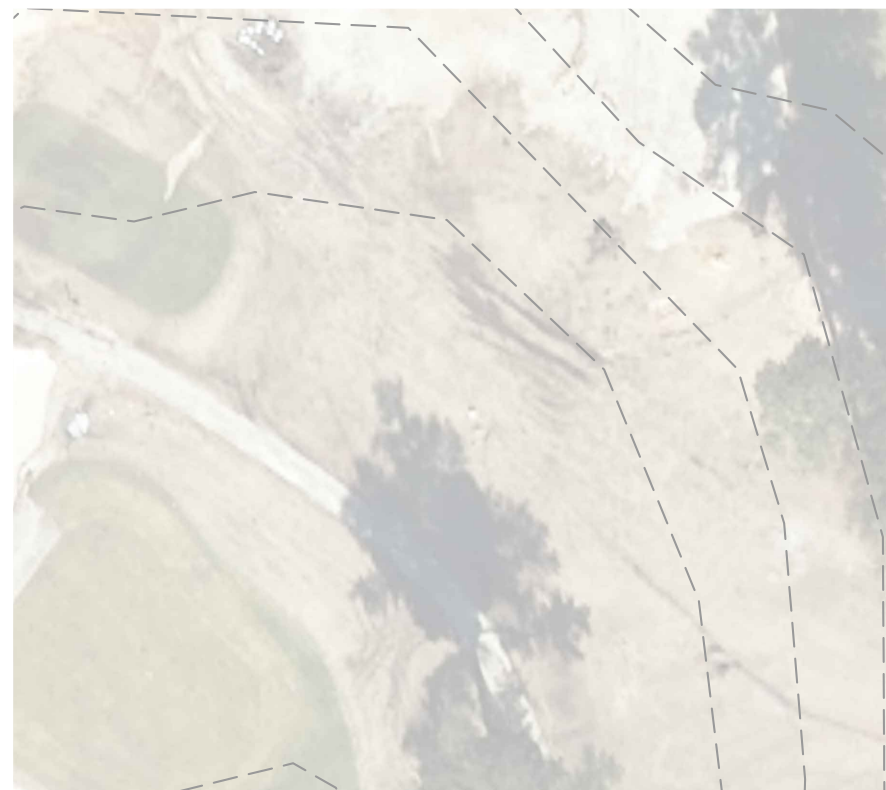
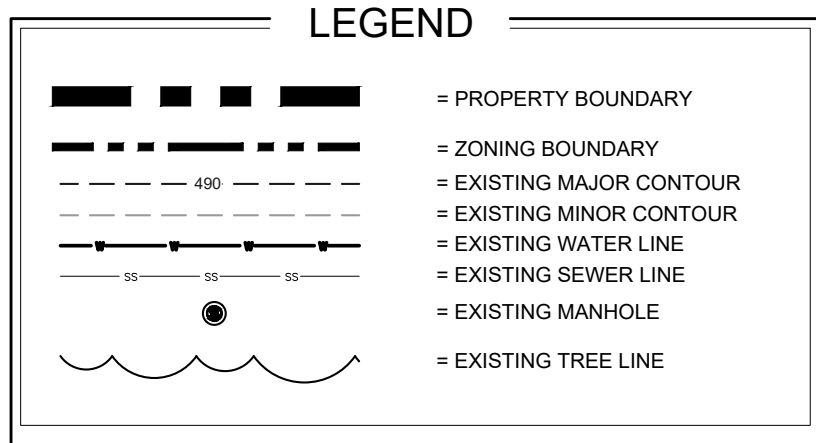
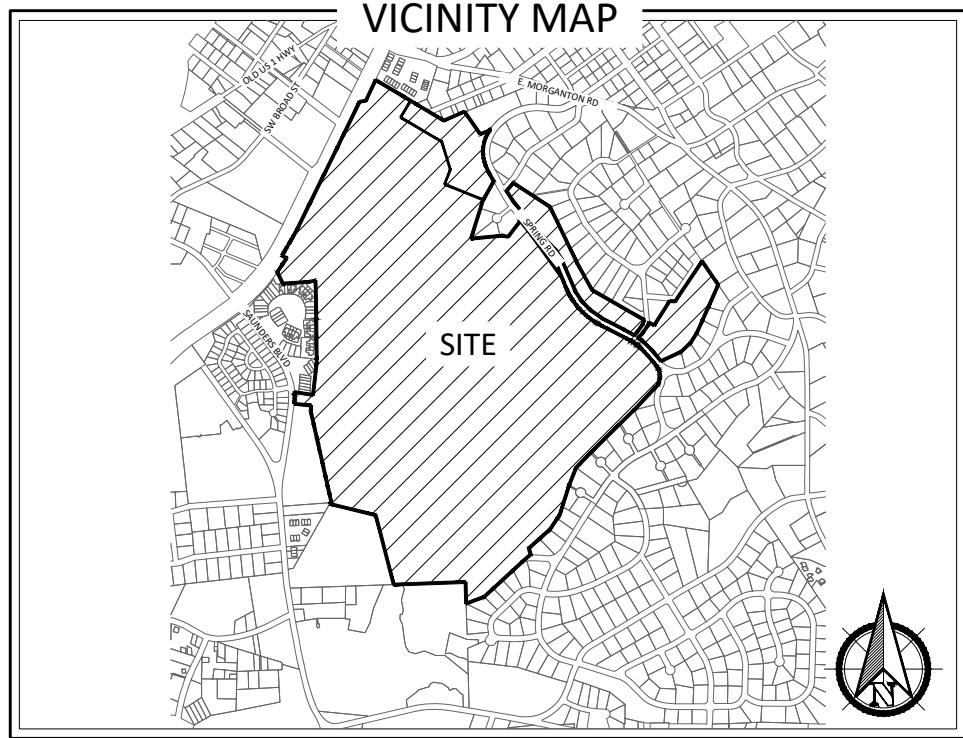
REVISIONS:

REVISIONS:

SOUTHERN PINES GOLF CLUB
SOUTHERN PINES, NORTH CAROLINA

EXISTING CONDITIONS - OVERALL

DATE: 10-10-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 300'-0"
PROJECT #: KID21054
SHEET NUMBER#: **L-1.0**



PROPERTY INFORMATION

PROPERTY OWNER(S):
MID-PINES DEVELOPMENT GROUP LLC
P.O. BOX 88
SOUTHERN PINES, NC 28388

PARCEL ID: 00048946 PIN: 858100121842
DB: 5772 PG: 286

APPLICANT:
MID-PINES DEVELOPMENT GROUP LLC
P.O. BOX 88
SOUTHERN PINES, NC 28388

TOTAL ACREAGE: ±292.11 AC
SUP AREA: ±9.48 AC

ZONING INFORMATION

ZONING CLASSIFICATION:
FRR - FACILITIES, RESOURCE, & RECREATION

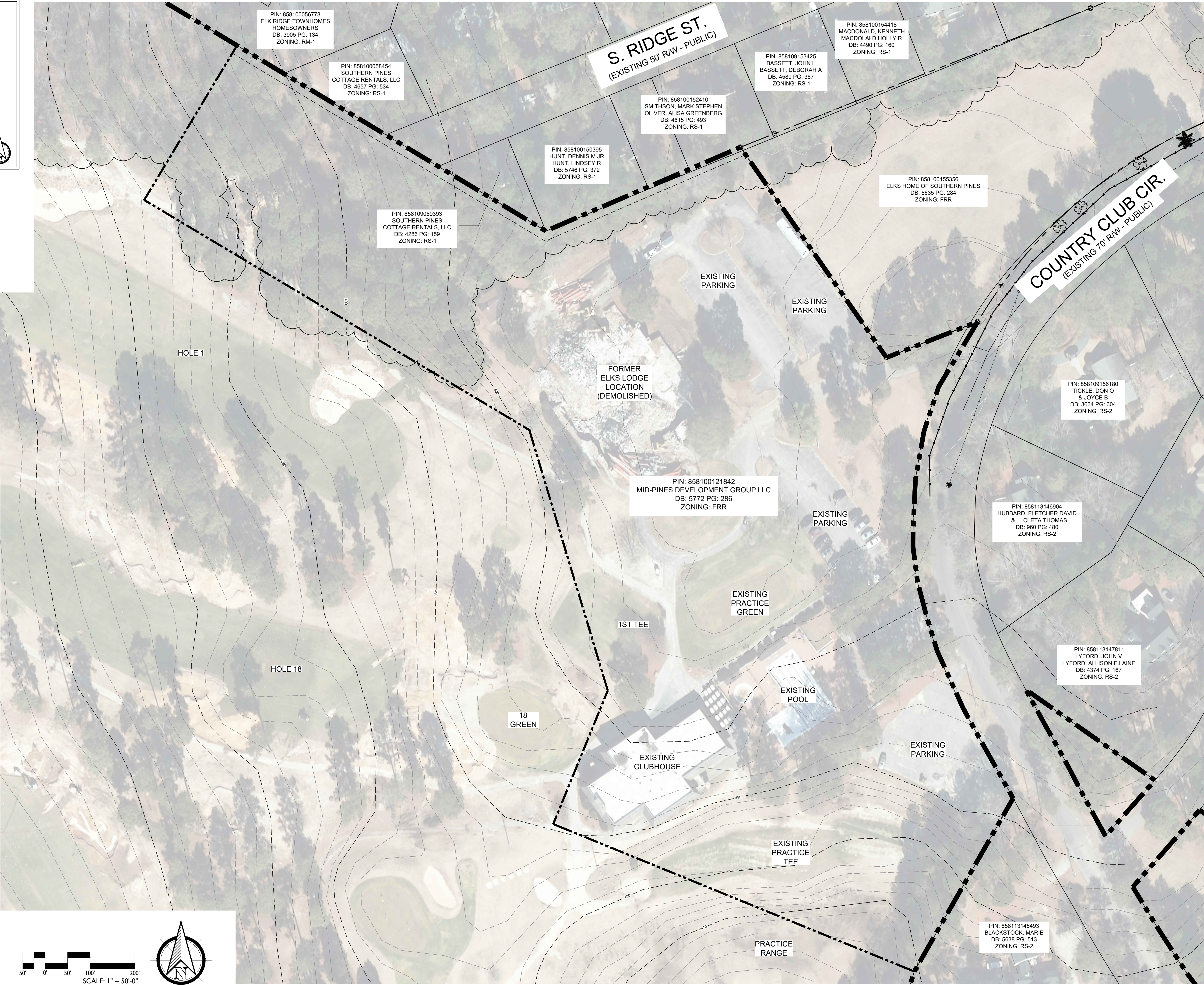
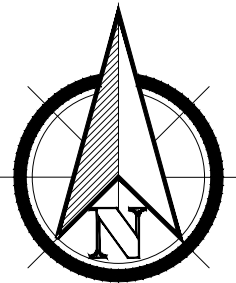
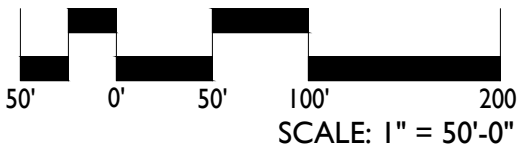
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PANEL(S) NO: 8571, 8580
MAP(S): 3710857100J, 3710858000J
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PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

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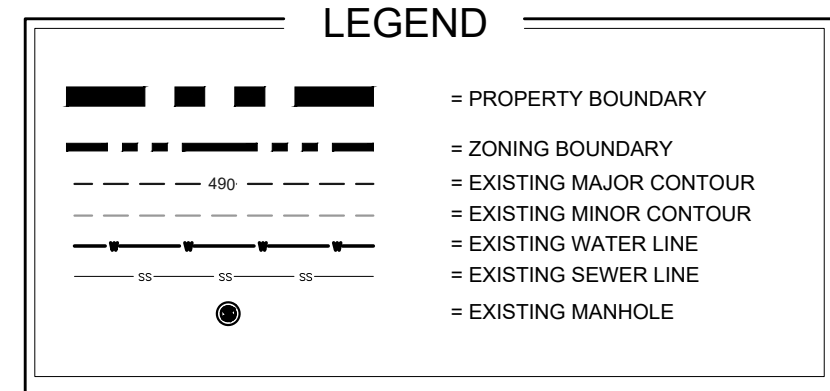
REVISIONS:

REVISIONS:

SOUTHERN PINES GOLF CLUB
SOUTHERN PINES, NORTH CAROLINA

EXISTING CONDITIONS

DATE: 10-10-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 50'-0"
PROJECT #: KID21054
SHEET NUMBER:
L-1.1



PROPERTY OWNER(S):
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P.O. BOX 88
SOUTHERN PINES, NC 28388

PARCEL ID: 00048946
Plan: E58100121842
DB: 5772
PG: 286

APPLICANT:
MID-PINES DEVELOPMENT GROUP LLC
P.O. BOX 88
SOUTHERN PINES, NC 28388

TOTAL ACREAGE: ±292.11 AC
SUP AREA: ±9.48 AC

IMPROVED SURFACE:
EXISTING: ±3.19 AC
PROPOSED: ±3.31 AC

REQUIRED PARKING:
LODGING (1 SPACE PER EACH ROOM)
56 GUEST ROOM = 56 SPACES
CLUBHOUSE (1 SPACE PER 200 SF)
9,500 SF CLUBHOUSE = 48 SPACES
COURSE COURSE (1 / 3 USERS @ MAX CAPACITY)
144 USERS = 48 SPACES
TOTAL: 152 REQUIRED SPACES

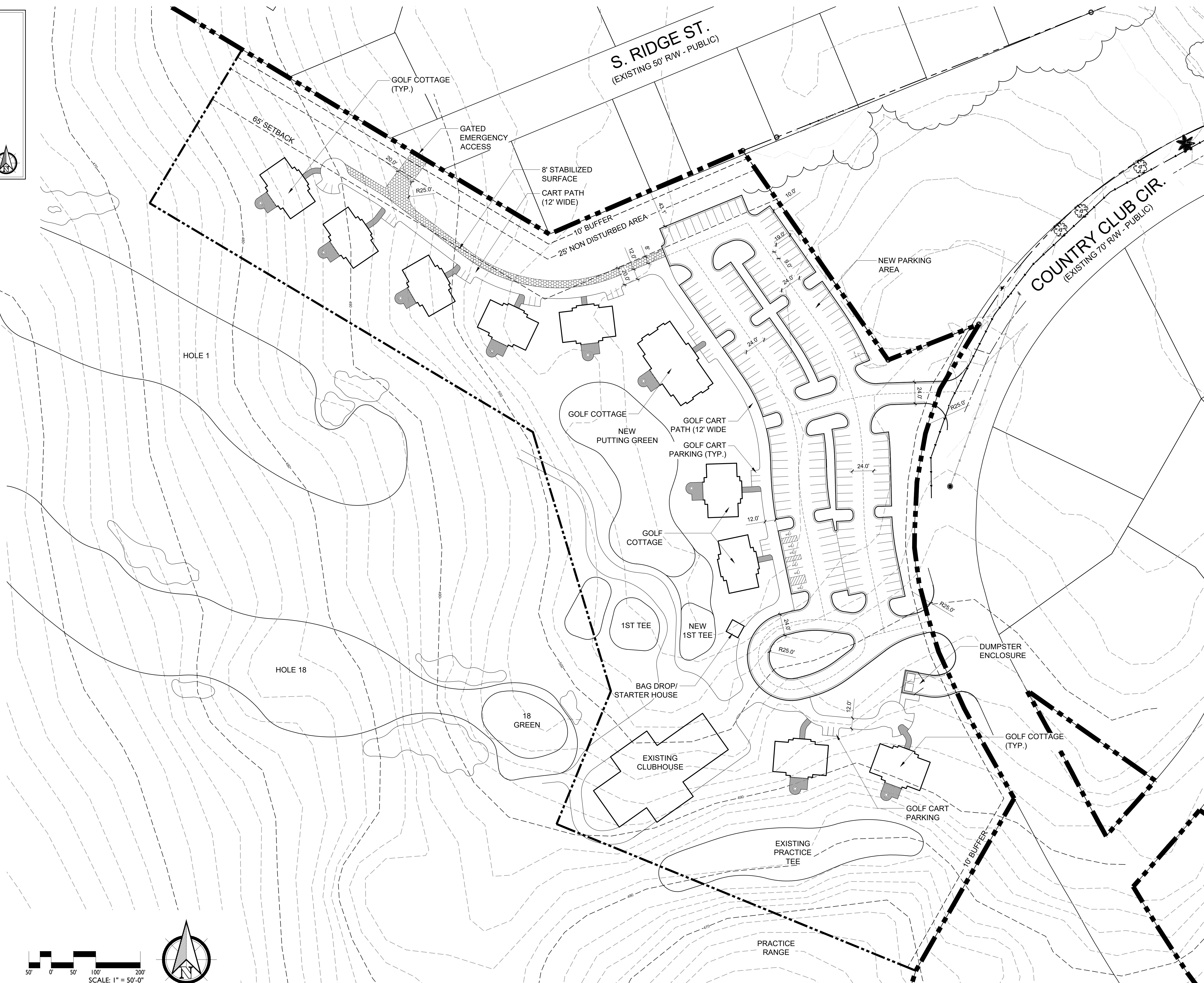
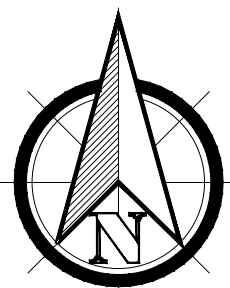
TOTAL PARKING PROVIDED: 155 SPACES

ZONING CLASSIFICATION:
FRR - FACILITIES, RESOURCE, & RECREATION

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

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER
NFIP FIRM COMMUNITY
PANEL(S) NO: 8571, 8580
MAP(S): 3710857100J, 3710858000J
DATE: OCTOBER 17, 2006

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



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

SOUTHERN PINES GOLF CLUB
SOUTHERN PINES, NORTH CAROLINA

SITE PLAN

DATE: 10-10-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
Q.C. BY: REK
SCALE: 1" = 50'-0"
PROJECT #: KJD21054

SHEET NUMBER#: 1-12

For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

December 30, 2021 3:48:36 PM

Book: 5772 Page: 286 - 291 #Pages: 6

Fee: \$26.00

NC Rev Stamp: \$0.00

Instrument# 2021028071

Prepared by and Return To:
 John M. May, Esq.
 Robbins May & Rich LLP
 120 Applecross Road
 Pinchurst, North Carolina 28374
 No title examination by drafting attorney

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$-0-

Parcel Identifier No. _____ Verified by _____ County on the ____ day of _____, 20____
 By: _____

Brief description for the Index: Elks Club Golf Course and Related Properties

THIS DEED effective this the 28th day of May, 2021, by and between

Grantor	Grantee
Kaveri Investment Management Company, LLC, a Delaware limited liability company 3315 Collins Avenue, #4B Miami Beach, FL 33140	Mid-Pines Development Group, L.L.C. PO Box 88 Southern Pines, NC 28388

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, as a contribution to the capital of the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Moore County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference.

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.

Subject and together with the following exceptions:

1. Easement and restrictions of record enforceable against the Property,
2. Town of Southern Pines zoning of the Property,
3. The lien of ad valorem taxes not yet delinquent as of the Closing Date,
4. Assessments, if any, not yet delinquent as of the Closing Date,
5. Use, development, zoning and subdivision ordinances, building codes and other legal requirements applicable to the Property,
6. Public and railroad rights-of-way, specific to the Property,
7. Matters that would be disclosed by a current survey and inspection of the Property,
8. All other matters of record on or prior to the Closing Date enforceable against the property herein described.
9. Title to that portion of the property herein described previously conveyed by the Grantor to Elks Home of Southern Pines, Inc. in Book 5635, Page 284, Moore County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 5623, Page 118, Moore County Registry, North Carolina.

All or any portion of the property herein conveyed does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions noted above.

[Signature Page to Follow]

IN WITNESS WHEREOF, this instrument is executed (a), if by individuals, by hereunto setting their hands under seal by adoption of the word "SEAL" appearing next to the individuals' names or signatures, (b), if by a corporation, by the duly authorized officers, directors or shareholders of the corporation on its behalf under seal by adoption of the facsimile seal printed hereon for such purpose or, if an impression seal appears hereon, by affixing such impression seal or by adoption of the word "SEAL" appearing next to the name of the corporation or the signatures of the officers, directors or shareholders, (c), if by a partnership, by the duly authorized partners of the partnership on its behalf under seal by adoption of the word "SEAL" appearing next to the name of the partnership or the signatures of the partners or (d), if by a limited liability company, by the duly authorized members or managers on its behalf under seal by adoption of the word "SEAL" appearing next to the name of the limited liability company or the signatures of the members or managers, on the day and year first above written.

KAVERI INVESTMENT MANAGEMENT COMPANY, LLC

By: _____ (SEAL)
 Printed Name: Haresh Tharani
 Its: Manager

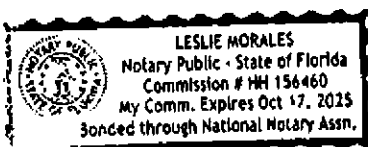
STATE OF Florida
 COUNTY OF Miami Dade

I certify that the following person personally appeared before me this day and acknowledged to me that the following person voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name	Capacity
Haresh Tharani	Manager

- ☒ I have personal knowledge of the identity of the principal;
☐ I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____; or
☐ A credible witness has sworn to the identity of the principal

Witness my hand and official stamp or seal on this the 30 day of December, 2021.



Leslie Morales
 Notary Public

Print notary name: Leslie Morales
 (notary name must be exactly as on notary seal)

My commission expires: 10/17/25

[affix notary seal above, which must be fully legible]

EXHIBIT "A"
(continued)

1355.55 feet crossing a branch to an iron stake with pine pointers, Morris' corner; thence with Morris' line, South 87°39' West 1859.0 feet crossing a branch to a point in the center of the pavement of Pee Dee Road; thence South 10°33' East 893.4 feet to a point in McDonald's line in the center of the pavement of Pee Dee Road; thence with

McDonald's and Johnson's lines, North 71°17' West 478.01 feet to a concrete monument; thence North

7°45' West 847.0 feet crossing State Road #2059 to a concrete monument; thence North 83°05' East

473.0 feet crossing Pee Dee Road to an iron stake; thence with a line of the Virgil Johnston Pinecrest

Manor Subdivision, North 28°38' East 807.7 feet to a concrete monument; thence continuing with the

Pinecrest Manor Subdivision, North 13°03' West 952.71 feet to a concrete monument, Eugene

McKenzie's corner; thence with McKenzie's line, North 6°56' East 523.3 feet to a concrete monument and North 1°32' West 873.38 feet to a concrete monument and North 1°32' West 873.38 feet to a concrete monument in an old road bed; thence with E. L. Rich's line, South 84°45' West 415.4 feet to a concrete monument; thence North 24°30' West 184.39 feet to a point in the center of the Seaboard Coastline Railroad; thence with the center of the railroad, North 29°24' East 585.79 feet and North 25°47' East 1705.12 feet to a corner of the Country Club Lands and Hughes' land; thence with the Hughes' line and the Sunnyside Addition line, South 57°45' East 930.95 feet to a concrete monument, the south corner of the Sunnyside Addition; thence with the south line of the Sunnyside Addition North 68°09' East 1000.37 feet to the BEGINNING, containing 481.1 acres, more or less.

The above description taken from actual survey made by C. H. Blue, Registered Surveyor, and as shown on map entitled "Southern Pines Country Club Lands, Property of Elks Home of Southern Pines, Inc., Sandhills Township, Moore County, N.C. Southern Pines, North Carolina", dated September 30, 1969.

SUBJECT, however, to the easement of the right of way of the Seaboard Coastline Railroad included within the bounds of the afore described tract and the easements of rights of way of Country Club Road, Fairway Road, Spring Road, Valley Road, Barber Road, Little Road, Hill Road, Cliff Road, Elk Road,

Branch Road, Bethesda Road, Pee Dee Road State Road #2059, Elm Circle, Holly Circle, Cedar Circle, Pine Circle, Cypress Circle, Bay Circle and Oak Circle included within the bounds of the afore described tract, and all utility easements of record.

Reference is made to various subdivision maps of the Southern Pines Country Club Lands, said maps being designated and entitled as follows: "Subdivision of part of Southern Pines Country Club Lands No. 1", dated August 1, 1928, made by W. I. Johnson, Jr., G.E., recorded in the Moore County Registry, Map Book I, Section 1, Page 35; "Subdivision of Part of Southern Pines Country Club Lands No. 2", dated November 27, 1928, made by W.I. Johnson, Jr., C.E. recorded in the Moore County Registry, Map Book I, Section 1, page 52; "Southern Pines Country Club", dated July 1939, made by J. B. Swett, C.E., recorded in the Moore County Registry, Map Book 2-A, Page 85; "Subdivision of Part of Southern Pines Country Club Lands No. 3", dated December 8, 1955, made by C. H. Blue, Registered Surveyor, recorded in the Moore County Registry, Map Book 5, Page 9; "Southern Pines

EXHIBIT "A"

All that certain tract or parcel of land lying and being near the Town of Southern Pines in Sandhills

Township, Moore County, North Carolina, and adjoining the lands of Sunnyside Addition, Golfcrest

Subdivision, Weymouth Heights Subdivision, Robinson, Down, Brooks, Greene, Jack Norris, McDonald, Johnson, the Pinecrest Manor Subdivision, Eugene McKenzie, E L. Rich, the Seaboard Coastline Railroad and others, described as follows:

BEGINNING at a concrete monument in the south line of Morganton Road at the east corner of the Sunnyside Addition (see Map book I, Section 2, Page 1 17, Moore County Registry), said Beginning monument located 1 81.0 feet east from the intersection of the south line of Morganton Road with the southeast line of Ridge Street, said Beginning monument being the north corner of Lot No. 3 as shown on a map of "Subdivision of part of Southern Pines Country Club Lands No. 1 recorded in the Office of the Register of Deeds for Moore County, North Carolina, running thence from the Beginning monument, with the south line of Morganton Road, South 70° 59' East 319.97 feet to a concrete monument; thence continuing with the south line of Morganton Road and crossing its intersection with County Club Road and Fairway Road, South 78° 37' East 369.96 feet to a corner of Weymouth Heights Lot No. 15; thence with the Weymouth Heights' line, South 33° 46' East 195.52 feet to a concrete monument, the east corner of Lot No. 1, Block 3 of the Country Club Lands, also a corner of the Golfcrest Subdivision; thence with the Golfcrest lines, South 49° 05' West 602.6 feet to a monument, South 37° 49' West 531.67 feet to a monument, South 56° 36' East 235.42 feet to a monument, South 26° 39' East 632.90 feet to a monument, South 28° 54' East 328.2 feet to a monument, South 60° 37' East 436.6 feet to a monument, South 60° 40' East 296.40 feet crossing Valley Road to a monument and North 37° 22' East 830.0 feet to a monument in the Weymouth Heights' line; thence with the Weymouth Heights' line South 33° 45' East 1664.90 feet crossing Barber Road, Little Road and Hill Road to a concrete monument, the east corner of Lot No. 301 of Section Two of the Country Club Lands; thence South 40° 38' West 680.90 feet to an iron stake, a corner of the Phillippi property; thence with Phillippi's line, South 35° 40' East 108.9 feet to an iron stake, a corner of Phillippi and Derby; thence with the lines of Derby and Robinson, South 45° 35' West 770.6 feet to a monument, a corner of Robinson and Dowd; thence with Dowd's line, South 83° 34' West 385.70 feet to a concrete monument; thence with another of Dowd's lines, South 1° 10' West 155.0 feet to a concrete monument; thence with Brooks' & Morrison's line, South 18° 46' East 697.1 feet to a corner in Bethesda Road; thence South 59° 09' West 230.0 feet to a point in Bethesda Road at its intersection with Elk Road; thence South 88° 30' East 26.85 feet to a point in the center of the pavement of Bethesda Road; thence along the center of Bethesda Road, South 58° 12' West 533.0 feet, South 58° 18' West 396.3 feet, South 47° 50' West 116.1 feet, South 31° 31' West 139.0 feet to a point at its intersection with Hill Road; thence continuing with Bethesda Road, South 23° 09' West 442.1 feet, South 45° 34' West 118.8 feet to a point in the center of the pavement of Bethesda Road; thence South 50° 09' West 227.23 feet to a stake in the south ditch of Bethesda Road, the west corner of Robinson's Margaret McNeill 36.64 acre tract; thence with a line of the Greene property, South 85° 59' West 273.0 feet to an iron stake, a corner of the Greene and McCall properties; thence with McCall's line, North 87° 21' West 393.58 feet to an iron stake, a corner of the McCall and Futrell tracts; thence with Futrell's line, North 19° 10' East 125.74 feet to the center of the pavement of Bethesda Road; thence along the center of the road, North 80° 23' West 53.94 feet to Norris' line; thence with Sack Norris property, North 2° 18' West

EXHIBIT "A"
(continued)

Country Club Lands, Section Four, Property of Elks Home of Southern Pines, Inc.", dated November 2, 1965, made by C. H. Blue, Registered Surveyor, recorded in the Moore County Registry, Map Book 7, Page 95; "Southern Pines Country Club Lands, Section Five, Property of Elks Home of Southern Pines, Inc., prepared by C. H. Blue & Associates, and recorded in plat Cabinet 2, Slide 126; and there is EXCEPTED from this indenture and not intended to be conveyed hereby the following residential lots and several tracts or parcels of land as shown on one or more of the aforesaid maps:

- (a) Those certain two tracts or parcels of land conveyed by Elks Home of Southern Pines, Inc., to George C. Graves and wife by deed dated February 14, 1952, and recorded in the Moore County Registry, Deed Book 176, Page 257.
- (b) That certain tract or parcel of land conveyed by Elks Home of Southern Pines, Inc., to Nelson S. Robinson, Trustee, by Deed dated October 11, 1956, recorded in the Moore County Registry, Deed Book 211, Page 457.
- (c) Lots Nos. 1, 2, and a portion of Lot No. 3, Block 1, as conveyed by Elks Home of Southern Pines, Inc., to Carolina Daco Corporation by Deed dated October 31, 1951, recorded in the Moore County Registry, Deed Book 175, Page 243.
- (d) That certain tract or parcel of land conveyed by Elks Home of Southern Pine, Inc., to Shirley Manning recorded in Deed Book 351, page 136, of the Moore County Registry, as amended and corrected in Deed Book 423, Page 840.
- (e) That certain tract or parcel of land conveyed by Elks Home of Southern Pines, Inc., to John O. Valentine, containing 7.2 acres, more or less, and being more particularly described in Deed Book 452, page 657, of the Moore County Registry.
- (f) Lots Nos. 1, 2, 3, 4, 5, 6, 7, 8, and 9, Block 2.
- (g) Lots Nos. 1, 2, 3, 4, 5, and 6, Block 3.
- (h) Lots Nos. 100 through 103, inclusive, 201 through 207, inclusive, 211 through 235, inclusive, 300 through 319, inclusive, 333 through 344, inclusive, 401 through 443, inclusive, and 501 through 525, inclusive.
- (i) That certain tract or parcel of land conveyed by Elks Home of Southern Pines, Inc. to Tanya C. Brown by Deed dated February 12, 1990 and being more particularly described in Deed Book 714, Page 160, of the Moore County Public Registry.
- (j) That certain tract or parcel of land conveyed by Elks Home of Southern Pines, Inc. to Hillco, Ltd. by Deed dated April 20, 1995, containing 8.62 acres, more or less, and being more particularly described in Deed Book 1097, Page 521, of the Moore County Public Registry.
- (k) Lot 512, Section 5 as described in deed recorded in Book 1947, Page 26, MCR (l) Lot 513, Section 5, as described in deed recorded in Book 1947, Page 31, MCR.
- (m) Lots 516-518 Section 5, as described in deed recorded in Book 2483, Page 422, MCR (n) Lots 405R and 406R as described in Deed recorded in Book 2934, Page 142, MCR.
- (o) That certain tract or parcel of land containing 14.77 acres, more or less, as described in deed recorded in Book 3479, Page 288, Moore County Registry, and as shown on plat recorded in Plat Cabinet 14, Slide 314, Moore County Registry.
- (p) That certain tract or parcel of land containing 11.09 acres, more or less, as described in deed recorded in Book 3511, Page 444, Moore County Registry and as shown on plat recorded in Plat Cabinet 14, Slide 561, Moore County Registry.

APPOINTMENT OF AGENT

The undersigned owner(s), MID-PINES DEVELOPMENT GROUP LLC, hereby appoint(s) KOONTZ JONES DESIGN 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 10th day of October, 2022.



Property Owner (MID-PINES DEVELOPMENT
GROUP, LLC)



Property Owner



Agent (KOONTZ JONES DESIGN)

May 2, 2022

Mr. Bob Koontz
Koontz Jones Design
150 South Page Street
Southern Pines, NC 28387



RE: *Southern Pines Golf Club - Trip Generation Analysis, Southern Pines, NC*

Kimley-Horn has prepared an analysis of the trip generation potential of the proposed redevelopment of the Southern Pines Golf Club on Country Club Circle in Southern Pines, NC. Per the attached concept plan, this project is proposed to add 8 rental cottages and a lodge with 12 rooms and will have access onto Country Club Circle.

Traffic for this project was generated using data from the 10th Edition of the *ITE Trip Generation Manual* based on land use codes (LUC) 265 (Timeshare) for the rental cottages and LUC 310 (Hotel) for the lodge. The trip generation is summarized in Table 1 below, and detailed trip generation calculations are attached.

Table 1 ITE Trip Generation (Vehicles)							
Land Use	Size	Daily		AM Peak Hour		PM Peak Hour	
		In	Out	In	Out	In	Out
Timeshare (LUC 265)	8 units	42	42	2	1	3	4
Hotel (LUC 310)	12 rooms	50	50	4	2	4	3
Total Net New External Trips		92	92	6	3	7	7

Table 1 shows that the proposed development is projected to generate approximately 184 new daily trips on a typical weekday, with 9 new trips during the AM peak hour and 14 new trips during the PM peak hour. Based on the low projected trip volume, no roadway improvements are recommended based on this analysis, and no other analysis should be required for this development.

Please let me know if you have any questions or require any further information. We appreciate the opportunity to provide these services to you.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Travis Fluitt, P.E.
Project Manager

PRELIMINARY
CONCEPTUAL PLAN

FOR

SOUTHERN PINES
GOLF CLUB
OPTION 'A'

JUNE 1, 2021



DEVELOPMENT SUMMARY:

STANDARD COTTAGE (SC): 4 BLDGS
 ENHANCED COTTAGE (EC): 4 BLDGS
 LODGE: 1 BLDG

EXISTING PARKING: ±115 SPACES
 NEW PARKING: ±126 SPACES

PREPARED BY:



SU-07-22 SP Country Club

January 2023 Town Council



SCALE: 1" = 60'

39 of 66

Southern Pines Golf Club

Table 1 - Trip Generation

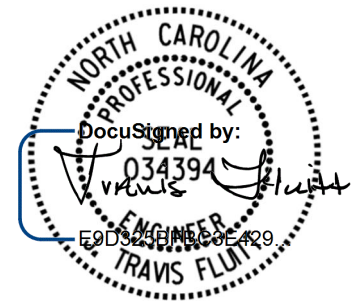
Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
265 Timeshare	8 units	84	42	42	3	2	1	7	3	4
310 Hotel	12 rooms	100	50	50	6	4	2	7	4	3
Total Net New External Trips		184	92	92	9	6	3	14	7	7

K:\RAL_TPTO_Traffic\017069007 Southern Pines Golf Club\SPGC - Trip Generation Worksheet (10th Edition).xls]Trip Gen

5/2/22

December 1, 2022

Mr. James Michel
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387



RE: Southern Pines Golf Club, Southern Pines, NC - Traffic Design Analysis

12/1/2022

Kimley-Horn has performed a traffic design analysis for the proposed redevelopment of the Southern Pines Golf Club on Country Club Circle in Southern Pines, NC. Per the attached concept plan, this project is proposed to add 10 rental cottages with up to 56 rooms, but it is our understanding that rentals will be by-cottage rather than by-room. The development will be accessed by the existing driveways on Country Club Circle.

Trip Generation and Assignment

Traffic for this project was generated using data from the 11th Edition of the ITE *Trip Generation Manual*. As no data is provided for rental cottages, the analysis was performed using two alternate land use codes (LUC) - LUC 265 (Timeshare) and LUC 330 (Resort Hotel) - to present a conservative analysis. Descriptions of both land uses from the *Trip Generation Manual* are attached. The trip generation is summarized in Table 1 below, and detailed trip generation calculations are attached.

Table 1 ITE Trip Generation (Vehicles)							
Land Use	Size	Daily		AM Peak Hour		PM Peak Hour	
		In	Out	In	Out	In	Out
Timeshare (LUC 265)	10 units	52	52	9	6	4	5
Resort Hotel (LUC 330)	56 rooms	115	115	13	5	10	13

Table 1 shows that the proposed rental cottages are projected to generate approximately 104 daily trips, 15 AM peak hour trips, and 9 PM peak hour trips. However, if the proposed cottages operate more like resort hotel rooms, the development could generate up to approximately 230 daily trips on a typical weekday, 18 new trips during the AM peak hour, and 23 new trips during the PM peak hour. It should be noted that no reductions were applied for the removal of the existing pool. In addition, it is anticipated that at least some of the people renting the cottages would be playing golf at the club if they were not staying there.

It is anticipated that the majority of traffic will be coming to/from the proposed cottages from the north on Country Club Circle and then to/from the west on Morganton Road (to US 1, US 15/501, Morganton Park, etc.) or to E Indiana Avenue via Country Club Drive (to downtown Southern Pines).

While turning movement volumes are not available at any adjacent intersections, the NCDOT reported daily traffic volume on Morganton Road just east of S May Street was approximately 5,000 vehicles in 2021 with 2-way peak hour traffic volumes of 391 vehicles in the AM peak hour and 466 vehicles in the

PM peak hour. The traffic count data is attached. Based on these volumes and the very low volume of projected site traffic, no capacity issues are expected due to the proposed development.

Site Access and Circulation

The golf club is currently served by 3 driveways on Country Club Circle: the northern driveway serves the main parking lot, the middle driveway serves a small parking lot adjacent to the pool, and the southern driveway serves another small parking lot. With the proposed plan, the northern driveway will be the main access to the parking lot and will be realigned slightly south to reduce the skew with Country Club Circle. The middle driveway will also connect to the parking lot and to a pickup/drop off loop at the clubhouse building. The southern driveway will only be used for trash pickup.

While a detailed sight distance study was not performed for any of the existing driveways, a field review of sight distance did not reveal issues at any of the driveways. The realignment of the northern driveway will also improve upon the existing conditions at that location and internal circulation patterns are not expected to interfere with traffic flow on Country Club Circle.

There are no existing bicycle, pedestrian, or transit facilities in the vicinity of the site, and none are proposed with this project.

Safety

Crash data reports were obtained for the intersection of E Morganton Road at Country Club Circle/Country Club Drive/Dogwood Lane for the 5-year period from October 2017 to October 2022. There were only 2 reported crashes at this intersection during that time. Both crashes involved a vehicle entering from the southern leg of Country Club Circle (not the southwestern leg that serves the golf club) and impacting a vehicle travelling on E Morganton Rd. One accident had class C (i.e., non-visible) injuries and the other was property damage only. The crash data is attached.

While a detailed sight distance study was not performed for any of the existing driveways, the American Association of State Highway and Transportation Officials (AASHTO) *Policy on Geometric Design of Highways and Streets* (a.k.a. "the green book") indicates that 250 feet of stopping sight distance would be required based on a 35 mile per hour (posted 30 mph) design speed. A field review of sight distance did not reveal issues on any of the approaches to this intersection and that the 250 feet of required sight distance is exceeded in all directions, though occasional clearing of vegetation within the right-of-way should be performed to improve the condition on some approaches.

Although the layout of the intersection is awkward at best, due to the low speeds on all roadways (25-35mph), the low volume of existing and projected site traffic, and field observations, there is not an existing safety problem at this intersection, and site traffic is not expected to result in increased crash rates or create a safety issue at this or any other intersection.

Conclusions

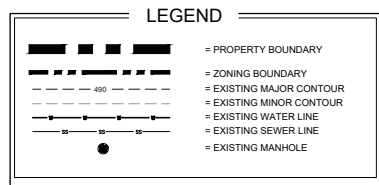
Cased on this review and the low projected trip volume, site traffic is not expected to have a significant impact on the existing transportation network and no transportation infrastructure improvements are

recommended due to the proposed development. Please let me know if you have any questions or require any further information.

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Travis Fluitt".

Travis Fluitt, P.E.
Project Manager



Southern Pines Golf Club

Table 1 - Trip Generation

Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
265 Timeshare	10 units	103	52	51	15	9	6	9	4	5
Total Net New External Trips		103	52	51	15	9	6	9	4	5

K:\RAL_TPTO_Traffic\017069007 Southern Pines Golf Club\SPGC - Trip Generation Worksheet (11th Edition).xls]Trip Gen - Timeshare

11/10/22

Southern Pines Golf Club

Table 2 - Trip Generation

Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
330 Resort Hotel	56 units	230	115	115	18	13	5	23	10	13
Total Net New External Trips		230	115	115	18	13	5	23	10	13

K:\RAL_TPTO_Traffic\017069007 Southern Pines Golf Club\T4 - Analysis\SPGC - Trip Generation Worksheet (11th Edition).xls]Trip Gen - Resort Hotel

12/1/22

Land Use: 265 Timeshare

Description

A timeshare is a development where multiple purchasers buy interests in the same property and each purchaser receives the right to use the facility for a period of time each year. The shared property is commonly a vacation or recreational condominium. Recreational homes (Land Use 260) is a related land use.

Additional Data

The sites were surveyed in the 1980s and the 2000s in California and South Carolina.

Source Numbers

277, 627

Land Use: 330

Resort Hotel

Description

A resort hotel is similar to a hotel (Land Use 310) in that it provides sleeping accommodations, full-service restaurants, cocktail lounges, retail shops, and guest services. The primary difference is that a resort hotel caters to the tourist and vacation industry, often providing a wide variety of recreational facilities/programs (e.g., golf courses, tennis courts, beach access, or other amenities) rather than convention and meeting business. Hotel (Land Use 310), all suites hotel (Land Use 311), business hotel (Land Use 312), and motel (Land Use 320) are related uses.

Additional Data

It is recognized that some resort hotels cater to convention business as well as the tourist and vacation industry. The sites in the database do not have convention facilities. A resort hotel with convention facilities is likely to have a different level and pattern of trip generation than is presented in the data plots.

Nine studies provided information on room occupancy at the time of data collection. The average occupancy rate for these sites was approximately 88 percent.

Some properties in this land use provide guest transportation services (e.g., airport shuttle, limousine service, golf course shuttle service) which may have an impact on the overall trip generation rates.

The sites were surveyed in the 1980s and the 1990s in California, Florida, and South Carolina.

For all lodging uses, it is important to collect data on occupied rooms as well as total rooms in order to accurately predict trip generation characteristics for the site.

Source Numbers

270, 381, 436

Location Info					
Location ID	630000646				
Type	I-SECTION				
Functional Class	4				
Located On	SR 2105 E Morganton Rd				
SOUTH OF	SR 2080 S May St				
Direction	2-WAY				
Community	-				
MPO_ID					
HPMS ID					
Agency	NCDOT				
Interval: 15 mins					
Time	15 Min				Hourly Count
	1st	2nd	3rd	4th	
00:00 - 01:00	7	3	3	4	17
01:00 - 02:00	4	2	2	0	8
02:00 - 03:00	3	3	1	0	7
03:00 - 04:00	2	1	1	2	6
04:00 - 05:00	2	3	6	6	17
05:00 - 06:00	7	6	23	29	65
06:00 - 07:00	24	60	46	65	195
07:00 - 08:00	66	76	90	122	354
08:00 - 09:00	118	92	87	94	391
09:00 - 10:00	74	65	83	90	312
10:00 - 11:00	62	82	79	90	313
11:00 - 12:00	82	84	88	76	330
12:00 - 13:00	70	104	87	84	345
13:00 - 14:00	53	104	90	88	335
14:00 - 15:00	86	82	79	70	317
15:00 - 16:00	86	84	85	75	330
16:00 - 17:00	80	116	108	96	400
17:00 - 18:00	110	120	120	116	466
18:00 - 19:00	100	98	68	61	327
19:00 - 20:00	57	54	56	59	226
20:00 - 21:00	40	40	26	24	130
21:00 - 22:00	14	23	12	7	56
22:00 - 23:00	18	17	11	14	60
23:00 - 24:00	8	7	8	4	27
TOTAL					5034

Count Data Info	
Start Date	7/13/2021
End Date	7/14/2021
Start Time	1:45 PM
End Time	1:45 PM
Direction	
Notes	
Count Source	
File Name	0630000646_33485_20210712_01.DMP
Weather	
Study	
Owner	jlbrunson
QC Status	Accepted

**North Carolina Department of Transportation
Traffic Engineering Accident Analysis System
Intersection Analysis Report**

Study Criteria Summary

County: MOORE **City:** All and Rural
Date: 10/1/2017 to 9/30/2022 **Study:** SOUTHERNPINESGOLFCLUB
Location: SR 2105 (E Morganton Rd) at Country Club Cir / Country Club Dr / Dogwood Ln

Report Details

Acc No	Crash ID	Date	Accident Type	Total Damage	Injuries				Condition			Road		Trfc Ctl	
					F	A	B	C	R	L	W	Ch	Ci	Dv	Op
1	105671753	10/19/2018 15:27	ANGLE	\$ 5000	0	0	0	1	1	1	1	1	0	1	1
Unit	1 : 4	Alchl/Drugs: 0	Speed: 10 MPH Dir: E	Veh Mnvr / Ped Actn: 7		Obj Strk:									
Unit	2 : 2	Alchl/Drugs: 0	Speed: 30 MPH Dir: E	Veh Mnvr / Ped Actn: 4		Obj Strk:									
2	106976592	06/02/2022 08:11	LEFT TURN, DIFFERENT ROADWAYS	\$ 5000	0	0	0	0	1	1	1	1	0	1	1
Unit	1 : 1	Alchl/Drugs: 0	Speed: 5 MPH Dir: W	Veh Mnvr / Ped Actn: 8		Obj Strk:									
Unit	2 : 2	Alchl/Drugs: 0	Speed: 35 MPH Dir: N	Veh Mnvr / Ped Actn: 4		Obj Strk:									

Legend for Report Details:
 Acc No - Accident Number
 Injuries: F - Fatal, A - Class A, B - Class B, C - Class C
 Condition: R - Road Surface, L - Ambient Light, W - Weather
 Rd Ch - Road Character
 Rd Ci - Roadway Contributing Circumstances
 Trfc Ctl - Traffic Control: Dv - Device, Op - Operating
 Alchl/Drugs - Alcohol Drugs Suspected
 Veh Mnvr/Ped Actn - Vehicle Maneuver/Pedestrian Action
 Obj Strk - Object Struck

North Carolina Department of Transportation
Traffic Engineering Accident Analysis System
Intersection Analysis Report

Summary Statistics

High Level Crash Summary

Crash Type	Number of Crashes	Percent of Total
Total Crashes	2	100.00
Fatal Crashes	0	0.00
Non-Fatal Injury Crashes	1	50.00
Total Injury Crashes	1	50.00
Property Damage Only Crashes	1	50.00
Night Crashes	0	0.00
Wet Crashes	0	0.00
Alcohol/Drugs Involvement Crashes	0	0.00

Crash Severity Summary

Crash Type	Number of Crashes	Percent of Total
Total Crashes	2	100.00
Fatal Crashes	0	0.00
Class A Crashes	0	0.00
Class B Crashes	0	0.00
Class C Crashes	1	50.00
Property Damage Only Crashes	1	50.00

Vehicle Exposure Statistics

Annual ADT = 4000

Total Vehicle Exposure = 7.3 (MEV)

Crash Rate	Crashes Per 100 Million Vehicles Entered
Total Crash Rate	27.38
Fatal Crash Rate	0.00
Non Fatal Crash Rate	13.69
Night Crash Rate	0.00
Wet Crash Rate	0.00
EPDO Rate	128.70

**North Carolina Department of Transportation
Traffic Engineering Accident Analysis System
Intersection Analysis Report**

Miscellaneous Statistics

Severity Index =	4.70
EPDO Crash Index =	9.40
Estimated Property Damage Total = \$	10000.00

Accident Type Summary

Accident Type	Number of Crashes	Percent of Total
ANGLE	1	50.00
LEFT TURN, DIFFERENT ROADWAYS	1	50.00

Injury Summary

Injury Type	Number of Injuries	Percent of Total
Fatal Injuries	0	0.00
Class A Injuries	0	0.00
Class B Injuries	0	0.00
Class C Injuries	1	100.00
Total Non-Fatal Injuries	1	100.00
Total Injuries	1	100.00

**North Carolina Department of Transportation
Traffic Engineering Accident Analysis System
Intersection Analysis Report**

Monthly Summary

Month	Number of Crashes	Percent of Total
Jan	0	0.00
Feb	0	0.00
Mar	0	0.00
Apr	0	0.00
May	0	0.00
Jun	1	50.00
Jul	0	0.00
Aug	0	0.00
Sep	0	0.00
Oct	1	50.00
Nov	0	0.00
Dec	0	0.00

Daily Summary

Day	Number of Crashes	Percent of Total
Mon	0	0.00
Tue	0	0.00
Wed	0	0.00
Thu	1	50.00
Fri	1	50.00
Sat	0	0.00
Sun	0	0.00

**North Carolina Department of Transportation
Traffic Engineering Accident Analysis System
Intersection Analysis Report**

Hourly Summary

Hour	Number of Crashes	Percent of Total
0000-0059	0	0.00
0100-0159	0	0.00
0200-0259	0	0.00
0300-0359	0	0.00
0400-0459	0	0.00
0500-0559	0	0.00
0600-0659	0	0.00
0700-0759	0	0.00
0800-0859	1	50.00
0900-0959	0	0.00
1000-1059	0	0.00
1100-1159	0	0.00
1200-1259	0	0.00
1300-1359	0	0.00
1400-1459	0	0.00
1500-1559	1	50.00
1600-1659	0	0.00
1700-1759	0	0.00
1800-1859	0	0.00
1900-1959	0	0.00
2000-2059	0	0.00
2100-2159	0	0.00
2200-2259	0	0.00
2300-2359	0	0.00

North Carolina Department of Transportation
Traffic Engineering Accident Analysis System
Intersection Analysis Report

Light and Road Conditions Summary

Condition	Dry	Wet	Other	Total
Day	2	0	0	2
Dark	0	0	0	0
Other	0	0	0	0
Total	2	0	0	2

Vehicle Type Summary

Vehicle Type	Number Involved	Percent of Total
PASSENGER CAR	1	25.00
PICKUP	2	50.00
SPORT UTILITY	1	25.00

North Carolina Department of Transportation
Traffic Engineering Accident Analysis System
Intersection Analysis Report

Yearly Totals Summary

Accident Totals

Year	Total Accidents	Fatal Accidents	Injury Accidents	Property Damage Only Accidents
2017	0	0	0	0
2018	1	0	1	0
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0
2022	1	0	0	1
Total	2	0	1	1

Injury Totals

Year	Fatal Injuries	Class A, B, or C Injuries
2017	0	0
2018	0	1
2019	0	0
2020	0	0
2021	0	0
2022	0	0
Total	0	1

Miscellaneous Totals

Year	Property Damage	EPDO Index
2017	\$ 0	0.00
2018	\$ 5000	8.40
2019	\$ 0	0.00
2020	\$ 0	0.00
2021	\$ 0	0.00
2022	\$ 5000	1.00
Total	\$ 10000	9.40

Type of Accident Totals

Year	Left Turn	Right Turn	Rear End	Run Off Road &				Other
				Fixed Object	Angle	Side Swipe		
2017	0	0	0	0	0	0		0
2018	0	0	0	0	1	0		0

11/28/2022

All data presented in this report comes explicitly from the Traffic Engineering Accident Analysis System based upon various input criteria provided by the report's creator. The onus is strictly upon the user of this report to exercise due diligence in interpreting and further representing this data.

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**North Carolina Department of Transportation
Traffic Engineering Accident Analysis System
Intersection Analysis Report**

Year	Run Off Road &						
	Left Turn	Right Turn	Rear End	Fixed Object	Angle	Side Swipe	Other
2019	0	0	0	0	0	0	0
2020	0	0	0	0	0	0	0
2021	0	0	0	0	0	0	0
2022	1	0	0	0	0	0	0
Total	1	0	0	0	1	0	0

**North Carolina Department of Transportation
Traffic Engineering Accident Analysis System
Intersection Analysis Report**

Study Criteria

Study Name	Log No.	PH No.	TIP No.	K/A Cf.	B/C Cf.	ADT	ADT Route
SOUTHERNPINESGOLFCLUB				76.8	8.4	4000	

Request Date	Courier Service	Phone No.	Ext.	Fax No.

County			Municipality		Y-Line Ft.	Begin Date	End Date	Years
Name	Code	Div.	Name	Code				
MOORE	63	8	All and Rural		150	10/1/2017	9/30/2022	5.00

Location Text	Requestor
SR 2105 (E Morganton Rd) at Country Club Cir / Country Club Dr / Dogwood Ln	

Excluded Accidents
105504040

Fiche Roads

Name	Code
SR 2105	40002105
MORGANTON	50020561
COUNTRY CLUB	50007073
DOGWOOD	50008601
SR 1309	40001309
SR 2080	40002080

Intersection Road Combinations

Name	Code	Code	Name
SR 2105	40002105	50020561	MORGANTON
SR 2105	40002105	50007073	COUNTRY CLUB
SR 2105	40002105	50008601	DOGWOOD
MORGANTON	50020561	50007073	COUNTRY CLUB
MORGANTON	50020561	50008601	DOGWOOD
COUNTRY CLUB	50007073	50008601	DOGWOOD

NEIGHBORHOOD MEETING REPORT

DATE: September 27, 2022

PROJECT: Southern Pines Country Club (SPCC)

LOCATION: Southern Pines Country Club Clubhouse
290 Country Club Circle
Southern Pines, NC 28387

SUBMITTED BY: Bob Koontz

ATTENDEES: Bob Koontz, Koontz Jones Design, PLLC
Kelly Miller, Southern Pines Country Club

An informal Neighborhood Meeting was held on Tuesday September 27, 2022, from 4:00 pm to 6:00 pm in the Southern Pines Country Club clubhouse in Southern Pines. This meeting is not required by the Town of Southern Pines Unified Development Ordinance (UDO) for Special Use Permit applications; however, the applicant chose to hold the meeting voluntarily to meet with adjoining property owners surrounding the proposed development area. This meeting was held so adjoining property owners could review proposed plans for the project and discuss them with the development team, providing the applicant with an important dialogue to understand issues and concerns of the residents living near the proposed project. A site plan, existing site conditions aerial photograph and overall aerial property map were available for review. All adjoining parcel owners within the direct vicinity of the proposed property were notified by letter (see attached copy of the letter) at least ten (10) days prior to the meeting date. In addition, The Pilot newspaper published the meeting time and date in an article.

Several residents from the adjoining properties and other residents from the neighborhood took the opportunity to review the plans and discuss the project with the development team. (See attached sign in sheet)

Questions relating to many aspects of the development were raised and responded to by the development team based on the current direction of the plan. Overall there was very good participation and dialogue. The following is a list of many of the questions posed to the development team and dialogue related to those questions:

- Number of proposed units and bedrooms : The development team provided plans and information describing that there would be up to 10 cottages with up to 48 bedrooms located on the property.
- Ingress/egress from Ridge Street : Several attendees expressed a concern that vehicular traffic would utilize the connection to Ridge Street. It was explained that this access location was not proposed for a full roadway or driveway connection. The path leading to Ridge would only be 12' wide and accommodate golf carts with an additional 8' in a grass pavers to accommodate emergency vehicles and golf carts only. It was explained that the connection to Ridge Street would be a gated access and that only emergency vehicles would be permitted to use this entrance.
- Construction Access : Resident expressed concern that Ridge Street would be used for construction access to the property as the cottages are being constructed. The applicant agreed to consider prohibiting construction traffic from using the Ridge Street entrance. Upon hearing this concern from the property owner's regarding construction traffic, the applicant will agree in the Special Use Permit to prohibit construction traffic from using Ridge Street and utilize the much wider Country Club Circle for construction traffic.
- Ridge Street width and improvements : There were concerns that the Town would require improvements to Ridge Street as part of this application, including sidewalks and road widening. The residents expressed that they would like to keep Ridge Street as it is today. The design team stated that it was not their intent to widen Ridge Street and that preliminary meetings with the Town had not considered improvements to Ridge Street beyond making an adequate connection to the emergency service access location.
- Operation of the Cottages : Residents wanted to understand who would be operating the cottages and if they would be for sale and placed for rent by the individual owners. It was explained that all cottages would be operated and rented by the SPCC, and part of the overall Mid Pines and Pine Needles lodging program, which is also operated by the owner of SPCC.
- What will the buildings look like? : The development team explained that at this point the architectural character is still being discussed. Architectural character will be complimentary of the existing clubhouse and blend in with the surroundings. Also being discussed is utilizing an architectural style that would reflect the historic original clubhouse at SPCC which was lost in a fire many years ago.
- How tall will the buildings be? : It was explained that the intent is to keep all buildings under the standard residential building height of 35 feet. Most buildings at this point are intended to be one-story structures with a potential basement level where grade conditions permit the walk-out conditions.
- How far will the buildings and parking areas be setback from the property boundaries? : The development team explained that currently the cottages are designed to be in excess of 60' from the property boundary. In addition, the large parking nearest the adjoining properties would maintain the current limit of the existing parking lot. Existing trees will be saved close to property line where possible and by utilizing the existing parking limits will

assist in maintaining vegetation. In addition, it was explained that Southern Pines will require parking lot screening plantings of 10' along the boundary of the parking areas.

- Will the pool remain? : It was explained that the viability of the swimming pool was being evaluated. The current plan illustrates the main entry drive and drop off area at the location of the pool facility. Depending on the ultimate decision the pool may or may not stay. One participant stated specifically that they would be in favor of the project if the pool were to stay but would likely be against the project without the pool.
- Is there enough room to fit everything proposed on the property? : Some participants asked if there was enough room to fit the buildings in with the construction of the new putting green. They were assured by the design team that adequate space was available for the proposed cottages and lodge. The existing conditions aerial photograph shows the previous clubhouse during demolition and residents could see the scale of that facility versus the scale of the proposed cottages, which are much smaller.
- Parking : Two questions were posed by the participants. Are there enough parking spaces and it looks like a lot of parking, can't you have less parking? The design team explained that the parking counts shown were based on Town of Southern Pines code requirements and also using the existing parking and adding enough parking spaces for the cottages and lodge.
- Future Plans? : It was explained that beyond what is shown on the plans, there are no future plans for the development of the property. The Special Use Permit would only apply to the designated boundary that is set in plans that will be submitted and is site plan specific. Any future plans would be required to go through the same Special Use Permit process as the proposed plans.
- What is the timing of the project? : It was explained that there is no definitive timeline for the project and that it will depend on market conditions and construction costs, which are currently, very volatile. It is intended that the project be built in phases of two to three buildings at a time, assuming the first phase is well received.
- Why was the Pinecrest High School Cross Country team prohibited from using the facility? : It was explained that Cross Country Team was not prohibited from using the property for their training and events. The Club and their attorneys worked with the Moore County Schools attorneys on an agreement that would permit the team to utilize the property as they had previously, while waiving liability for SPCC. From the owner's perspective, all attorneys and both parties had agreed to the language of the agreement, but for whatever reason, Moore County Schools never signed the agreement. SPCC is very open to the Cross Country Team using the property should Moore County Schools wish to finalize the agreement.



Robert Koontz, RLA

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





SOUTHERN ANES CC - HEALTH BOARD MEETING - 9/27/2022

Name	Address	Email Address
Scott Paulsen	185 Country Club Circle	scott@paulsen@gmail.com
Phil & Hattie Cook	13 Elk Ridge Dr	KATHYCOOK@GMAIL.COM
Amy Drake	12 Elk Ridge Dr.	amymdrake@comcast.net
Michie Gentry	209 S. Ridge St.	michie.gentry@gmail.com
Jim & Bea Fishback	16 Elk Ridge	jimlovesbea@gmail.com
David & Mary Harris	180 Spring Rd	DMH242@gmail.com
MELTON BURGEMAN	125 Country Club Circle	MELTONBURGEMAN@GMAIL.COM
Don Tinker	215 " " "	DOTASSOC@AOL.COM
Scott Weaver	776, 780, 783 S Ridge St	Scott.Weaver@hncas.com
Don Bassett	716 Ridge St	Bassett@twc.com
Barron Moffitt	14 Elk Ridge Ln / 244 Pine Ridge, W.C.	barron.j.moffitt@gmail.com
Robert Bover	600 S. Valley Rd.	roverb@2egmail.com
John Casavant	610 S. VINEY RD.	casavant@hba.com
Joel Macdonald	749 S. Ridge St Searles	hmacdonald@gmail.com
STEPHEN CARTER	570 S. VALLEY Rd.	scbuilders@yahoo.com
Robert J. Gallagher	545 Highway Rd.	robert.j.h.gallagher@gmail.com
Ray Kirkland	515 S Valley Rd	RAULKIRKLAND@RC.COM

Email Address

Kenm875@gmail.com

Citacano@me.com

Murti Indragi@yahoo.com

September 12, 2022

Dear adjoining property owner,

A Neighborhood Meeting will be held to discuss a proposed Special Use Permit (SUP) application for the property located off Spring Rd. in Southern Pines. The property is currently zoned FRR - Facilities, Resource and Recreation per the Town of Southern Pines Unified Development Ordinance (UDO). FRR zoning is intended for open space, public facilities and privately owned and recreation areas. Privately owned land uses include golf resorts and related facilities. The SUP application requests golf related lodging to be located on site.

This meeting is not a public hearing. The purpose of this meeting is to inform neighboring property owners of the proposal and to seek comments. The drop-in meeting will be held on September 27, 2022, between the hours of 4:00 pm and 6:00 pm at the Southern Pines Golf Club clubhouse located at 290 Country Club Cir. in Southern Pines. This meeting will be informal, with no scheduled presentation, so feel free to come by at your convenience during the designated hours. Conceptual plans will be made available for review and discussion with members of the project team. Anyone seeking additional information regarding the CDP application may call (910) 684-8487.

Best Regards,

A handwritten signature in black ink, appearing to read 'Rt Koontz', with a long horizontal flourish extending to the right.

Robert Koontz, PLA

Agenda Item

To: Reagan Parsons, Town Manager

From: Pamela Graham, Principal Planner

Subject: SU-06-22 Special Use Permit and Preliminary Plat Approval; Major Subdivision for the Development of Two Detached Single-Family Dwellings on +/- 1.08 Acres Located Immediately East of the Entrance to Mid-South from S. Knoll Road: Owner/Applicant: Plantation Investors, LLC; Authorized Agent: Jeremy Sparrow, KoontzJones Design

Date: January 10, 2023

I. SUMMARY OF APPLICATION REQUEST:

On behalf of Plantation Investors, LLC, Mr. Jeremy Sparrow with Koontz Jones Design has submitted an application for a special use permit and a major subdivision preliminary plat for the following:

1. Subdivision of land identified in the Moore County Tax Registry as PARID #00041026701, resulting in two lots intended to be developed as single-family dwellings and a +/- .80 acre area of open space, as depicted on applicant's Area A Preliminary Plat Sheet L-1.2;
2. Subdivision of land not identified in the Moore County Tax Registry, constituting a portion of the private road/right-of-way system for the Mid South development, resulting in a 1.04 acre (45,358 square foot) parcel that currently serves as the location for the gatehouse adjacent to Knoll Road (referred to as "Gatehouse Lot (to be subdivided and conveyed)" on applicant's Area A Preliminary Plat Sheet L-1.2). Minor reconfiguring of the gatehouse parking area is also planned.
3. An amendment to the Mid South Master Plan approved in 1988 in conjunction with Conditional Use Permit CU-08-88, to remove from the plan a +/- 9.26 acre portion that is located in Pinehurst's jurisdiction and includes the northern-most portion of Palmer Drive between Knoll Road and Midland Road.

The development proposal is for two detached single-family dwellings with the smallest proposed lot containing +/- 23,322 square feet and the largest containing 24,096. A special use permit is required for major subdivisions. The proposal is classified as a major subdivision pursuant to UDO §2.19.3(B)(1)(f) which precludes minor subdivision classification for developments that create more than five lots through cumulative subdivisions, which is the case for Mid South. The subject property is identified as PIN: 857200264820 (PARID: 00041026701).

II. PLANNING BOARD REVIEW:

On November 17, 2022, the Planning Board held a Preliminary Forum regarding SU-06-22 to accept public comments and compose a list of issues to forward to the Town Council for their consideration. With five members present (member Andy Bleggi being absent), the Planning Board heard from staff as well as those in attendance who wished to speak to the special use permit request. After all those present were provided an opportunity to speak, the Planning Board closed the Preliminary Forum and adopted by unanimous vote the following list of issues to forward to Town Council for consideration during their review of the proposal:

1. A Mid South POA representative and adjacent property owners shared their concerns about smaller lot sizes being inconsistent with the estate lot section of the community and the potential impact to their home values. **Staff note: the proposal presented to the Planning Board called for three lots, each below the square footage called for in the 1988 conditional use permit approval. The proposal has been amended to two lots, both of which exceed the 1988 lot size minimum standards.**
2. A Mid South POA representative expressed concern regarding the gatehouse parcel ownership, with the structure being owned by the applicant and the roads being owned by the Mid South POA. Town Council should also be aware that the applicant expressed willingness to explore resolutions to address these concerns.
3. A Mid South POA representative and residents shared safety concerns regarding the entrance onto Knoll Road, particularly visibility and the potential for parking reductions in the vicinity of the gatehouse. **Staff note: the proposal presented to the Planning Board showed five gatehouse parking spaces that required backing directly from or into the lane of travel. The plan has since been modified to show six spaces, offset from the lane of travel in a manner that allows vehicles to merge into the travel lane in a safer manner. The existing gravel lot appears to accommodate six vehicles.**
4. Town Council should be aware of any impact to the removal of the 9.26 portion from the Master Plan and its impact on the agreed upon open spaces. The applicant has expressed that the intent is to develop this property, but Mid South will still meet the open space requirements following the removal of this acreage from the master plan. **Staff note: the applicant has provided an exhibit titled “Overall Master Plan – Existing Open Space” that indicates a total of 32.65 acres of open space will remain within Southern Pines’ jurisdiction subsequent to the changes listed above. The exhibit calls out +/-2.93 acres in easements, and though this would not qualify as open space by our current ordinances, the 1988 approval was worded such that the acreage may consist of open space/natural areas/utility easements. It is worth noting that the 28.16 acres required by CU-08-88 is achieved without including the easement acreage.**

III. PROJECT INFORMATION:

A. Property Owner & Applicant Information:

- i. **Property Owner(s):**
Plantation Investors, LLC
PO Box 8000
Pinehurst, NC 28374
- ii. **Applicant:**
Plantation Investors, LLC
c/o Bob Levy
PO Box 8000
Pinehurst, NC 28374
- iii. **Authorized Agent:**
Koontz Jones Design
Jeremy Sparrow
150 S. Page Street
Southern Pines, NC 28387

B. Project History and Site Information:

- i. **Location:**
The subject properties are located in the immediate vicinity of the South Knoll Road entrance into the Mid-South development. (See Figure 1 below).
- ii. **Zoning:**
The zoning of the subject parcel is RS-2CD, consistent with the majority of Mid-South.
- iii. **Future Land Use Map Designation:**
The subject parcel is designated as Residential/Golf on the Future Land Use Map. *Per the CLRP, the Residential/Golf designation applies to areas that include public or private golf courses and residences. This category may accommodate a single family or attached dwellings at a variety of densities, recreational facilities in addition to the golf course, limited guest accommodations, and limited commercial services intended to serve residents of and visitors to the development.*

Figure 1: Zoning and Location Map (Subject Properties Outlined by Dashed Lines):



IV.

V. STAFF REVIEW:

A. Application Review Dates:

- TRC Pre-Application Review: March 8, 2022
- Special Use Permit SU-06-22 Application Submitted: September 12, 2022
- Application Deemed Complete: September 27, 2022
- Notice of Planning Board Preliminary Forum:
 - Posted On-site: October 3, 2022
 - Mailed: October 26, 2022
 - Internet: October 26, 2022
 - Published: N/A for SUP
- Planning Board Agenda Meeting: November 10, 2022 (Meeting Not Held)
- Planning Board Preliminary Forum: November 17, 2022
- Notice of Town Council Public Hearing:
 - Posted On-site: October 3, 2022
 - Mailed: December 20, 2022
 - Internet: October 26, 2022
 - Published: December 28, 2022 and January 4, 2023

B. Process of Review:

The procedures for 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.

C. Standards for Review:

The following UDO standards apply to the review of this special use permit:

- i. Major Subdivision, UDO §2.20
- ii. Special Use Permit Criteria, UDO §2.21.6 (A-F)
- iii. RS-2 Zoning District Standards, UDO §3.5.4, as modified by Z-15-87 and/or CU-08-88
- iv. Preliminary Plat, UDO §2.20.4
- v. Various Standards, UDO Chapter 4

D. Criteria for Review:

Compliance with the UDO:

i. Compliance with Special Use Permit Criteria – UDO §2.21.6 (A-F):

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

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

The applicant's Justification document (attached) states the following: "The proposed development will comply with all regulations of the RS-2 CD zoning district and any applicable supplemental use regulations. All single-family lots created will

meet the standards specified in the RS-2 CD district and provide appropriate setbacks for the RS-2 CD zoning district. Access will meet the Town's requirements."

The RS-2 Zoning District is described in the UDO §3.5.4 as being "established as a district in which to allow primarily low-density Single-Family residential land uses (approximately 201 Dwelling Units per acre). The regulations of this district are intended to:

- (1) Preserve existing Single-Family residential neighborhoods that have developed at a low-density; and
- (2) Encourage new residential Development that is compatible with that in the existing neighborhoods."

The 1988 rezoning of Mid South (Z-15-87) required that each phase of development be submitted as a conditional use permit, and was immediately followed by a conditional use permit request (CU-08-88) that proposed the initial phase of residential development in the community, with 384 single-family lots of the total 647 approved by the previous rezoning. The Master Plan that accompanied CU-08-88 also listed 28.16 acres of "Open Space/Natural Areas/Utility Easements". As adjustments and new proposals have come in for the overall Mid South development, staff has researched the history and has sought to maintain the open space set-aside that was included in the Master Plan, for the purposes of ensuring compliance with the conditional use permit approval.

5. Town procedures have changed in the ensuing years, in some cases dictated by changes in state statutes. Conditional use permits are now special use permits. As a part of the current special use permit request, the applicant seeks to amend the 1988 Master Plan to remove the acreage that lies within Pinehurst's jurisdiction. Ultimately, Southern Pines' only interest in this request is to ensure that the open space requirements for the overall development are maintained. As this +/- 9.26 acre portion of the Mid South property is depicted as undeveloped land on the Master Plan and may have been included in the 1988 open space calculation, that acreage must be accounted for elsewhere in the development if Southern Pines relinquishes regulatory control over it. Two enlargements of the 1988 Master Plan are included as attachments to this report, as well as an open space exhibit provided by the applicant titled "Overall Master Plan – Existing Open Space". The applicant's exhibit indicates that a total of 32.65 acres of open space, as it is described in the 1988 approval, will remain within Southern Pines' jurisdiction following the removal of the Pinehurst jurisdiction property. Of the 32.65 acres, 2.93 acres are in easements, and though this would not qualify as open space by our current ordinances, the 1988 approval was worded such that the acreage may consist of open space/natural areas/utility easements. It is worth noting that the 28.16 acres required by CU-08-88 is achieved without including the easement acreage.

- 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 applicant's narrative states the following: "The special use meets the standards of the zoning district and is in character with the surrounding properties. The proposed single-family detached lots are still below the 647 total residential units permitted under the property's zoning and are consistent with other developments within the Mid-South community."

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

The applicant has provided the following information regarding this item: "Public water and sewer utilities are readily available for the project, any cost of which will be borne by the developer. Previous phases of the development have developed the infrastructure adequate for the full-build out of the community. Lots will have adequate access to accommodate emergency and waste removal vehicles."

The Technical Review Committee discussed SU-05-22 (an earlier submittal that included a three-lot subdivision but was later withdrawn) at its July 12, 2022 meeting and noted that water and sewer are available in this area of Plantation Drive.

- 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;*

The application narrative states: "This project will not impede the development of surrounding properties as it is in conformance with the surrounding development and zoning classifications as described in Item B of this exhibit. The proposed use is consistent with the previous phases of the development." (*Staff note: Item B is Sheet L-1.2, included as an attachment to this memo*)

- 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 narrative responds to this criterion as follows: "This residential neighborhood will continue the existing development pattern in the neighborhood and conform to all development standards of the UDO and engineering requirements of the Town. As a result, the use

will not be detrimental to or endanger the public health, safety, comfort, or general welfare of the surrounding neighborhood.”

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

The narrative provides the following response: “The requested special use permit is in compliance with the established development pattern and is in conformance with the underlying conditional zoning district. This project is also consistent with the goals and objectives of the Comprehensive Long Range Plan (CLRP) and establishes a development pattern that is in context with the surrounding neighborhood and the projects in this area of Southern Pines. The CLRP classifies this property as Residential/Golf, which is consistent with the overall plan. The development pattern also meets the land use goals defined by the CLRP by adding development where public utilities are available and developing infill locations near downtown Southern Pines.”

ii. Current Controlling Conditional Use Permit Standards (CU-08-88)

The conditional use application approved as CU-08-88 includes development data as follows (see attachment):

- 1.85 dwelling units per acre
- Minimum lot size for lots along golf fairways: 110’ x 180’, or 19,800 square feet
- Minimum lot size for lots not along fairways: 120’ x 160’, or 19,200 square feet (the three lots proposed in this application are not along fairways and would therefore be expected to adhere to this standard unless the conditional use permit is amended)
- +/-28.2 acres of open space/natural areas/utility easements (master plan specifies +/-28.16)

The lot quantity and sizes have been amended since the proposal was presented to the Planning Board in November. Currently, two lots are being proposed and are 23,322 and 24,096 square feet in size, exceeding the minimum standard called for by CU-08-88.

No references to required setbacks have been found in the 1988 approvals; therefore, the RS-2 District setback standards apply. The preliminary plat proposes setbacks that are exceed those required in the RS-2 District, specifically:

	Front Setback	Side Setback	Rear Setback
Required	30’ from ROW	10’	30’
Proposed	40’ from ROW	15’	40’

iii. Development Design and Other Standards from UDO Chapter 4

The proposal will require Site Plan Review and approval by the TRC but is exempt from Architectural Review pursuant to state statutes limiting local design standards for structures built to a single-family dwelling building code. The lots will be accessed from Plantation Drive, which is an existing private street maintained by the Mid South POA.

iv. Compliance with Preliminary Plat Criteria – UDO §2.20.4 (G)(1-6):

1. The application is consistent with the approved Sketch Plat, if applicable.
2. The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;
3. The proposed subdivision complies with the UDO and applicable state and federal regulations;
4. The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;
5. The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and
6. The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development.

E. General Staff Comments and Recommendations

Approval of the request will result in the following:

1. Approval of a Preliminary Plat and special use permit showing the following subdivisions of land:
 - i. Property identified in the Moore County Tax Registry as PARID #00041026701, resulting in two lots intended to be developed as single-family dwellings and a +/- .80 acre area of open space (as shown on applicant's Area A Preliminary Plat Sheet L-1.2);
 - ii. Property not identified in the Moore County Tax Registry, constituting a portion of the private road/right-of-way system for the Mid South development, resulting in a .969 acre (42,208 square foot) parcel that currently serves as the location for the gatehouse adjacent to Knoll Road (referred to as "Existing Gate House" on applicant's Area A Existing Conditions Sheet L-1.1 and as "Gatehouse Lot (to be subdivided and conveyed)" on applicant's Area A Preliminary Plat Sheet L-1.2.
2. An amendment to the Mid South Master Plan approved in 1988, in conjunction with CU-08-88, to remove from the plan a +/- 9.26 acre portion that is located in Pinehurst's jurisdiction and includes the northern-most portion of Palmer Drive between Knoll Road and Midland Road.

Pursuant to UDO §2.27.7, in approving any special use permit, the Town Council may impose such reasonable standards, conditions, or requirements as it may deem necessary to protect the public health, safety and welfare.

Staff has drafted a set of approval conditions for the Town Council's consideration, included below. Staff's recommendation is approval of the special use permit and associated preliminary plat with conditions as drafted or as modified by Town Council.

1. Approval of SU-06-22 and the associated preliminary plat authorizes the applicant to move forward to Site Plan review and additional permitting pursuant to the Town of Southern Pines development processes. The development shall be consistent with the approved preliminary plat titled "Area A – Preliminary Plat Sheet L-1.2" dated September 12, 2022 and staff shall be notified immediately if adjustments are anticipated so that appropriate review/approval processes can be identified.
2. Open space/natural areas/utility easements for the overall development within Southern Pines' jurisdiction shall not fall below the 28.16 acres required by the 1988 conditional use permit approval (CU-08-88) and shall be consistent with the applicant's "Overall Master Plan – Existing Open Space" exhibit, Sheet L-3.0 dated October 14, 2022, unless amended by a future approval.
3. The project shall be required to meet all applicable development design requirements found in Chapter 4 of the UDO.
4. Special Use Permit SU-06-22 shall become effective upon approval by the planning director, and recordation by the applicant, of the final plat for the applicable area.

F. Outside Agency Comments:

In May of this year of an application (SU-05-22) for the subdivision of the same three lots as the current request, combined with an unrelated project within Mid South, was submitted to the Planning Department. A request for comments from agencies was emailed at that time 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, U.S. Fish and Wildlife Service and the Regional Land Use Advisory Commission. While that application was ultimately withdrawn, the agency comments received from the earlier application remain relevant to the current one.

- A response from the Department of Transportation was received on July 1, 2022, stating that the agency had no comments due to the lots having no access to the state road.
- A response from the Regional Land Use Advisory Commission was also received on July 8, 2022, stating that the agency did not have any comments on this project.

- The Technical Review Committee discussed SU-05-22 at its July 12, 2022 meeting and noted that water and sewer are available, that the existing sewer line reaches Lot 3, and will require extension by the developer to access Lots 1 and 2, and that a preliminary plat that includes all information required by the Town must be submitted for review prior to the item being presented to Town Council.

VI. ATTACHMENTS:

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

1. “Attachment A” Draft Findings of Fact
2. “Attachment B” Draft Findings of Fact
3. Special Use Permit Application
4. Applicant’s Special Use Permit Narrative (amended December 8, 2022)
5. Applicant’s Special Use Permit Justification
6. Applicant’s Major Subdivision (Preliminary Plat) Justification
7. Applicant’s Written Response to November 17, 2022 Planning Board Meeting Discussion
8. Applicant’s Special Use Permit Site Plan Sheet L-1.2 “Area A – Preliminary Plat”
9. Applicant’s Sheet L-3.0 “Overall Master Plan – Existing Open Space”
10. Property Deed
11. Appointment of Agent
12. CU-08-88 Application Submittal
13. CU-08-88 Approval
14. Nuckols 6-17-1988 Letter re Z-15-87 Approval
15. Nuckols 12-6-1988 Letter re Lot Sizes
16. Mid South 1988 Master Plan
17. 1988 Master Plan Development Data Enlargement
18. 1988 Master Plan Pinehurst Jurisdiction Enlargement

VII. TOWN COUNCIL ACTION:

To either approve or deny a Special Use Permit application, the Town Council shall make findings of fact and conclusions to the applicable standards. The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case. The Town Council shall then vote on whether the application complies with the criteria as set forth in Section 2.21.6(A-F) Criteria for a Special Use Permit. The Town Council may choose among the following motions or any alternative at their discretion.

Staff has provided draft findings, included as Attachments A and B. Attachment A is drafted with the assumption that the Council will vote to approve SU-06-22, and Attachment B is drafted with the assumption that Council will vote to deny SU-06-22. However, there are many unknown influences to the Council’s decision when these findings are drafted, and it is likely that the final draft will require revision regardless of the outcome of the request.

Pursuant to UDO Exhibit 2-14 and §2.19.4(C), approval of the special use permit constitutes approval of the layout as submitted on the preliminary plat. Pursuant to UDO §2.20.4(H), the special use permit shall become effective when the planning director approves, and the applicant records, the final plat for the applicable area.

I move to:

1. Adopt **Attachment A** of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-06-22.

-OR-

2. Adopt **Attachment A** of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-06-22, with the following changes:

-OR-

3. Adopt **Attachment B** of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-06-22.

-OR-

4. Adopt **Attachment B** of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-06-22, with the following changes:

Next, the Town Council may vote on whether to approve, deny, or approve with conditions the proposed Special Use Permit. The Town Council may choose one of the following motions, or any alternative at their discretion.

I move to:

1. Approve Special Use Permit SU-06-22.
2. Deny Special Use Permit SU-06-22.
3. Approve Special Use Permit SU-06-22 with the following conditions. Pursuant to UDO §2.27.7, in approving any special use permit, the Town Council may impose such reasonable standards, conditions, or requirements as it may deem necessary to protect the public health, safety and welfare.

5. Approval of SU-06-22 and the associated preliminary plat authorizes the applicant to move forward to Site Plan review and additional permitting pursuant to the Town of Southern Pines development processes. The development shall be consistent with the approved preliminary plat titled “Area A – Preliminary Plat Sheet L-1.2” dated September 12, 2022 and staff shall be notified immediately if adjustments are anticipated so that appropriate review/approval processes can be identified.
6. Open space/natural areas/utility easements for the overall development within Southern Pines’ jurisdiction shall not fall below the 28.16 acres required by the 1988 conditional use permit approval (CU-08-88) and shall be consistent with the applicant’s “Overall Master Plan – Existing Open Space” exhibit, Sheet L-3.0 dated October 14, 2022.
7. The project shall be required to meet all applicable development design requirements found in Chapter 4 of the UDO.
8. Special Use Permit SU-06-22 shall become effective upon approval by the planning director, and recordation by the applicant, of the final plat for the applicable area.

ATTACHMENT “A”
Draft Town Council Findings of Fact
Special Use Permit Application SU-06-22

Finding of Fact #1:

The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Special Use Permit approval has fully met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Special Use Permit, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criteria A-F, in that:

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

The Town Council finds that the Special Use Permit application SU-06-22 complies with the regulations of the RS-2CD Zoning District, as modified by Z-15-87 and CU-08-88. The proposed use of “single-family detached home” falls into the UDO’s Land Based Classification Standard (LBCS) #1111, and is a use by right in the RS-2 District, but requires a special use permit pursuant to UDO §2.19.3(B)(1)(f), which precludes minor subdivision classification for developments that create more than five lots through cumulative subdivisions, as is the case for Mid South. Section 2.21.1 of the UDO states that special use permits may be issued after ensuring that the use complies with the special use permit approval criteria, and Town Council finds that no qualified evidence has been entered into the record for SU-06-22 that the proposal is in conflict with the regulations of the RS-2 District. Furthermore, the proposal is compliant with the specific requirements of Z-15-87, which classified the Mid South development as RS-2CD. These requirements include the following:

- i. That a conditional use permit (now known as a special use permit) be obtained for any aspect of residential development and for each phase of development.
- ii. That each special use permit or site plan approval requested must adhere to the master site plan as originally approved or as amended with concurrence of the Town Council. Amendments to the master site plan will follow the same process as the special use permit process.

Additionally, the proposed special use is compliant with supplemental use regulations contained in CU-08-88 and its associated master plan, allowing for a 647-unit Planned Residential Development. Specific provisions of CU-08-88 include the following:

- i. 384 single-family lots are allowed;

- ii. 119 cottage lots are allowed;
- iii. 144 multi-family units are allowed;
- iv. Minimum size for golf fairway lots will be approximately 19,800 square feet and all other lots will be approximately 19,200 square feet;
- v. A minimum of 28.16 acres of open space/natural areas/utility easements shall be provided;
- vi. A minimum 25' buffer screen will be established around the perimeter of the site.

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 Town Council finds that the multiple approvals being sought under the proposed special use are generally consistent with the character of the neighborhood in which they will be located and will not alter the character of the neighborhood. This is due, in part, because the applicant has proposed lot sizes consistent with lots in the immediate vicinity, and particularly across Plantation Drive from the proposed lots. Additionally, the applicant will be required to meet the setbacks required by the UDO and has committed to provide a buffer of no less than 10' along the project's boundary with Knoll Road. Furthermore, the Town Council finds that the modification of the boundary of the Mid South development to exclude the portion that is presently and has always been in the jurisdiction of Pinehurst does not injure the use and enjoyment of property in the vicinity for various densities of residential development because the property is zoned residential by Pinehurst and any future development of the property will undergo the development approval process by that jurisdiction.

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

Town Council finds that the proposed special use does not require inefficient expansion of public facilities due to the fact that site accesses from the private road are available. Additionally, public water and sewer are readily available and the cost of any improvements to those utilities will be borne by the developer.

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;

Town Council finds that, there being no qualified evidence of negative impacts to property values within the neighborhood as a result of the special use, the proposed special use is expected to have no detrimental impact to surrounding properties or property values in the vicinity. Furthermore, the special use is not expected to impede the orderly development and improvement of surrounding property for uses permitted in the zoning district because few areas remain that have not already been platted and additional subdivisions within Southern Pines' jurisdiction of the development must also be processed by the Town as special use permits, allowing for public input to subsequent proposals and a final decision by the Town Council. Additionally, future proposals that do not adhere to the minimum lot sizes set forth by CU-08-88 will be required to request amendments to CU-08-88 to allow the reduction(s), and any

approval of such amendments may be applied only to the lots being proposed in the amendment request.

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;

Town Council finds that, there being no qualified evidence entered into the record of negative impacts resulting from the proposed single-family residential use, there is no expected detrimental impact to the public health, safety, comfort or general 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;

Town Council finds that the establishment of the special use will not result in adverse impacts to individual interests and that the special use advances the public interest and welfare, because relinquishing 9.26 acres that are located in another jurisdiction reduces confusion to both the municipalities and many members of the public who live and work in the area and also allows that land to be governed in all aspects by the Village of Pinehurst, thereby improving public administration; the creation of two lots in an area of Mid South presently served by sewer, water and roads and in close proximity to multiple municipal services and facilities is valuable infill development and housing stock that is needed in the community; and that no qualified evidence has been entered into the record for SU-06-22 showing that allowing for the creation of a separate parcel for the gatehouse creates an adverse effect to individual interests that are not outweighed by the public interest and welfare. Furthermore, Town Council finds that no qualified evidence has been entered into the record for SU-06-22 showing that allowing for the two additional lots being proposed creates an adverse effect to individual interests that is not outweighed by the public interest and welfare. The public interest and welfare support development of housing in the area, utilization of existing public infrastructure for such uses, and for allowing property owners to develop property in a manner consistent with zoning.

Finding of Fact #3:

The Town Council finds that with all the evidence regarding this proposal in the record, including the January 10, 2023 Town Council Public Hearing, the application meets Criteria A through F as set out in 2.21.7 of the Unified Development Ordinance (UDO).

ATTACHMENT “B”
Draft Town Council Findings of Fact
Special Use Permit Application SU-06-22

Finding of Fact #1:

The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Special Use Permit approval has fully met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Special Use Permit, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

The Town Council finds that the application does not comply with UDO §2.21.6 Criteria for a Special Use Permit, Criteria A-F, in that:

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

The Town Council finds that the Special Use Permit application SU-06-22 complies with the regulations of the RS-2CD Zoning District, as modified by Z-15-87 and CU-08-88. The proposed use of “single-family detached home” falls into the UDO’s Land Based Classification Standard (LBCS) #1111, and is a use by right in the RS-2 District, but requires a special use permit pursuant to UDO §2.19.3(B)(1)(f), which precludes minor subdivision classification for developments that create more than five lots through cumulative subdivisions, as is the case for Mid South. Section 2.21.1 of the UDO states that special use permits may be issued after ensuring that the use complies with the special use permit approval criteria, and Town Council finds that no qualified evidence has been entered into the record for SU-06-22 that the proposal is in conflict with the regulations of the RS-2 District. Furthermore, the proposal is compliant with the specific requirements of Z-15-87, which classified the Mid South development as RS-2CD. These requirements include the following:

- i. That a conditional use permit (now known as a special use permit) be obtained for any aspect of residential development and for each phase of development.
- ii. That each special use permit or site plan approval requested must adhere to the master site plan as originally approved or as amended with concurrence of the Town Council. Amendments to the master site plan will follow the same process as the special use permit process.

Additionally, the proposed special use is compliant with supplemental use regulations contained in CU-08-88 and its associated master plan, allowing for a 647-unit Planned Residential Development. Specific provisions of CU-08-88 include the following:

- i. 384 single-family lots are allowed;

- ii. 119 cottage lots are allowed;
- iii. 144 multi-family units are allowed;
- iv. Minimum size for golf fairway lots will be approximately 19,800 square feet and all other lots will be approximately 19,200 square feet;
- v. A minimum of 28.16 acres of open space/natural areas/utility easements shall be provided;
- vi. A minimum 25' buffer screen will be established around the perimeter of the site.

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 Town Council finds that adequate qualified evidence has been entered into the record for SU-06-22 to cause the Town Council to determine that the proposal may cause injury to the use and enjoyment of property in the immediate vicinity of the lots being proposed.

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

Town Council finds that the proposed special use does not require inefficient expansion of public facilities due to the fact that the road accessing the proposed special use is a private road that is already in place and public utilities are already present at the site or may easily be extended at the cost of the developer.

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;

Town Council finds that sufficient qualified evidence of negative impacts to property values within the neighborhood as a result of the special use has been entered into the record for SU-06-22, and that the proposed special use may be expected to have detrimental impact to surrounding properties or property values in the vicinity due to the parceling out of the .969 acre area that currently serves as the location for the gatehouse. Furthermore, Town Council finds that sufficient evidence has been entered into the record for SU-06-22 that the removal of the 9.26 acre area that lies within the jurisdiction of Pinehurst from the approved master plan may result in development of the acreage that is not consistent with the master plan that has guided the development of Mid South since the 1980s.

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;

Town Council finds that sufficient qualified evidence of negative impacts resulting from the proposed special use and subdivision of land has been entered into the record for SU-06-22, and that the proposed special use may be expected to have a detrimental impact to the public health, safety, comfort or general 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;

Town Council finds that the establishment of the special use will result in adverse impacts to individual interests and that the special use does not advance the public interest and welfare, because removing 9.26 acres that are located in another jurisdiction from the master plan may open the acreage to new development that is inconsistent with the master plan. Furthermore, sufficient qualified evidence has been entered into the record for SU-06-22 that allowing for the creation of a separate parcel for the gatehouse creates an adverse effect to individual interests that are not outweighed by the public interest and welfare.

Finding of Fact #3:

The Town Council finds that with all the evidence regarding this proposal in the record, including the December 13, 2022 Town Council Business Meeting, the application does not meet Criteria A through F as set out in 2.21.7 of the Unified Development Ordinance (UDO).



Special Use Permit Application

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

Project Information:

Street Address: 1 PALMER DR. SOUTHERN PINES, NC 28387

PIN: 857200264820

Parcel ID: 00041026701

Site Size: ±9.15 AC

Zoning: RS-2 CD

Applicant:

Name(s): PLANTATION INVESTORS LLC - C/O BOB LEVY

Email: boblevy@talamorefamily.com

Phone: 215-370-9221

Mailing Address: P.O. BOX 8000 PINEHURST, NC 28374; MID TAL DEVELOPMENT, LLC

Authorized Agent, if different from Applicant:

Name(s): KOONTZ JONES DESIGN - C/O JEREMY SPARROW

Email: jsparrow@koontzjones.com

Phone: 910-684-8487

Mailing Address: 150 S Page St Southern Pines, NC 28387

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

Name(s): _____

Email: _____

Phone: _____

Mailing Address: _____

8-27-21

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 south side of Midland Rd (St./Ave.), between Morganton Rd (St./Ave.) and Midland Rd (St./Ave.). The property has a frontage of 400 feet and a depth of 7000 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:

Residential - Single Family

Date: 9 / 12 / 2022

Aut 3 1
Applicant

Robert Levy, Jr
Mem Mgr Mid Tal Development LLC

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
plan@southernpines.net (910) 692-4003 www.southernpines.net

8-27-21

**MID SOUTH PROPERTY
SPECIAL USE PERMIT NARRATIVE
(Amended December 8, 2022)**

The development of the property described as the Mid South Property in the submitted exhibits is an approved mixed-residential subdivision, rezoned in 1988, located on the south side of Midland Road between Midland Road and Morganton Road. The ±559.93-acre property is currently zoned RS-2 CD, which is primarily a single-family residential zoning district, but allows for multi-family with conditional approval. The current conditional use approval permits a total of 647 total dwelling units of mixed residential types.

The current request to the special use permit has been amended to reflect comments made at the November 17th, 2022 Planning Board meeting, will include two (2) parts, as described below:

Part I:

Area A:

Plat two (2) single-family detached lots on ±2.03 acres, along with re-plat/subdivision of the main gatehouse and associated parking, with remaining land, highlighted in green on the attached map, as dedicated open space (±0.80 acres). This green highlighted area, designated as 'open space', will be conveyed to the Mid South POA. The proposed residential lot sizes will vary as permitted in the previously approved conditional zoning, with a minimum of ±19,200 SF. The currently proposed lots range between ±23,000 SF - ±24,100 SF.

Part II:

Area B:

In addition to the above request and modification to the RS-2CD application, the applicant is also requesting the breakout of the entrance area (Palmer Drive) from the overall Mid South development, that connects the front entrance at Knoll Road to Midland Road from the current Mid South property (±559.93 acres). Currently, this property is located in the Village of Pinehurst zoning jurisdiction. With this exclusion of ±9.26 acres, the new overall development area will be ±550.67 and the required open space as set forth in the original approvals will be maintained and exceeded with the complete build-out, as proposed in Part 1 of this application.

In 2020, a Conditional Use Permit request was approved for 58 new single-family lots. This addition of fifty-eight (58) residential lot brings the total approved/platted lots to 526, leaving the ability to develop an additional 121 residential units, through the special use permit process based on the conditional district. The current request is limited to two (2) single-family detached lots, leaving 119 total residential units available for future development.

This development will meet the approved development standards for the RS-2 CD district and any other Town of Southern Pines UDO requirements. The originally approved master plan required a minimum open space of ±28.16 acres. The current master plan has a combined open space of ±32.65 acres, which excludes the ±9.26 acres mentioned above.

Adequate water and sewer service can be provided by the Town of Southern Pines to service this development. Utilities are currently along the streets and stubbed to connection points for the proposed development areas under the SUP from previous phases of development. All utilities on the site will be located underground.

The descriptions and conditions described above will apply to the entire project as indicated in the Special Use Permit application and the preliminary plat attached to this application.

Mid South Property Special Use Permit Justification

Below are listed the six (6) criteria required to approve a Special Use Permit application as described in Section 2.21.7 of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

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

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

The proposed development will comply with all regulations of the RS-2 CD zoning district and any applicable supplemental use regulations. All single-family lots created will meet the standards specified in the RS-2 CD district and provide appropriate setbacks for the RS-2 CD zoning district. Access will meet the Town's requirements.

- (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 special use meets the standards of the zoning district and is in character with the surrounding properties. The proposed single-family detached lots are still below the 647 total residential units permitted under the property's zoning and are consistent with other developments within the Mid-South community.

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

Public water and sewer utilities are readily available for the project, any cost of which will be borne by the developer. Previous phases of the development have developed the infrastructure adequate for the full-build out of the community. Lots will have adequate access to accommodate emergency and waste removal vehicles.

- (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 project will not impede the development of surrounding properties as it is in conformance with the surrounding development and zoning classifications as described in Item B of this exhibit. The proposed use is consistent with the previous phases of the development.

- (E) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare; and

This residential neighborhood will continue the existing development pattern in the neighborhood and conform to all development standards of the UDO and engineering requirements of the Town. As a result, the use will not be detrimental to or endanger the public health, safety, comfort, or general welfare of the surrounding neighborhood.

- (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.

The requested special use permit is in compliance with the established development pattern and is in conformance with the underlying conditional zoning district. This project is also consistent with the goals and objectives of the Comprehensive Long Range Plan (CLRP) and establishes a development pattern that is in context with the surrounding neighborhood and the projects in this area of Southern Pines. The CLRP classifies this property as Residential / Golf, which is consistent with the overall plan. The development pattern also meets the land use goals defined by the CLRP by adding development where public utilities are available and developing infill locations near downtown Southern Pines.

Mid South Property Major Subdivision Justification

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

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

Not Applicable

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

The proposed application conforms to all standards set forth in the RS-2CD district and the development standards within the UDO. This project is also consistent with the goals and objectives of the Comprehensive Long Range Plan (CLRP) and establishes a development pattern that is in context with the surrounding neighborhood and the projects in this area of Southern Pines.

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

The proposed development complies with the UDO and will meet all the requirements as provided in the previously approved conditional zoning, in addition to applicable state and federal regulations.

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

The proposed development corresponds with and meets all standards and requirements set forth in the previously approved conditional zoning district plans and conforms to the standards of the UDO. All uses are consistent with the proposed development program and allowable uses within the underlying zoning district. The development of two (2) residential lots is compatible with RS-2CD zoning district, as originally approved.

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

This residential neighborhood will continue the existing development pattern in the neighborhood and will conform to all development standards of the UDO and engineering requirements of the Town. As a result, the use will not be detrimental to or endanger the public health, safety, comfort, or general welfare of the surrounding neighborhood.

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

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

**MID SOUTH PROPERTY
SPECIAL USE PERMIT – PLANNING BOARD MEETING (November 17, 2022)
APPLICANT RESPONSE**

The applicant has updated the Special Use Permit Application to include the following items which are in response to questions raised at the November 17th Planning Board Meeting:

Size of proposed lots

The size of the 3 lots as originally proposed were less than the $\pm 19,200$ square footage as noted by the Town Planner as being part of the original CUP for non-golf front lots.

While many golf front and non-golf front lots have been developed within Mid-South over the years at approximately the same or in many cases smaller than these proposed sizes, the Applicant has modified the proposed preliminary plat to go from 3 lots to 2 lots.

This revised plan yields lot sizes in excess of $\pm 20,000$ SF each, thereby addressing the lot size issue addressed by the Planning Staff and also comments from Mid-South residents who would prefer lot sizes in this section to be more consistent with those lots across the street.

New Parking area by Gatehouse

Parking for the Mid-South Gatehouse for use by Security officials and Board/Committee Members using the small gatehouse meeting room is presently handled by a gravel lot adjacent to the gatehouse area.

The originally proposed plan accounted for 5 new paved parking spots. Comments regarding the parking from residents included the desire to have a parking configuration that would not require someone using the parking area to have to back out into the exit roadway.

Based on going from 3 lots to 2 lots, there is now additional area to accommodate a parking area that has an in/out access without having to back into the exit roadway. Additionally, the number of parking spaces has been increased to 6 spaces.

Entry/Exit roadway area that runs through the Gatehouse Lot

The SUP and preliminary plat identify the Gatehouse area as a “lot” so that it can be conveyed to an affiliate of the Golf Course Owner at Mid-South. This conveyance has always been the intention of the Declarant/Developer and has been transparent with the Mid South Property Owner’s Association (“POA”) as memorialized in a 2017 “Turnover Agreement” between the Declarant/Developer and the POA.

The gatehouse lot has an entry and exit roadway that runs through it to connect to Knoll Road on one side and Plantation Drive on the other side. A comment was made at the Planning Board level to “iron out” details of access/easements through the area for Mid-South Residents and Members/Guests of the Golf Course.

Two notes have been added to the preliminary plat to address this matter. There is an existing easement to the Golf Course Owner. The Declarant/Developer will in addition convey an easement to the POA and all Mid-South residents similar to the easement to the Golf Course. Therefore, all concerned parties will

have an easement over the roadways contained on the Gatehouse lot. Maintenance of these entry/exit roadways will fall under the terms of the Gatehouse lease which calls for the POA to maintain all areas of the Gatehouse. These items are noted on the updated preliminary plat and will also appear on the final plat.

Open Space Plan/Future Planning

There is a ±9 acre parcel between Knoll Road and Midland Road that is/always has been in the Village of Pinehurst Zoning District. When the Mid-South original CUP (previously called Pinehurst Plantation) was approved in 1988, Southern Pines effectively took “joint” jurisdiction of this parcel as it was on the CUP Master plan approved by Southern Pines.

It is the Developer/Declarant’s intention to develop this area into seven (7) estate size building lots with square footages of the lots to meet/exceed the existing Village of Pinehurst zoning for this area. In talks with Southern Pines Town Staff, it makes sense to allow this parcel to just be what it always has been, under the jurisdiction of the Village of Pinehurst with a caveat of meeting the notation of Open Space on the original plan, as further described below.

On the original CUP that was provided to the Town for Pinehurst Plantation there is a schedule of acreage for the community that notates approximately 28 acres of “Open Space.” The approved CUP plan does not specifically identify which areas of the original plan were slated to be Open Space, nor does it define Open Space, it is just a notation of the minimum amount of open space acreage as it relates to the overall plan of the Community.

Town Staff requested that as part of the SUP process, the Applicant “prove out” the ±28 acres of Open Space WITHOUT the ±9 acre parcel in the Village Pinehurst to be sure that this particular section was not part of the original ±28 acre calculation.

Applicant has provided Town Staff with a detailed Open Space exhibit for Mid-South lands which identifies multiple parcels within the Southern Pines borders that are intended to be deeded as Open Space. These parcels exceed the ±28 acre original CUP requirement and comes in at approximately ±32 acres.

With this submission and the providing the Town Staff a detailed plan, there is now a “benchmark plan” to ensure as Mid-South completes its final sections over the coming years so that, at the very minimum, the spirit of the ±28 acres of Open Space designation on the original CUP is maintained.

As a final note on the subject matter, it is worthwhile to note the overall Open Space of the Mid-South Community when it is all completed will exceed the ±28 acres of dedicated Open Space. The previously discussed notation for approximately ±28 acres of Open Spaces does NOT include the nearly 200 acres associated with the Golf Course which pursuant to a Conservation Easement with the National Lands Trust is forever to remain as a golf course and may not be developed. When the Golf Course acreage and the other designated Open Space are combined, approximately 40% of the Mid-South Community will be Open Space when fully built out.

Mid-South Entrance Area – TIA / Improvements

The Declarant/Developer has completed multiple Traffic Studies (TIA's) in connection with this SUP and a prior SUP submission. In both cases, the TIA reviewed the entrance/exit into Mid-South from Knoll Road and qualified that based on the data that no additional improvements were required in this area.

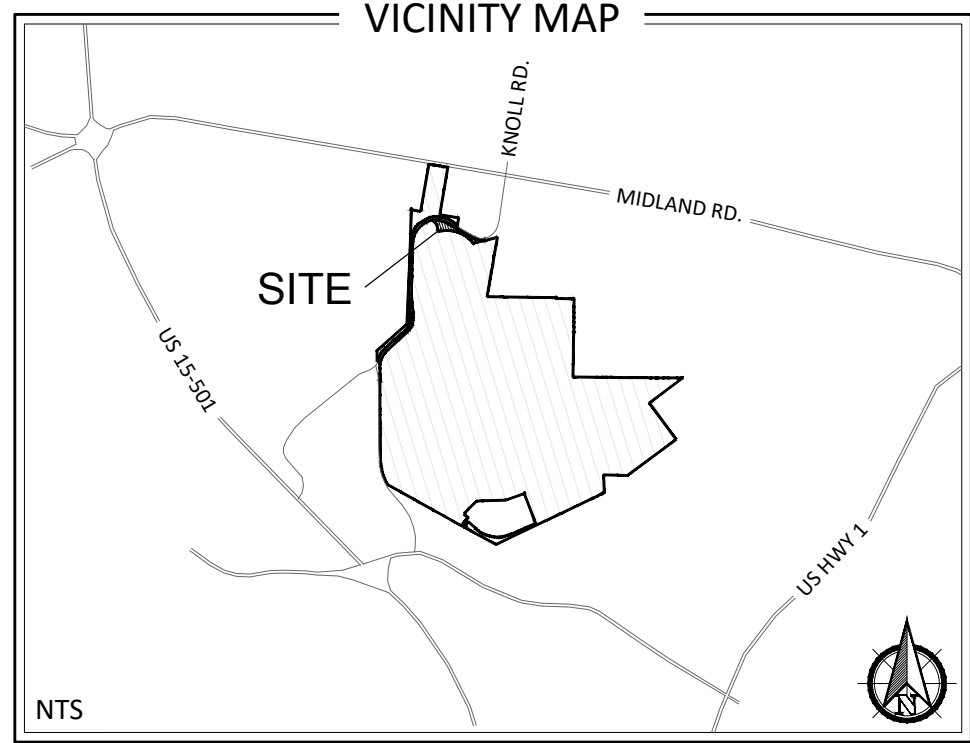
The Town Engineer noted in their approval of a prior SUP there be a requirement to improve the visibility to the left of the Gatehouse as you exit the community to Knoll Road. These Town required improvements included:

1. A “shave down” of the grassed area to meet the visibility goals requested by the Town Engineer
2. Removal of several sections of fencing
3. Removal of several trees

All of these visibility improvements were completed by the Developer/Declarant and are noted in the TIA.

Property Owners of Mid-South have requested to add two (2) stop signs to Knoll Road at this intersection to provide for a 4-way stop. The Declarant/Developer requested these additional stop signs as part of a prior review by the Town Engineer, yet that request was turned down.

As a separate matter, not included with this SUP process, the Mid-South Property Owner's Association may pursue with Town Staff the addition of two (2) stop signs on Knoll Road and the creation of a 4-way stop at this intersection.



LEGEND

- PROJECT BOUNDARY
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING SEWER LINE (APPROXIMATE LOCATION)
- EXISTING WATER LINE (APPROXIMATE LOCATION)
- EXISTING MANHOLE
- PROPOSED GATEHOUSE LOT
- OPEN SPACE

PROPERTY INFORMATION

PROPERTY OWNER(S):
PLANTATION INVESTORS, LLC
P.O. BOX 8000
PINEHURST, NC 28374

PARCEL ID: 00041026701 PIN: 857200264820
DB: 2069 PG: 533

APPLICANT:
PLANTATION INVESTORS, LLC
P.O. BOX 8000
PINEHURST, NC 28374

TOTAL ACREAGE (AREA A): ±2.03 AC

TOTAL LOTS (AREA A): 2 SINGLE FAMILY LOTS

TOTAL OPEN SPACE (AREA A): ±0.80 AC

ZONING INFORMATION

ZONING CLASSIFICATION:
RS-2 CD

FLOODPLAIN DATA

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

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER
NFIP FIRM COMMUNITY
PANEL(S) NO: 8572
MAP(S): 3710857200J
DATE: OCTOBER 17, 2006

CAUTION

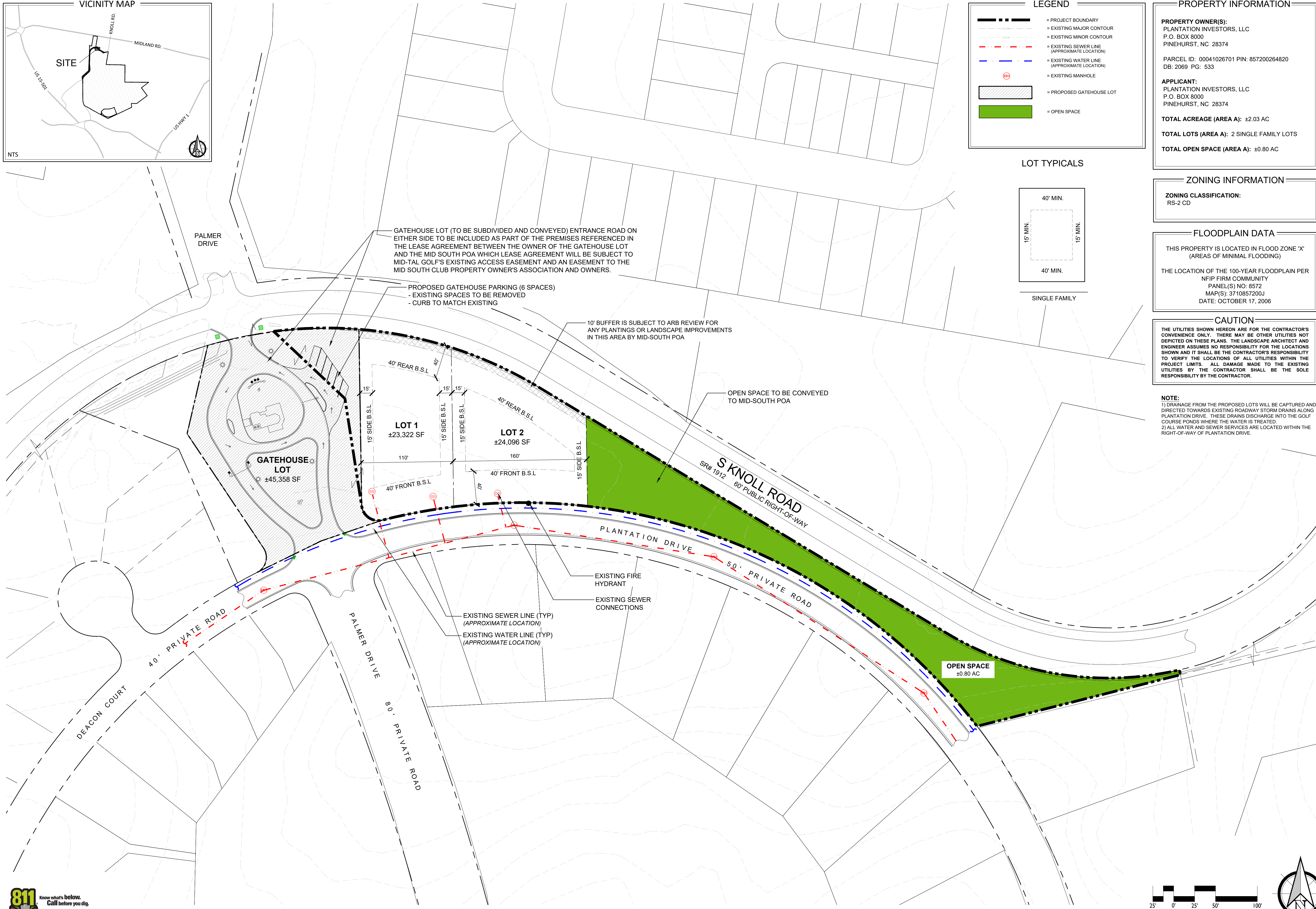
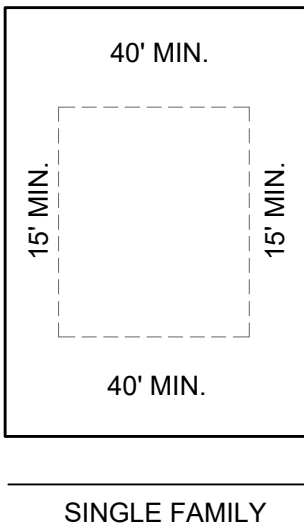
THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT DEPICTED ON THESE PLANS. THE LANDSCAPE ARCHITECT AND ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES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

NOTE:

1) DRAINAGE FROM THE PROPOSED LOTS WILL BE CAPTURED AND DIRECTED TOWARDS EXISTING ROADWAY STORM DRAINS ALONG PLANTATION DRIVE. THESE DRAINS DISCHARGE INTO THE GOLF COURSE PONDS WHERE THE WATER IS TREATED

2) ALL WATER AND SEWER SERVICES ARE LOCATED WITHIN THE RIGHT-OF-WAY OF PLANTATION DRIVE.

LOT TYPICALS



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

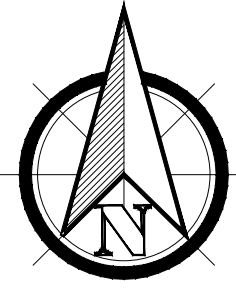
REVISIONS:
1) 2022-12-06 - PLANNING BOARD COMMENTS
(2022-11-17 MEETING)

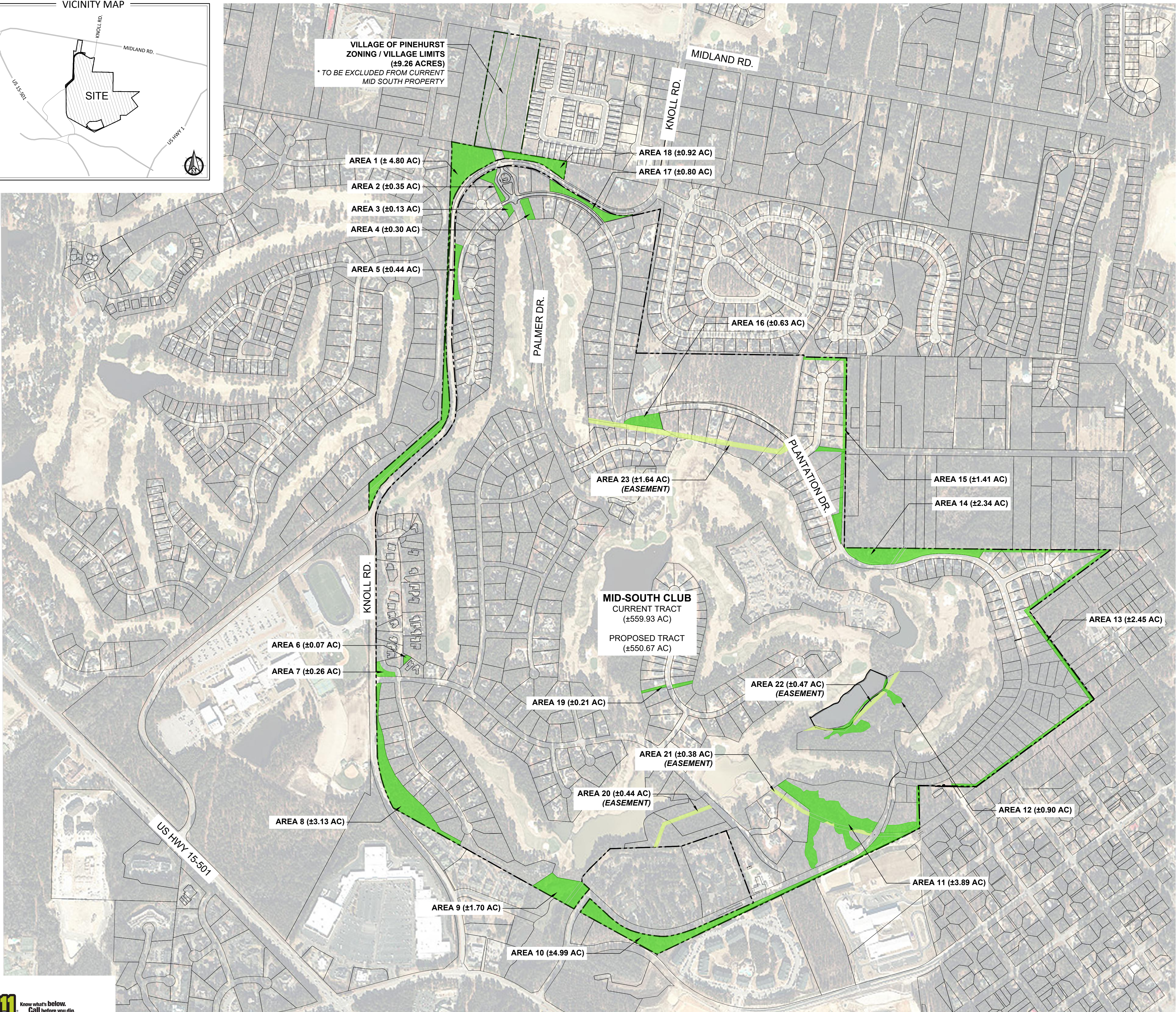
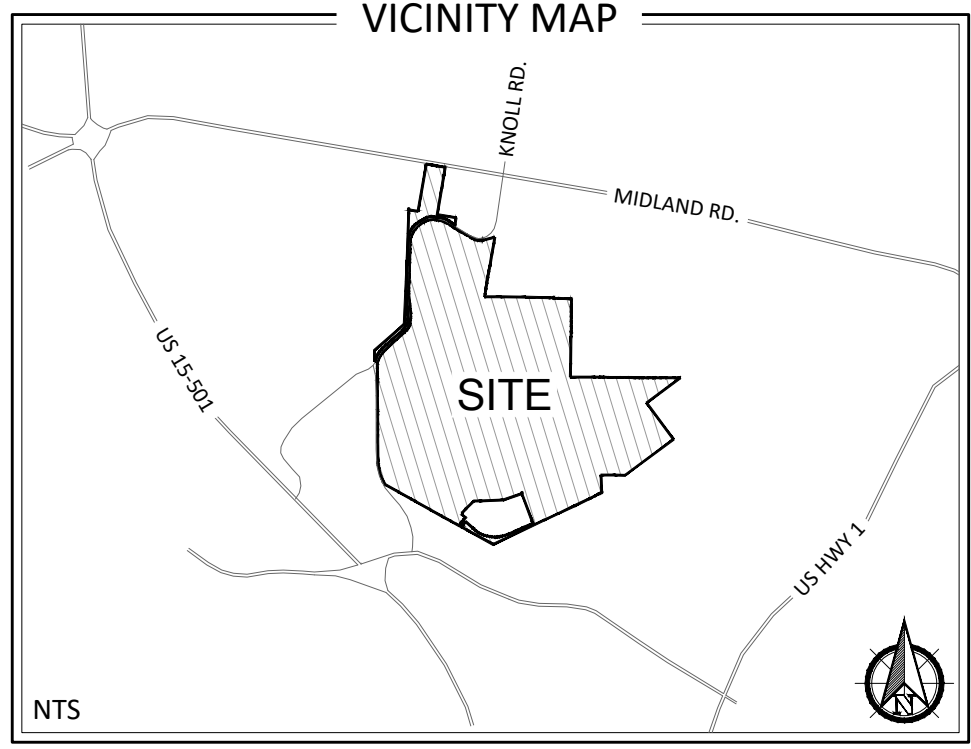
COONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-8467
W: www.coontzjonesdesign.com

MID-SOUTH CLUB
SPECIAL USE PERMIT - SITE PLAN
SOUTHERN PINES, NORTH CAROLINA
AREA A - PRELIMINARY PLAT

DATE: 09-12-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 50'-0"
PROJECT #: KJ202017
SHEET NUMBER:
L-1.2





PROPERTY INFORMATION

PROPERTY OWNER(S):
PLANTATION INVESTORS, LLC
P.O. BOX 8000
PINEHURST, NC 28374-8000

(PORTION OF)
PARCEL ID: 0041026701 PIN: 857200264820
DB: 2069 PG: 533

APPLICANT:
PLANTATION INVESTORS, LLC
P.O. BOX 8000
PINEHURST, NC 28374-8000

EXISTING
TOTAL ACREAGE (MID SOUTH): ±559.93 AC

PROPERTY ACREAGE (TO BE EXCLUDED): ±9.26 AC

PROPOSED
TOTAL ACREAGE (MID SOUTH): ±550.67 AC

* OPEN SPACE FOR THE REVISED ACREAGE FOR MID SOUTH PROPERTY WILL MEET AND/OR EXCEED THE REQUIRED OPEN SPACE (±28.16 AC) AT FULL-BUILD OUT PER THE ORIGINAL APPROVED SITE PLAN

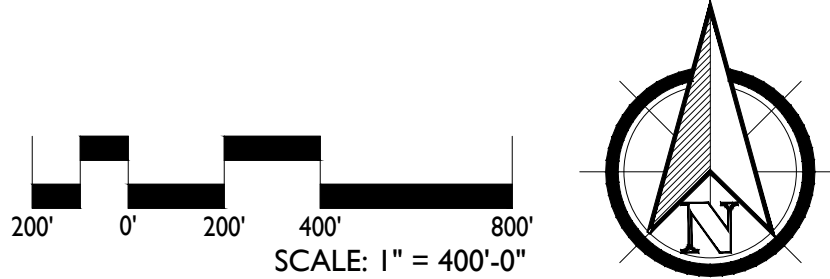
LEGEND

--- PROPERTY BOUNDARY

EXISTING OPEN SPACE (ORIGINAL APPROVAL) (±28.72 AC)

EXISTING OPEN SPACE (EASEMENTS) (±2.93 AC)

TOTAL OPEN SPACE (PROVIDED) (±32.65)



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

REVISIONS:
1) 2022.12.06 - PLANNING BOARD COMMENTS

COONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-9467
W: www.coontzjonesdesign.com

MID-SOUTH CLUB
SPECIAL USE PERMIT
SOUTHERN PINES, NORTH CAROLINA
OVERALL MASTER PLAN - EXISTING OPEN SPACE

DATE: 10-14-2022
DESIGNED BY: JWS
DRAWN BY: JWS
CHECKED BY: JWS
SCALE: 1" = 400'-0"
PROJECT #: KID2017
SHEET NUMBER:
L-3.0

Re-record

May

FOR REGISTRATION REGISTER OF DEEDS
JUDY D. MARTIN
MOORE COUNTY, NC
2002 SEP 24 02:36:06 PM
BK. 2069 PG. 533-543 FEE: \$39.00
INSTRUMENT # 2002017705

FOR REGISTRATION REGISTER OF DEEDS
JUDY D. MARTIN
MOORE COUNTY, NC
2002 AUG 09 04:03:21 PM
BK. 2038 PG. 181-189 FEE: \$35.00
INSTRUMENT # 2002014702

Excise Tax \$0

Tax Lot No _____ Parcel Identifier No _____

Verified by _____ County on the _____ day of August, 2002

by _____

Mail after recording to David R. Fricke, Esq. Hunton & Williams, Post Office Box 109, Raleigh,
N C 27602

This instrument was prepared by David R. Fricke, Esq.

Brief description for the index

NORTH CAROLINA NON-WARRANTY DEED

THIS DEED made this 9th day of August, 2002, by and between **PLANTATION GOLF, LLC** (formerly known as Plantation Pinehurst Golf, LLC), a Delaware limited liability company having an address at c/o Credit Suisse First Boston Mortgage Capital LLC, 11 Madison Avenue, New York, New York 10010 ("**Grantor**"), and **PLANTATION INVESTORS, LLC**, a Delaware limited liability company having an address at having an address at 740-A NW Broad Street, Southern Pines, North Carolina 28387 ("**Grantee**") The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context

North Carolina
DUP

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, hereby grants, bargains, sells, and conveys unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Southern Pines, McNeills Township, Moore County, North Carolina and more particularly described on Schedule A annexed hereto and made a part hereof

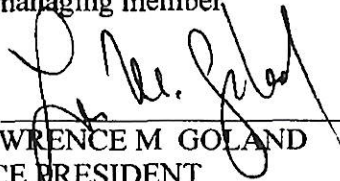
The property hereinabove described was acquired by Grantor by instrument recorded on November 3, 2000 in Book 1676, Page 72 in the Office of the Register of Deeds, Moore County, North Carolina

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple

And the Grantor makes no warranty, express or implied, as to title to the property hereinabove described.

PLANTATION GOLF, LLC, a Delaware limited liability company

By **PTG Holdings, Inc**, a Delaware corporation,
its managing member

By 

LAWRENCE M GOLAND
VICE PRESIDENT

STATE OF NEW YORK)
) ss :
COUNTY OF NEW YORK)

I, a Notary Public for the County and State aforesaid, certify that LAWRENCE M GOLAND personally came before me and acknowledged that he is the Vice President of PTG Holdings, Inc , a Delaware corporation, which corporation is the managing member of Plantation Golf, LLC, a Delaware limited liability company, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Vice President.

Witness my hand and notarial seal, this the 7th day of August, 2002.

Notary Public

My commission expires _____

ANTOINE KHADER
Notary Public, State of New York
No. 01KH6064840
Qualified in Suffolk County
Commission Expires October 1, 2005

The foregoing Certificate(s) of

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof

_____ REGISTER OF DEEDS FOR _____ COUNTY

By _____ Deputy/Assistant-Register of Deeds

SCHEDULE A

Description of Property

All that certain lot or tract of land lying and being in Moore County, State of North Carolina, and being more particularly described as follows:

A certain tract or parcel of land in McNeills Township, Moore County, Southern Pines, North Carolina, bounded on the north by Midland Farms Subdivision and Midland Road (NC. Highway No.2), on the west by State Road No. 1905 and the properties owned by Pinehurst National Corporation and the Moore County Board of Education (Pinecrest High School Tract), on the southeast by Pine Street, the south by Pinecrest Plaza, the properties of Van Camp and others, and on the east by Westhaven Grove, the Eastman lands and others, being more particularly described as follows:

Tract I:

BEGINNING at a P.K. nail in the center of the pavement of State Road No. 1905, in the west line of Grantor's 451.8 acre Chatham Lumber Company Tract as described in a deed recorded in Deed Book 238, Page 205, Moore County Registry, said point of BEGINNING being located the following courses and distances from North Carolina Geodetic Survey Monument "Crest", S 66° 49' 06" E 3779.53 feet, S 61° 15' 56" E 76 48 feet, and N 00° 10' 14" W 455.52 feet to the point of beginning of this tract; running thence from the point of beginning as near the center of State Road No. 1905 and beyond N 00° 10' 14" W 2275.56 feet to a concrete monument, a common corner of this tract and the Pinehurst National Corporation Property as shown on plat recorded in Plat Cabinet 4, Slide 55 in the Moore County Registry; thence with the line of Pinehurst National Corporation N 49° 33' 56" E 24.20 feet to a concrete monument; thence N 49° 03' 21" E 767.13 feet to an iron stake; thence N 2° 06' 23" E 2387.79 feet to a concrete monument, the common corner with Pinehurst National Corporation as shown on plat recorded in Plat Cabinet 4, Slide 29 in the Moore County Registry; said corner also being the southwest corner of John Tighe's property as described in Deed Book 906, Page 365 in the Moore County Registry, also being the southern common corners of Lot 29 and Lot 31, Midland Farms Subdivision as shown on plat recorded in Map Book 2, Page 1 in the Moore County Registry; thence along and with the south line of John Tighe's property S 80° 11' 36" E 199.96 feet to a concrete monument; thence with the eastern line of John Tighe's property N 9° 44' 27" E 1000.43 feet to a concrete monument in the southern right-of-way of Midland Road (120 feet wide); thence along and with the southern right-of-way of Midland Road S 80° 09' 42" E 199.74 feet to an iron stake; thence S 80° 11' 52" E 199.92 feet to a concrete monument, said monument also being the northwest corner of Frank Connor's property described in Deed Book 1273, Page 169 in the Moore County Registry; thence leaving the road and running with the Connor line S 9° 42' 35" W 1000.17 feet to a concrete monument; thence with the Connor line S 80° 18' 39" E 400.01 feet to a concrete monument, the south common corner of Frank Connor and Brenda Bauer's property as described in Deed Book 1404, Page 235 in the Moore County Registry; said monument also being the north west corner of the Morrell tract; thence with the Morrell tract S 09° 42' 35" W 156.69 feet to an iron stake; thence S 58° 55' 00" E 397.14 feet to an iron stake; thence along a curve to the left, said curve having a radius of 315 feet, an arc distance of 612.32 feet, and a chord of N 65° 23' 47" E 520.37 feet to an iron stake; thence N 09° 42' 35" E 6.78 feet to a concrete monument at the current southern terminus of Knoll Road and also being the southeast corner of Lot 4, Mid-South Properties Inc. as shown on plat recorded in Map Book 4, Page 88 in the Moore County Registry; thence crossing Knoll Road S 80° 09' 23" E 60.03 feet to a concrete monument, the southwest corner of Lot 5, Mid-South Properties Inc. and the northwest corner of the "Otter Pond Tract" as described in Deed Book 1490, Page 172 in the Moore County Registry; thence with the eastern line of the "Otter Pond Tract" S 9° 49' 06" W 2127.40 feet to an iron stake; thence S 80° 32' 40" E 1556.20 feet to a concrete monument; thence N 02° 04' 55" E 813.96 feet to a concrete monument; thence S 88° 41' 47" E 364.95 feet to an iron stake, the northwest corner of the Town of Southern Pines property as described in Deed Book 467, Page 241; thence S 1° 42' 56" W 785.37 feet to an iron stake in the western line of Margaret Smith's property as described in Deed Book 636, Page 126 in the Moore County Registry; thence S 2° 20' 56" W 164.63

Tract I: (Continued)

feet to an iron stake; thence S 02° 19' 51" W 642.07 feet to an iron stake; thence S 88° 00' 47" E 789.52 feet to an iron stake in the south line of Jonathan Waddell's property as described in Deed Book 359, Page 12 in the Moore County Registry; thence S 88° 50' 26" E 1515.10 feet to an iron stake, the northeast corner of the former J.V. Jessup Construction Company, Inc., 30.913 acre tract described in a deed recorded in Deed Book 375, Page 440 in the Moore County Registry; thence S 53° 32' 11" W 872.41 feet to an iron stake; thence S 36° 25' 53" E 949.78 feet to an iron stake in the northern right-of-way of Pine Street; thence along and with the northern right-of-way of Pine Street S 53° 30' 36" W 539.69 feet to a concrete monument; thence S 53° 32' 49" W 718.63 feet to a concrete monument; thence leaving said Pine Street right-of-way N 89° 09' 23" W 636.19 feet to an iron stake; thence S 22° 27' 19" E 393.66 feet to an iron stake in the northern right-of-way of Pine Street; thence leaving said Pine Street right-of-way S 64° 29' 33" W 2496.56 feet to an iron stake (the tie line corner to the Tanglewood Apartment Tract); thence N 61° 14' 36" W 1196.33 feet, crossing SR. No. 1927 to a concrete monument; thence N 61° 15' 56" W 1371.94 feet to a concrete monument in the eastern right-of-way of State Road No. 1905; thence along and with the eastern right-of-way of SR. No. 1905 as it curves to the right, said curve having a radius of 1079.80 feet, arc distance of 585.17 feet, and a chord of N 15° 39' 05" W 578.04 feet to an iron stake; thence S 89° 49' 46" W 29.63 feet to the point and place of beginning, containing 553.24 acres, more or less and being the same property described in Deed Book 1676, Page 372 in the Moore County Registry.

TOGETHER WITH the easements and rights granted pursuant to that certain Declaration of Covenants, Conditions and Restrictions of Pinchurst National East Development recorded at Deed Book 878, Page 180 as amended at Deed Book 1057, Page 177 and at Deed Book 1160, Page 90 and the Covenants, Declarations and Restrictions for Birkdale Village Pinchurst Plantation Golf Club recorded at Deed Book 1232, Page 384, all in the Moore County Registry. Also a perpetual easement for ingress, egress and regress, consisting of an easement 60 feet in width extending from the southwest corner of John Tighe's property, being the southwest corner of Lot 31, Midland Farms Subdivision as shown on plat recorded in Map Book 2, Page 1 in the Moore County Registry and extending to the east line of a 60 foot wide road between Lots 27 and 29, Midland Farms and as described in a deed recorded in Book 513, Page 322, Moore County Registry, and that certain Encroachment Permit related thereto as described in deed recorded in Deed Book 615, Page 432, aforesaid records.

EXCEPTING from the above described tract is a tract containing 18.02 acres encompassing the Tanglewood Apartment Development, described as follows:

BEGINNING at an iron stake in the northern right-of-way of Windsong Drive, said iron stake being located N 45° 46' 45" E 367.95 feet from the most southerly corner of the above-described 553.24 acre tract (previously designated as the tie corner to the Tanglewood Apartment Tract); running thence from the beginning with the northern right-of-way of Windsong Drive as it curves to the right, said curve having a radius of 583.68 feet, an arc distance of 674.31 feet, and a chord of N 80° 41' 20" W 637.43 feet to an iron stake; thence continuing with the northern right-of-way of said road and beyond, N 47° 35' 37" W 367.87 feet to an iron stake in the Moore County Sewer Line Easement as described in Deed Book 393, Page 19 in the Moore County Registry; thence N 32° 34' 20" W 42.79 feet to an iron stake; thence N 36° 36' 35" E 105.00 feet to an iron stake; thence N 46° 09' 17" E 237.92 feet to an iron stake; thence N 87° 58' 11" E 610.00 feet crossing the Moore County Sewer Line to an iron stake; thence N 71° 02' 15" E 412.63 feet to an iron stake; thence S 20° 21' 16" E 600.71 feet to an iron stake in the northwest right-of-way of Windsong Drive; thence along and with the northern right-of-way of Windsong Drive S 66° 12' 57" W 567.19 feet to the point and place of beginning, containing 18.02 acres more or less.

SAVE and excepting the following residential lots previously conveyed to third parties:

Phase 1A: Lots 1056, 1057, 1058, 1059, 1060, 1061, 2090 & 2091 Recorded in Plat Cabinet 5, Slide 281.

Tract I: (Continued)

Phase 1A: Lots 1092, 1093, 1094, 1095, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1108, 1109, 1110, 1111, 1113, 1114, 2152, 2153, 2154, 2184, 2185, 2186, 2187, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2208, 2209 & 2210 Recorded in Plat Cabinet 5, Slide 282.

Phase 1B: Lots 1065, 1066, 2082, 2083, 2084, 2085, 2086, 2087, 2088 & 2089 Recorded in Plat Cabinet 5, Slide 302.
Lots 1116, 1117, 1118, 1119, 1122, 1123, 1124, 1125, 1126, 1130, 1137, 1138 & 2132 Recorded in Plat Cabinet 5, Slide 303.
Lots 1127, 1128, 1129, 1134, 1135, 1140, 1141, 1142, 2131, 2133, 2136, 2139, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150 & 2151 Recorded in Plat Cabinet 5, Slide 303.

Phase 1C: Lots 1069, 1070, 1071, 1072, 1073, 1074, 1075, 2077, 2078, 2079, 2080 & 2081 Recorded in Plat Cabinet 5, Slide 298.
Lots 2159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1174, 2155, 2156, 2157, 2158, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2205, 2206 & 2207 Recorded in Plat Cabinet 5, Slide 299.

Phase 1B: Lot 1115R, Recorded in Plat Cabinet 5, Slide 693.

Phase 1D: Lots 1001, 1002 & 1003, Recorded in Plat Cabinet 5, Slide 715.

Phase 1D: Lots 239, 240, 241, 242 & 102, Birkdale Village, Recorded in Plat Cabinet 6, Slides 404.

ALSO CONVEYED hereby is an easement which allows access over the platted and planned roads of the subdivision known as Pinehurst Plantation, Moore County, North Carolina, As shown on plats recorded in office of the Town Southern Pines and the register of Deeds Office.

EXPLANATION STATEMENT TO CORRECT A MINOR ERROR MADE IN THE
ATTACHED INSTRUMENT AS ORIGINALLY RECORDED

NAMES OF ALL PARTIES TO THE ORIGINAL INSTRUMENT

GRANTOR Plantation Golf, LLC

GRANTEE. Plantation Investors, LLC

Recorded in Book No. 2038, Page 181-189, Moore County Registry

The undersigned, hereby certifies that he prepared the attached Deed and the following correction is made in the recorded instrument in accordance with the provisions of G S. 47-36 1

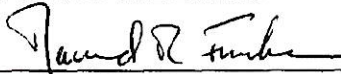
DESCRIPTION OF CORRECTION

Plantation Investors, LLC was inadvertently referred to as a Delaware limited liability company.
Plantation Investors, LLC, is a North Carolina limited liability company.

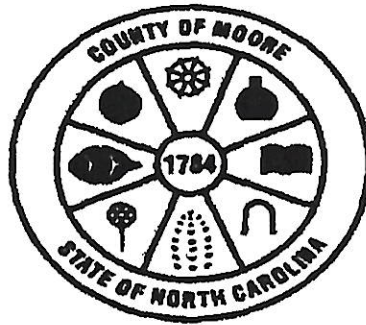
This the 19th day of September, 2002

HUNTON & WILLIAMS

By.



David R. Fricke



JUDY D. MARTIN
REGISTER OF DEEDS, MOORE
JUDICIAL BUILDING
100 DOWD STREET
CARTHAGE, NC 28327

Filed For Registration: 08/09/2002 04:03:21 PM

Book: RE 2038 Page: 181-189

Document No.: 2002014702

DEED 9 PGS \$35.00

Recorder: REGINA GARNER

State of North Carolina, County of Moore

The foregoing certificate of ANTOINE KHADER Notary is certified to be correct. This 9TH of August 2002

JUDY D. MARTIN , REGISTER OF DEEDS

By: *Janette B. Chisholm*
Deputy Assistant Register of Deeds

2002014702
2002014702



JUDY D MARTIN
REGISTER OF DEEDS, MOORE
JUDICIAL BUILDING
100 DOWD STREET
CARTHAGE, NC 28327

Filed For Registration: 09/24/2002 02:36:06 PM

Book: RE 2069 Page: 533-543

Document No.: 2002017705

DEED 11 PGS \$39.00

Recorder. REGINA GARNER

State of North Carolina, County of Moore

JUDY D. MARTIN , REGISTER OF DEEDS

By. Regina Garner
Deputy/Assistant Register of Deeds

2002017705
2002017705

APPOINTMENT OF AGENT

Bob Levy &
Koontz Jones Design, PLLC

The undersigned owner(s), Plantation Investments LLC, hereby appoint(s) _____ 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 12th day of September, 2022.

Bill Perry Managing Member
Property Owner

Property Owner

Auty H.
Agent
[Signature]

8-27-21

VOIT GILMORE TRACT

Southern Pines, North Carolina
July, 1988

MASTER PLAN DESIGN TEAM

**Palmer Course Design Company
Golf Course Architects
Ponte Vedra Beach, Florida**

**Edward D. Stone, Jr. and Associates
Planners and Landscape Architects
Wilmington, North Carolina**

**DEVELOPED BY:
L.F. Rossignol Development
Corporation of North Carolina
Raleigh, North Carolina**

VOIT GILMORE TRACT

SINGLE FAMILY RESIDENTIAL (6.4-4)

Zoning and Ownership

The site is presently zoned in the Town of Southern Pines under the classification of Residential Single Family (RS2-CD). The property is currently owned by Voit Gilmore/Storey Corporation with the ownership being transferred to L.F. Rossignol Development Corporation prior to construction. The development will be private and, as such, will be maintained by a Homeowner's Association.

Planning Objectives

The Voit Gilmore Tract is to be a private residential development constructed around an eighteen hole golf course. The single family phase of the development will be complemented in future submissions with cottage lot and multi-family development. The single family area and roadway system are to be developed with minimal disturbance to the existing pine forest and topography. A feeling of natural openness is to be created throughout the development. An overall theme of old country charm will be promoted throughout the development in the architecture, fencing and landscape treatment. The single family lots have been designed to take advantage of the best views of golf and water amenities.

Development Schedule

Construction of the single family residential and roadway system is expected to begin immediately upon Conditional Use Permit approval and all related state agency approvals. Construction and completion of the extension of Knoll Road will occur simultaneously. Clearing and grading of the entrance drive from Midland Road to Knoll Road is scheduled to begin in mid September, 1988 and be completed by December 1, 1988. Construction of Knoll Road to the main entrance corridor is scheduled to take place from the first of October to mid December, 1988. The main entrance corridor shall be under construction from November 1, 1988 to April 1, 1989. Construction of the single family residential circulation is scheduled to begin mid November, 1988 with utility installation occurring in mid December and paving in March, 1989. Landscaping would begin as soon as the paving is completed. The main entrance corridor, Knoll Road Extension and loop road system are proposed to be open for traffic by October 1, 1989. In addition, the first lots within the single family residential would be available for sale at the same time.

Development Data

The single family residential development comprises approximately 60% of the total residential density. Developed on ± 208.70 acres and with a density of 1.85 du/ac, 383 lots are proposed with 187 on golf fairways, 11 on water and the remaining 185 in wooded areas. Two minimum sizes of lots are proposed: 110' x 180' lots along the golf fairways and 120' x 160' lots away from the fairways. Approximately 178.6 acres of golf will be developed throughout the single family residential with an additional ± 25.5 acres of lakes and ± 28.20 acres of natural area/open space between the golf and residential lots. Approximately 43.20 acres of road R.O.W. is laid out through the single family area.

Buildings, Structures and Improvements

All single family dwelling units will be submitted for site plan review prior to obtaining building permits at the time of construction. The density for the single family development is 1.85 d.u./acre.

Natural Areas and Open Space

The golf course, which meanders through the single family residential, is comprised of ± 178.60 acres, of which ± 45.1 acres will not be cleared and will remain in a natural state. An existing ± 8 -acre lake is the central focus of the site; however, an additional ± 15 acres of lakes are to be created. All areas between the golf course corridors and the backs of residential lots or property buffer shall remain as Natural Area/Open Space. Comprised of approximately 28.20 acres, the Open Space areas shall have walking/jogging trails developed within for use by all residents.

Traffic/Circulation

The extension of Knoll Road has been proposed abutting the north and west sides of the Voit Gilmore Tract. The funding and construction of the Knoll Road Extension will be completed as a part of the development of the Voit Gilmore Tract. The main project entrance is located off Midland Road; however, a secondary entrance has been located at the southwest corner of the project on Pinecrest School Road. Both entrances are to be gated with a manned guardhouse at the main entrance. All construction and service traffic will enter/exit from this secondary access which connects to Morganton Road. Service traffic to the golf maintenance area will use Windsong Drive which will be abandoned beyond Tanglewood Apartments. The only proposed crossover on Midland Road would be at the Knoll Road intersection. No crossover at Dr. Neil Road across from the main entrance is proposed or advocated. Any traffic leaving the Voit Gilmore Tract via the

main entrance will be required to turn right (east) on Midland Road. In addition, north bound traffic on the Knoll Road extension will not be allowed to turn left at the main entrance, but will continue on Knoll Road to Midland Road. All streets within the development will be private and, as such, will be maintained by a Homeowner's Association. Each single family lot will be served by a private driveway.

Landscaping and Buffering

Every effort will be made to preserve as many trees as possible. Special measures such as tree wells, retaining walls, etc. shall be employed where grade changes are required close to existing trees.

A minimum 25' buffer screen will be established around the perimeter of the site. All existing plant material shall remain in buffer. In addition, the area between the cleared golf corridor and the back of residential lot lines shall remain as a natural buffer. In areas where plant material is removed due to necessity or no plant material exists, supplemental landscaping may be installed to enhance and/or create the buffer screening. Buffer plant material will be predominantly evergreen used in conjunction with native flowering trees and shrubs.

Brick/wrought iron/wood, and chainlink fencing shall be installed around the perimeter of the site. Project entrances shall be buffered with walls. The walls are to be of a stone/brick construction with a height of five to eight feet. Fencing is intended to be a compatible buffering treatment with the project entrance walls and landscaping. The height of fence will be a minimum of five feet. The main entrance corridor from Midland Road to the Clubhouse area is to be heavily landscaped with native flowering/ornamental plant material. The corridor is a boulevard with a landscaped median.

All landscaping requirements shall conform to or exceed the Southern Pines Zoning Ordinance, Section 11 - Landscaping and Buffer Requirements.

In addition, the landscaping is intended to promote compatible and continuous landscape treatment and buffering throughout the site. More specifically, the standards are intended to provide for a neat and well maintained appearance throughout the single family area, as it blends in with the golf course, the surrounding courses of Pinehurst National and Starland Farms, and the adjacent residential development to the north along Midland Road.

Minutes

Regular Meeting of the Southern Pines Town Council

Tuesday, September 13, 1988, 7:00 P.M., Council Chambers

C. CU-08-88 Voit Gilmore (PRD)

Request for a conditional use permit to allow 383 single family lots as a Planned Residential Development (PRD) as part of the Pinehurst Plantation Golf development. The development is to be located on the south side of Midland Road between Pinehurst National Golf Club and the proposed Carolina Retreat Development.

The petitioner is requesting a Conditional Use Permit for a 647-unit Planned Residential Development located east of the Pinehurst National Golf Development and south of Midland Road. The petitioner is requesting initial approval for 383 single-family lots as first phase of the residential development. The petitioner will be submitting, at a later date, the site plans for the zero lot line cottage units and multi-family townhouse units as a separate approval by the Planning Board and Town Council.

The developer will be required to have site plan approval for the zero lot line patio home lots and multi-family townhomes. The current request for approval of the single-family lots will also serve as preliminary subdivision plat for the single-family lots only.

Public hearing comments were generally favorable toward the request. The developer informed the staff that they will be providing a revised plan that will show 384 lots instead 383 as currently shown on the CUP proposal. 384 was the approved density in the rezoning request. This should not present a significant change from the present site plan.

Councilman Daniels made a motion to approve CU-08-88 provided a revised site plan is submitted denoting the additional lot. Motion was seconded by Councilman Clark and carried unanimously.

D. S-05-88 Middleton Place, Phase 5, Page 2

Request for final plat approval for units 29 and 30 of Middleton Place located on the northeast corner of the intersection of Pee Dee Road and Midland Road.

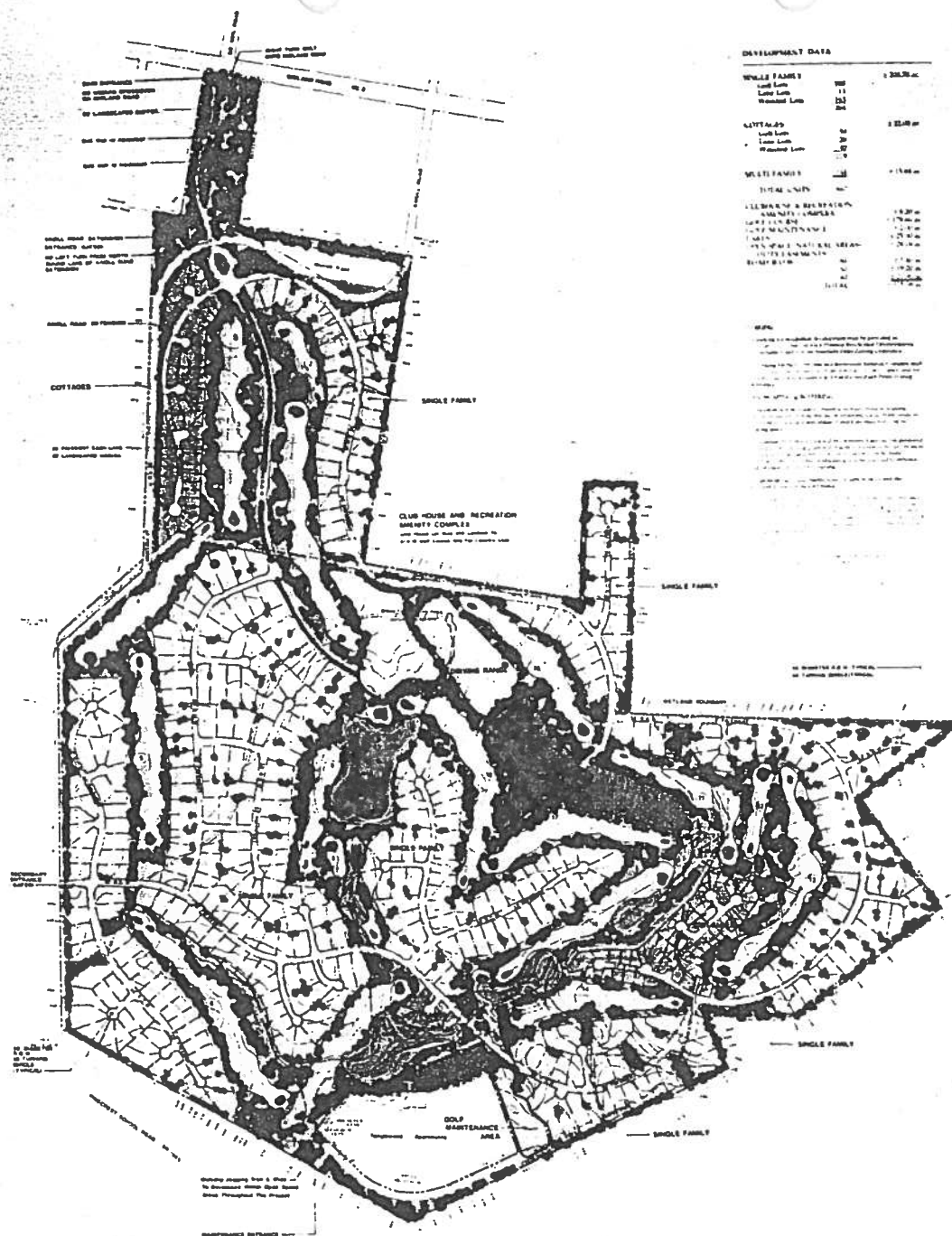
Middleton Place received Conditional Use approval on January 10, 1984 for 65 detached/attached single-family residential units. The petitioner is requesting final plat approval for Phase 5, Page 2 of this development.

Councilman Clark moved to grant S-05-88. Motion was seconded by Councilman Daniels and carried unanimously.

E. S-06-88 Knollwood Village Townhouses, Units 167-172

Request for final plat approval for units 167-172 of the Knollwood Village addition located on the western portion of the existing Knollwood Village development.

The Knollwood Village addition (units 159-218) received Conditional Use approval on September 13, 1987. The petitioner is requesting final plat approval for lots 167-172.



DEVELOPMENT DATA

DEVELOPMENT DATA	AMOUNT	TOTAL AC.
SINGLE FAMILY		1,200.00
Semi-Lot	100	
Lot	10	
Wooded Lot	10	
CAVITY AREA		1,200.00
Lot	100	
Lot	10	
Wooded Lot	10	
MULTI-FAMILY		1,200.00
TOTAL LOTS	100	
CLUBHOUSE & RECREATION AMENITY COMPLEX		1,200.00
CLUBHOUSE	1,200.00	
RECREATION	1,200.00	
AMENITY	1,200.00	
TOTAL	1,200.00	
GOLF COURSE		1,200.00
TOTAL	1,200.00	
WATER		1,200.00
TOTAL	1,200.00	

SITE PLAN

VOIT GILMORE TRACT

Southern Pines-Pinehurst, North Carolina

L.F. Rossmore Development Corporation
of North Carolina
Raleigh, North Carolina

Edward B. Stone II and Associates
Landscape Architects and Planners
Wilmington, North Carolina

Palmer Course Design Company
Golf Course Architects
Ponte Vedra Beach, Florida



CU-08-88 Voit Gilmore (Pinehurst Plantations)

Petitioner: L.F. Rossignol Developement Group
4020 Westchase Blvd., Suite 222
Raleigh, N.C. 27607

Property Owner: Voit Gilmore
901 Chinquapin Road
Pinehurst, N.C. 28374

Property Location: Located on the south side of Midland Road,
between Midland Road and Morganton Road.
(Tax Map McNeill Out 85 and Mineral Springs 86)

Property Acreage 535.58 acres

Current Zoning: RS-2 (CD)

Surrounding Land Uses: North - Pinehurst jurisdiction, single-family
lots zoned RA, vacant property zoned RSD (CD)
East - Vacant property zoned RSD(CD), single-
family zoned RS-1
South - Apartments zoned RM-3, vacant RA
West - Pinecrest High School zoned PC
Pinehurst National Zoned RS-3 (CD)

Request: The petitioner is seeking a Conditional Use
Permit based on Section 6-4.4, Planned Residential
Developments, of the Southern Pines Zoning
Ordinance.

Analysis of Request

The petitioner is requesting a Conditional Use Permit for a 647-unit Planned Residential Development located east of the Pinehurst National Golf Development and south of Midland Road. The petitioner is requesting intitial approval for 383 single-family lots as first phase of the residential development. The petitioner will be submitting, at a later date, the site plans for the zero lot line cottage units and multi-family townhouse units as a separate approval by the Planning Board and Town Council.

Development Impact

A. Density
Permitted 1,165 units
Proposed 647 units
Request/Single-family 383 units

B. Land Use (Request)
Single-family 208.70 acres

The developer will be required to have site plan approval for the zero lot line patio home lots and multi-family townhomes. The current request for approval of the single-family lots will also serve as preliminary subdivision plat for the single family lots only.

Public Hearing Comments

Public hearing comments were generally favorable toward the request. The developer informed the staff that they will be providing a revised plan that will show 384 lots instead 383 as currently show on the CUP proposal. 384 was the approved density in the rezoning rerquest. This should not present a significant change from the present site plan.

Planning Board and
Staff Recemmendation:

Grant the request on the condition that a revised
site plan is submitted and approved.

August 30, 1988

CONDITIONAL USE PERMIT

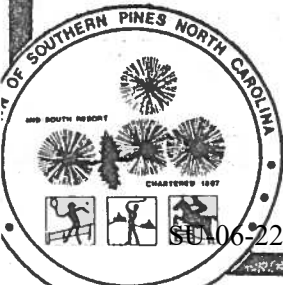
The Town Council of the Town of Southern Pines, North Carolina, having held a meeting on the 13th day of September, 1988, to consider case number CU - 08 - 88, application being made by Pinehurst Plantations, a request for a Conditional Use Permit to develop the property located between Midland Road and Tanglewood Apts., more specifically described as lot(s) number 2 & 3, block(s) number 1 & 5, of Moore County Tax Map # 85 & 86, McNeill Out & Mineral Spg Township, for the purpose of developing a mixed use golf development consisting of single and multi-family uses., and having heard all the evidence and arguments presented at the public hearing, makes the following findings:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plans as approved;
2. That the use meets the required conditions;
3. That the use will not substantially injure the value of adjacent or abutting properties, or that the use is a public necessity;
4. That the location and character of the use if developed according to the plans as submitted and approved, will be in harmony with the area in which it is located and in general conformity with the plan of development of Southern Pines and its environs.

Therefore, because the Town Council concludes that all of the specific and general conditions precedent to the issuance of a Conditional Use Permit have been satisfied, it is ordered that the application for the issuance of a Conditional Use Permit be granted, subject to the following conditions:

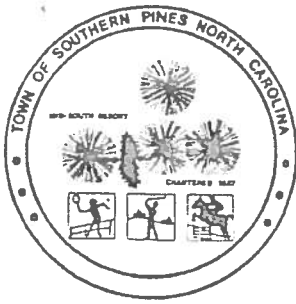
1. The applicant(s) shall fully comply with all of the specific requirements stated in the Zoning Ordinance for the proposed use, as well as any additional conditions stated below.
2. If any of the conditions stated below shall be held invalid, then this permit shall become void and of no effect.
3. The land must be developed in accordance with the site plan submitted and approved.
4. Other: All club cottage and multi-family sites must have site plan approval from Planning Board and Town Council.

Approved the 13th day of September, 1988, by the Town Council of the Town of Southern Pines, North Carolina.



Bart S. Nichols
Authorized Signature

Planner 9/20/88



Town of Southern Pines

POST OFFICE BOX 870
SOUTHERN PINES, NORTH CAROLINA 28387

June 17, 1988

Mr. Ben Green
L.E. Rossignol Dev. Corp.
4020 West Chase Blvd.
Suite 222
Raleigh, N.C. 27607

RE: Rezoning Request, Voit Gilmore Tract
Case #Z-15-87

Dear Mr. Green:

The Southern Pines Town Council, at its meeting on June 14, 1988, voted to approve your request to rezone 535 acres located on the south side of Midland Road from RA, RS-2, RM-3, RSMH to RS-2 (CD) for the purpose of developing a mixed use project consisting of an 18-hole golf course and accessory facilities with single and multi-family development. The town will need a metes and bounds description of the property from you before the rezoning becomes official.

In order to proceed with the project, the following steps should be followed:

1. A Conditional Use Permit (CUP) for any aspect of the residential development, the golf course must be obtained. An application for a CUP may involve all or a portion of the proposed uses delineated on the approved master site plan. Applications for a CUP should adhere to the submission requirements of either Section 6-4.4, Planned Residential Developments or Section 6-4.10, Golf Courses, depending on the nature of the particular phase being initiated.
2. A CUP will be necessary for each phase proposed to be initiated. The CUP process involves a public hearing, planning board review, and town council approval. The time frame for securing a CUP is normally about 60 days from application submission to approval.
3. Each CUP or site plan approval requested must adhere to the master site plan as originally approved or as amended with concurrence of the Town Council. Amendments to the master site plan will follow the same procedures as the CUP Process.
4. The final site plan for each phase initiated need only include the necessary support documentation (i.e., floor plans, building elevations, and landscape plans) for that particular phase.

Should you have further questions regarding the process for proceeding with the Voit
Gilmore Tract development, please advise.

Sincerely,

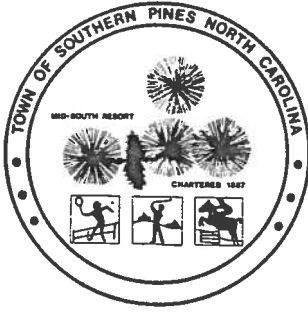
TOWN OF SOUTHERN PINES

A handwritten signature in cursive script that reads "Bart S. Nuckols".

Bart S. Nuckols
Planner

BSN/jm

CC: Jim Holshouser, Attorney at Law
John Wood, EDSA



Town of Southern Pines

POST OFFICE BOX 870
SOUTHERN PINES, NORTH CAROLINA 28387

December 6, 1988

Mr. Ben Green
L. F. Rossignol Development Corporation
4020 West Chase Blvd., Suite 222
Raleigh, North Carolina 27607

REFERENCE: Pinehurst Plantation Minimum Lot Area Requirement

Dear Mr. Green:

This letter is in reference to an inquiry by your office concerning the minimum lot area requirements of Pinehurst Plantation. I hope this will clarify any confusion that may have occurred.

Pinehurst Plantation received a Conditional Use Permit (C.U.P) under the planned residential development (P.R.D) requirements of the Southern Pines Zoning Ordinance. The P.R.D allows for a variance in the minimum lot area requirements if approved by the Planning Board and Town Council. The following minimum lot area requirements were approved with the C.U.P. as originally proposed by L. F. Rossignol Development Corporation. Golf fairway lots will be approximately 110' x 180' or 19,800 square feet and all other lots will be approximately 120' x 160' or 19,200 square feet.

If you should have any further questions, please advise.

Sincerely,

TOWN OF SOUTHERN PINES

Bart S. Nuckols
Planner

kd

cc: John Wood, E.D.S.A.

CU-08-64

(supersedes the plan dated July 12, 1986 through dated earlier)

DEVELOPMENT DATA

SINGLE FAMILY		± 208.70 ac
Golf Lots	188	
Lake Lots	13	
Wooded Lots	<u>183</u>	
	384	
COTTAGES		± 22.08 ac
Golf Lots	59	
Lake Lots	20	
Wooded Lots	<u>40</u>	
	119	
MULTI-FAMILY	<u>144</u>	± 15.84 ac
TOTAL UNITS	647	
CLUBHOUSE & RECREATION AMENITY COMPLEX		± 8.20 ac
GOLF COURSE		± 178.60 ac
GOLF MAINTENANCE LAKES		± 2.00 ac
OPEN SPACE/NATURAL AREAS/UTILITY EASEMENTS		± 25.50 ac
ROAD R.O.W.	80'	± 28.16 ac
	50'	± 5.40 ac
	40'	± 19.20 ac
		<u>± 21.90 ac</u>
TOTAL		± 535.58 ac

PARKING

All parking for residential development shall be provided in accordance with Section 6-4.4 Planned Residential Developments and Sections 8 and 9 of the Southern Pines Zoning Ordinance.

All parking for the Clubhouse and Recreation Amenity Complex shall be provided in accordance with Section 6-4.10 Golf Courses, and for Country Clubs and Sections 8 and 9 of the Southern Pines Zoning Ordinance.

LANDSCAPING & BUFFERING

Every effort will be made to preserve as many trees as possible. Special measures such as tree wells, retaining walls, drain fields, etc. should be employed where grade changes are required close to existing trees.

A minimum 25' buffer screen will be established around the perimeter of the site. All existing plant material shall remain in buffer. In areas where plant material is removed due to necessity or no plant material exists, additional landscaping will be installed to enhance and/or create the buffer screening.

All landscaping requirements shall conform to or exceed the Southern Pines Zoning Ordinance.

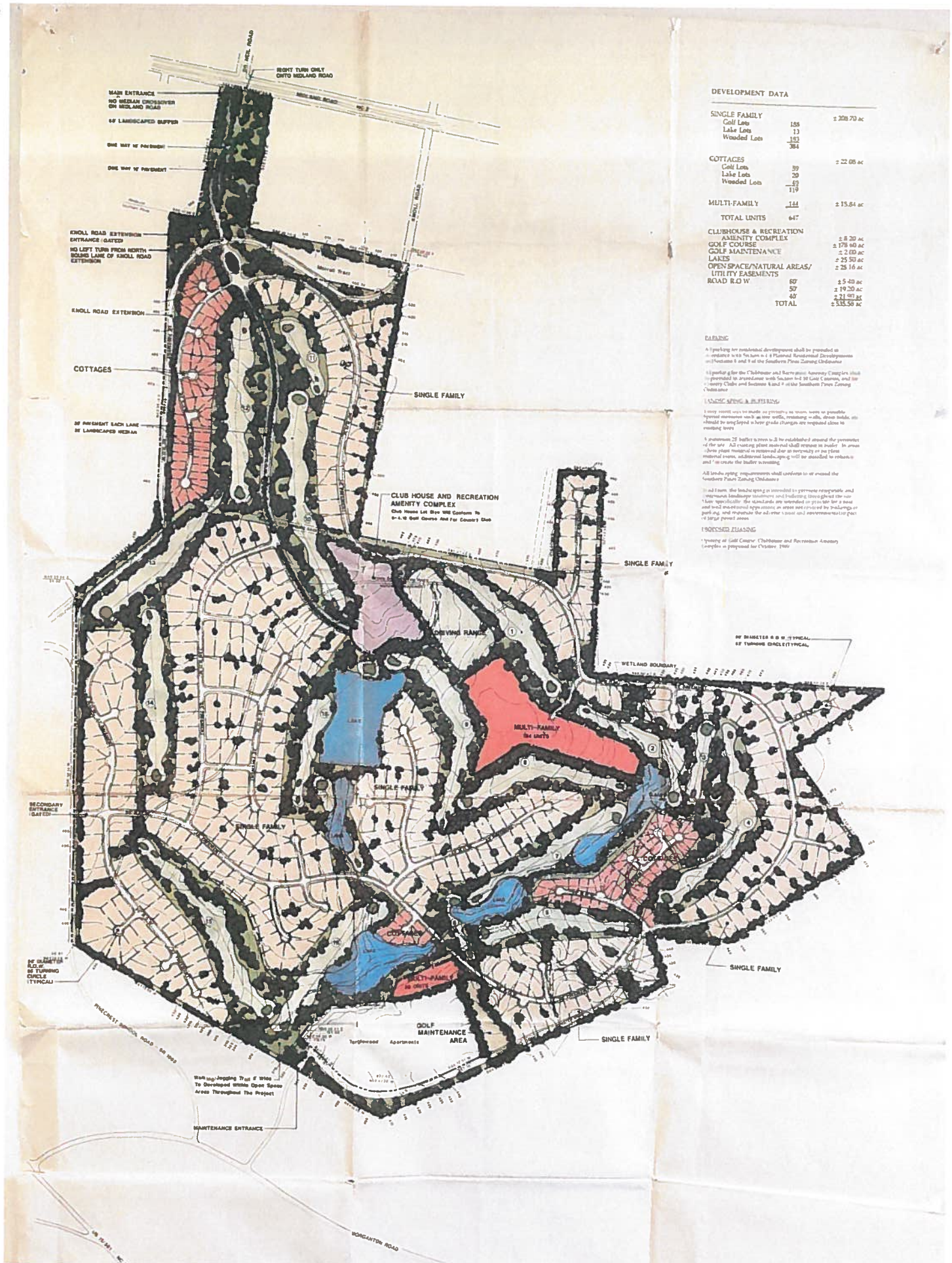
In addition, the landscaping is intended to promote compatible and continuous landscape treatment and buffering throughout the site. More specifically, the standards are intended to provide for a neat and well maintained appearance in areas not covered by buildings or parking, and minimize the adverse visual and environmental impact of large paved areas.

PROPOSED PHASING

Opening of Golf Course, Clubhouse and Recreation Amenity Complex is proposed for October, 1989.







Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director

Subject: PD-12-22: A Planned Development District - Preliminary Development Plan and Two Major Subdivision Preliminary Plats for 75 Total Dwelling Units Within an Existing Residential Development known as Caropines. Applicants: Caropines Ventures, LLC and 71st Partners, LLC; Paul Saathoff of KoontzJones Design PLLC, Authorized Agent

Date: January 10, 2023

I. SUMMARY OF APPLICATION REQUEST:

Mr. Paul Saathoff of KoontzJones Design, PLLC has submitted an application for a Planned Development - Preliminary Development Plan and Major Subdivision Preliminary Plat pursuant to Sections 2.18.5, and Section 2.20.4, respectively, of the Town of Southern Pines Unified Development Ordinance (UDO). The applications propose 75 total dwelling units within Phases 3B and 4 of the Caropines development. Caropines is located on the south side of Airport Road between NC Highway 22 and Hardee Lane. The proposed 75 units consist of 12 detached single-family lots with 8,000 square-foot minimum lot sizes and 11 smaller “cottage lots” with 5,000 square-foot minimum lot sizes in Phase 3B and 52 attached single-family (townhome) lots with 2,000 square-foot per unit minimum lot sizes in Phase 4. All phases proposed for development are zoned PD (Planned Development). Pursuant to the Moore County tax records, the phases proposed for development are portions of parcels identified as PIN: 858300789195 (PARID: 00031457) and PIN: 858400613908 (PARID: 20050760) owned by Caropines Ventures, LLC; PIN: 858419511440 (PARID: 96000281); PIN: 858419508871 (PARID: 96000280); and PIN: 858300592330 (PARID: 96000278) owned by 71st Partners, LLC.

Planning staff comment: The proposed Preliminary Development Plan was submitted previously for review in March of 2022, but at that time consisted of three phases of development. That application was continued by the Planning Board at the request of the applicants before eventually being withdrawn. The current submittal was received in September of 2022 and now consists of two phases of development and is undergoing a new review process meeting all notice requirements. The current submittal initially included a total of 98 lots between the two phases. However, after comments from the Town Engineer regarding the infeasibility of gravity sewer service for all 98 lots, Phase 3B was modified to reduce the number of lots from 44 to 23. All documents have been updated by the applicant to reflect changes through December 22, 2022 following the Planning Board meeting (see below).

II. PLANNING BOARD REVIEW:

On December 15, 2022 the Planning Board held a Preliminary Forum regarding PD-12-22 to accept public comments and compose a list of issues to forward to the Town Council for their consideration. A presentation was made by Town staff that included a list of draft conditions of approval that would be forwarded to the Town Council. Following staff's presentations, Mr. Paul Saathoff, representing the developer Caropines Ventures, LLC and Mr. Perry Shelley, introduced the project and presented an overview of the project history, project layout, open space, roads and amenities. Mr. John Scarbrough, attorney representing Caropines Ventures, LLC addressed amenities provided by the Caropines development with previous phases and put forth an argument that requirements for amenities must be proportional with the reasonable need for and use of those amenities and that previous phases of development had provided adequate amenities. Mr. Scarbrough then addressed the matter of completion of Avenue of the Carolinas and put forth an argument that the current PDP is only responsible for showing compliance with the CDP and he feels that the current PDP application does that. Mr. Perry Shelley with Caropines Ventures, LLC addressed the scope and cost of amenities that have already been provided in Caropines, and also stated that he fully intends to finish Avenue of the Carolinas soon.

During public comment, Linda Holmes, a resident of Caropines, spoke about her concerns with the Caropines development.

The Planning Board discussed various aspects of the project and asked clarifying questions of the applicant's team regarding a variety of topics such as overall project buildout, the failure to have completed Avenue of the Carolinas by the deadline in the CDP, a date for future completion of Avenue of the Carolinas, a plan for providing sewer services to the development, amenities provided so far, and the existence of an HOA.

On a unanimous vote of 5-0, the Planning Board adopted the following statement to transmit to the Town Council for that body to consider in applying the criteria for a PDP to application PD-12-22:

The information presented at the forum indicated the following issues with the PDP application PD-12-22: All those issues as stated in the staff report, with the addition of desiring a definitive date for completion of Avenue of the Carolinas whether or not Phase 3B or 4 is completed, with staff revising any recommendations based on what was heard during the preliminary forum.

Pursuant to NCGS §160D-301(b)(6), the Town Council is reminded that although the Planning Board forwarded a statement for Council consideration, no part of the Preliminary Forum held by the Planning Board may be used as a basis for the Council's decision on PD-12-22.

Finally, following the extensive discussion and feedback from many parties that occurred at the Planning Board Preliminary Forum, on December 28, 2022 the applicants

submitted a package of revised application materials containing some revisions. This staff report contains the most recent information from the applicants as of December 28, 2022 and corresponding analysis and recommendations by planning staff pursuant to the Planning Board's statement.

III. PROJECT INFORMATION:

A. Property Owner & Applicant Information:

- i. Property Owners:**
Caropines Ventures, LLC.
71st Partners, LLC.
Thorngrove Court Suite 1
Fayetteville, NC 28303
- ii. Applicant:**
Mr. Perry Shelley
Thorngrove Court Suite 1
Fayetteville, NC 28303
- iii. Authorized Agent:**
KoontzJones Design, PLLC
150 South Page Street
Southern Pines, NC 28387

B. Property Information:

- i. Street Address:**
No street addresses assigned at subject properties.
- ii. Property Identification Number (PIN) & Parcel Identification:**
The two phases proposed for development are located on portions of the following five (5) existing parcels:

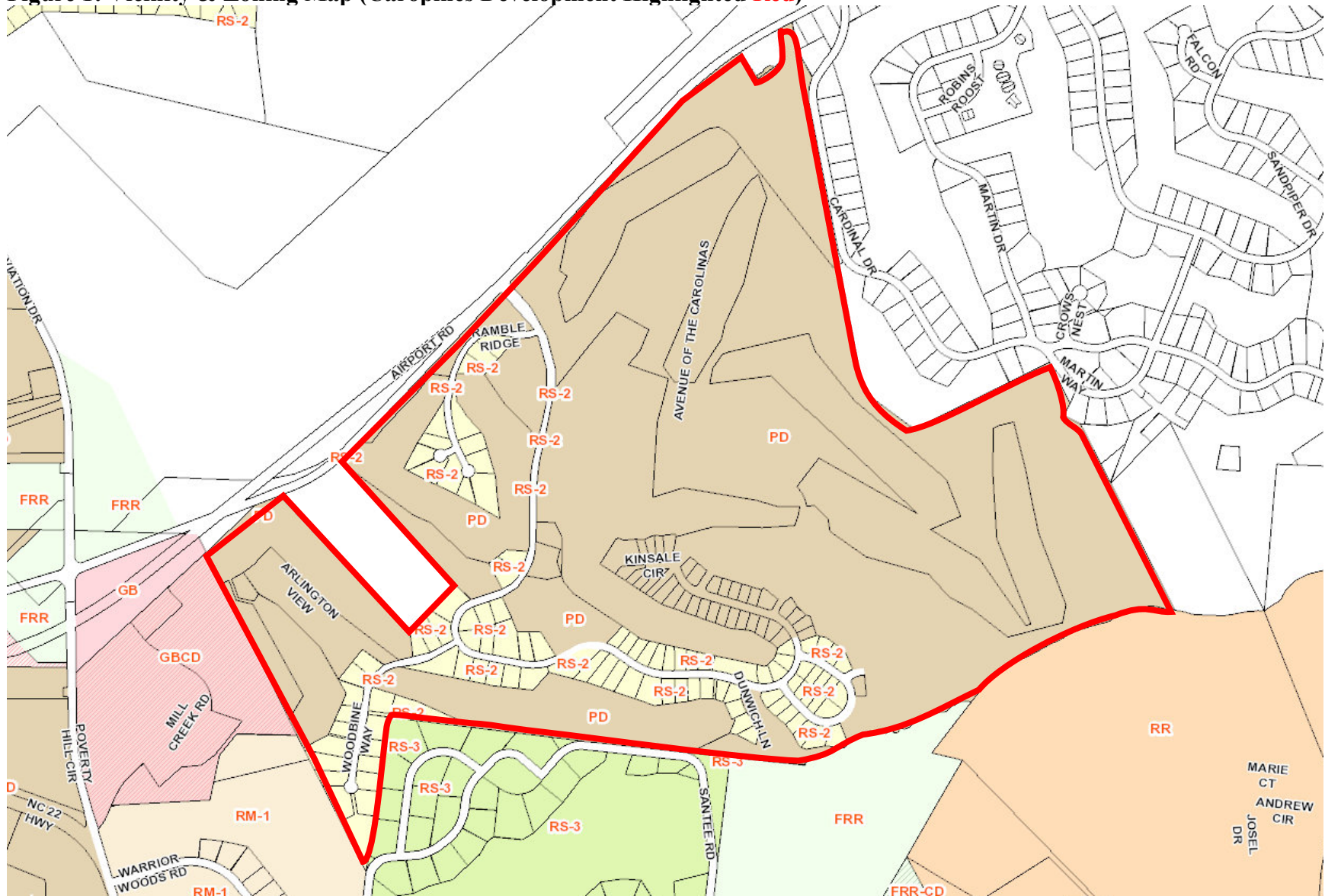
PIN: 858400613908 (PARID: 20050760) owned by Caropines Ventures, LLC
PIN: 858300789195 (PARID: 00031457) owned by Caropines Ventures, LLC
PIN: 858419511440 (PARID: 96000281) owned by 71st Partners, LLC.
PIN: 858419508871 (PARID: 96000280) owned by 71st Partners, LLC.
PIN: 858300592330 (PARID: 96000278) owned by 71st Partners, LLC.
- iii. Size of Property (in order of proposed Phasing Schedule):**

Area being developed in Phase 3B:	14.31
<u>Area being developed in Phase 4:</u>	<u>21.37</u>
Total PDP Acreage:	35.55

iv. Property Zoning Classification:

The zoning of the subject property is PD-Planned Development (See Figure 1: Vicinity & Zoning Map below). A Conceptual Development Plan (CDP) for Caropines was approved by the Town of Southern Pines Town Council on October 9, 2018 which is file PD-02-18. All future Preliminary Development Plan (PDP) applications must be consistent with the approved CDP.

Figure 1: Vicinity & Zoning Map (Caropines Development Highlighted Red)



C. Project Details:

i. Description of Project:

The proposed Preliminary Development Plan (PDP) is for two phases of the Caropines Planned Development. The proposed two phases are spread across two different “Land Areas” as designated in the approved CDP. Each “Land Area” in the CDP has unique permitted uses and densities. A copy of “Exhibit IX -Land Use Plan” from the Caropines CDP showing the approved “Land Areas” and outlining the permitted uses and densities is attached to this memo. The proposed phases of development with the current PDP application include Phases 3B and 4.¹ Each of the two phases of development are described below, color-coded to match Figure 2 below. The phasing plan from the approved CDP is featured below in Figure 3.

- **Phase 3B** (see Figure 2 below) will create 12 detached single-family lots with an 8,000 square-foot minimum lot size and 11 slightly smaller “cottage lots” with a 5,000 square-foot minimum lot size. The proposed lots will be accessed from Avenue of the Carolinas as well as “Roadway A” (see attached, Sheet L-1.1). The applicant states in their Narrative (updated following the December 15, 2022 Planning Board Preliminary Forum and attached to this report) that stormwater management for all sites on the property will be provided per Section 5.5.10 of the CDP booklet. On the Preliminary Plat the applicant has 7.71 acres of total open space and no useable open space and shows the location of the wetlands adjacent to, but not within, Phase 3B. The applicant’s description of the distinction between cottage lots and townhome lots can be found in the approved CDP (attached to this report for reference) Section 5.2 and a visual depiction of the lots is on the Preliminary Plat, Sheet L-1.1. labeled “Lot Typical.”
- **Phase 4** (see Figure 2 below) will create 52 attached single-family (townhome) lots with a 2,000 square-foot per unit minimum lot size. Phase 4 is to be developed on a 21.37-acre portion of land located in the 28.67-acre “Area B” of the approved CDP. On the Preliminary Plat the applicant has 7.76 acres of total open space and no useable open space and shows the location of the wetlands. A statement appears in the Narrative that the areas delineated as wetlands will afford “extensive undisturbed open space.” Access to Phase 4 will be available from Avenue of the Carolinas, “Roadway D” and “Roadway E.”

¹ For some reason staff has never figured out, phases in Caropines are not numbered sequentially. Phases approved so far, in order, are as follows: Phases 2A and 9 (PD-07-18), Phases 2, 3A, 7A, 8, 12, 14A and 15 (PD-05-19) and now Phases 3B and 4 (PD-12-22). This has created significant administrative confusion as various phases proceed through site plan review, construction, final plat application and SPG approval. But at this point that ship, as they say, has sailed.

Figure 2: Phasing Map from PDP Overall Key Sheet (Updated by Applicant to Reflect Current Phase 3B Layout)

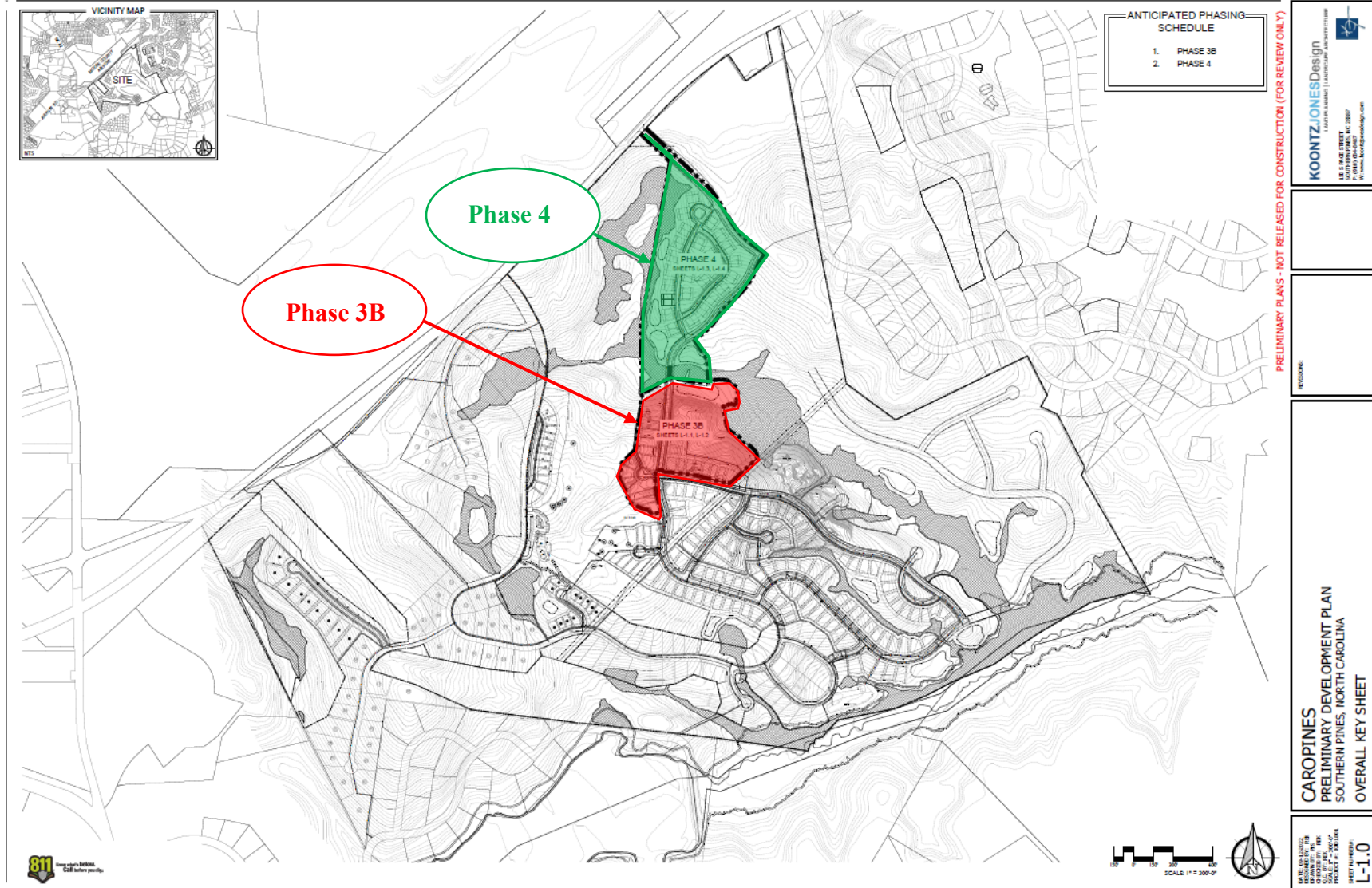
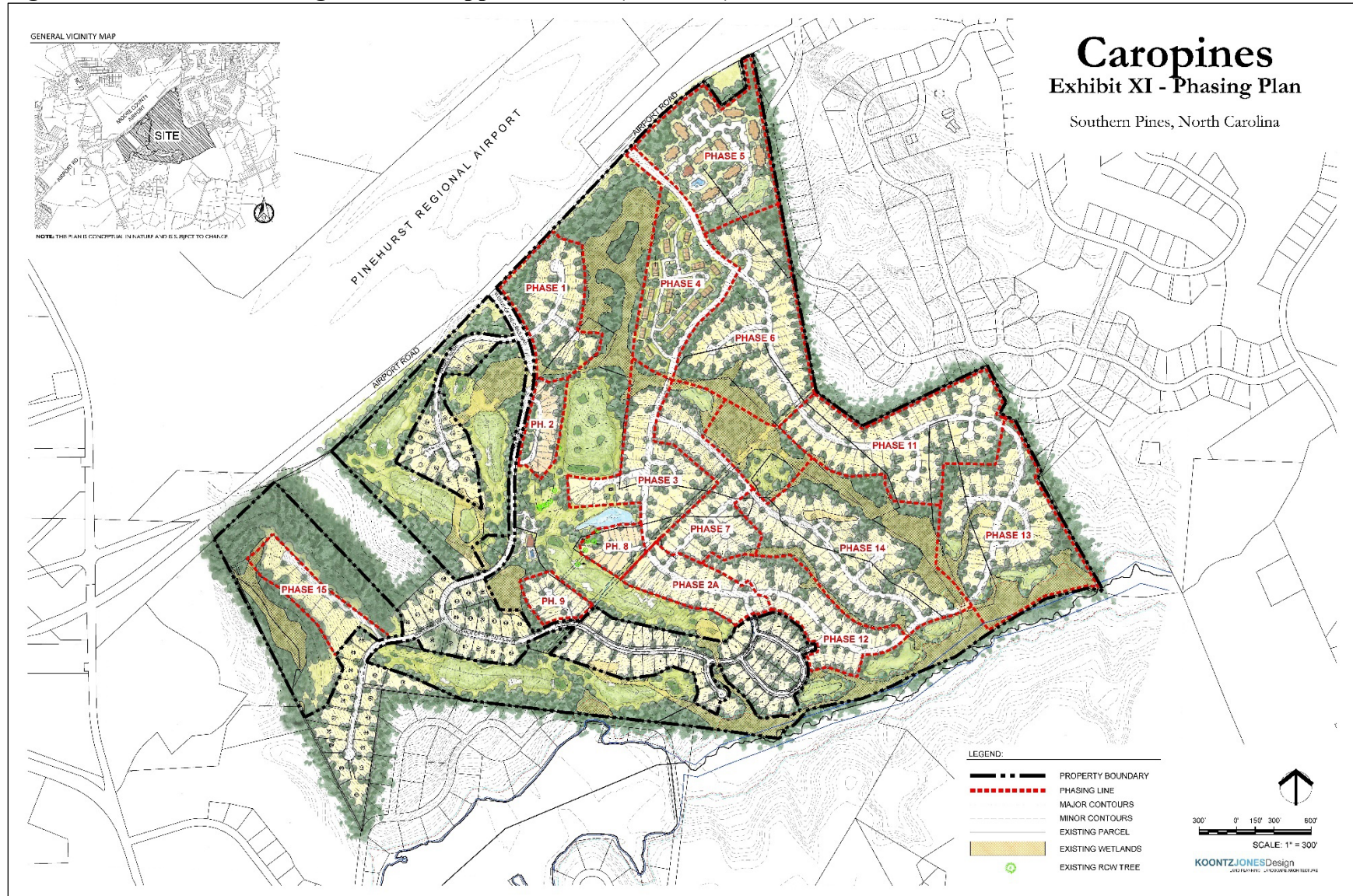


Figure 3: Exhibit XI- Phasing Plan from Approved CDP (PD-02-18)



IV. STAFF REVIEW:

A. Application Review Dates & Associated Postings:

- PDP Application Submitted: September 12, 2022
- PDP Application Complete: September 21, 2022
- Major Subdivision Preliminary Plat Application Submitted: September 12, 2022
- Major Subdivision Preliminary Plat Application Complete: September 21, 2022
- First continuance request: Received September 29, 2022
Administratively granted September 29, 2022
- Second continuance request: Received October 31, 2022
Administratively granted October 31, 2022
- Notice of December 15, 2022 Planning Board Preliminary Forum:
 - Posted On-site: October 27, 2022
 - Mailed: November 26, 2022
 - Internet: November 18, 2022
 - Newspaper: November 30 and December 7, 2022
- Planning Board Preliminary Forum: December 15, 2022
- Notice of January 10, 2023 Town Council Hearing :
 - Posted On-site: October 27, 2022
 - Mailed: December 20, 2022
 - Internet: December 19, 2022
 - Newspaper: December 28, 2022 and January 4, 2023
- Town Council Hearing: January 10, 2023.

B. Criteria for Review:

The proposed Preliminary Development Plan (PDP) involves the division of portions of five existing tracts into a total of 75 lots.² The PDP application therefore includes a Major Subdivision Preliminary Plat application. The procedures and criteria for review and approval of a PDP and Major Subdivision Preliminary Plat are found in Chapter 2 of the Town of Southern Pines Unified Development Ordinance. The criteria for each of the aforementioned reviews are provided in this staff report below. The applicant has provided brief written responses to each of the criteria below that may be found in the attachments to this staff report.

Preliminary Development Plan - UDO §2.18.5(H):

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

² Five separate tracts are listed on the current PDP application.

Major Subdivision Preliminary Plat - UDO §2.20.4(G):

- 1. The application is consistent with the approved Sketch Plat, if applicable.*
- 2. The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;*
- 3. The proposed subdivision complies with the UDO and applicable state and federal regulations;*
- 4. The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;*
- 5. The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and*
- 6. The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development.*

C. Staff Comments:

i. Analysis of Comprehensive Long Range Plan (CLRP):

When the Caropines golf course was annexed and initially zoned FRR – Facilities Resource and Recreation in early 2018, the adoption of the initial zoning was also deemed an automatic amendment to the CLRP pursuant to North Carolina law. Therefore, the subject property is presently designated “Residential/Golf” on the CLRP Future Land Use Map. The Residential/Golf designation applies to “...areas that include public or private golf courses and residences. This category may accommodate single-family or attached dwellings at a variety of densities, recreational facilities in addition to the golf course, limited guest accommodations, and limited commercial services intended to serve residents of and visitors to the development.” The applicant has submitted a Major Subdivision Preliminary Plat “Justification” document that addresses compliance with the CLRP and that document is attached to this memo.

ii. Compliance with the Unified Development Ordinance (UDO) and/or the Caropines Conceptual Development Plan (CDP):

- The first two phases of the Caropines CDP were Phases 2A (25 lots) and 9 (11 lots) totaling 36 lots. The file PD-07-18 was approved by Town Council at the Town Council Regular meeting on March 12, 2019. On March 25, 2019 the written decision was approved at the Town Council Work Session.
- The next seven (7) phases of the Caropines CDP were Phases 2, 3A, 7A, 8, 12, 14A and 15 totaling 114 lots. The file PD-04-19 was approved by Town Council at the Town Council Regular meeting on October 8, 2019. On October 28, 2019 the written decision was approved at the Town Council Work Session.
- Approval of this PDP application for Phases 3B and 4 of Caropines would now add 75 lots to the 150 that have previously been approved through the

PDP process since the current Caropines CDP was approved in October of 2018, for a total of 225 lots of the 550 residential units approved per the CDP.³ The applicant's PDP Narrative, that was updated following the December 15, 2022 Planning Board Preliminary Forum and that is attached to this report, contains an accurate count of lot totals in each phase. Sheet L-1.6 of the current PDP also includes a Development Summary showing the number of lots previously approved being 150, the number of lots in Phase 3B being 23 and the number of lots in Phase 4 being 52.

- Pursuant to UDO §2.20.5(J)(2), an approved Preliminary Plat is valid so long as the applicant receives and maintains a valid development approval per the ordinance. The applicants have provided an “Anticipated Phasing Schedule” on Sheet L-1.0 of the PDP. Staff must assume the “Anticipated Phasing Schedule” as presented means that Phase 3B will be developed first, but only because it is listed first.

A multi-phased development schedule is associated with the CDP (Conceptual Development Plan) not the PDP (Preliminary Development Plan). The PDP is the specific phase (or in this case two phases) of the multi-phased project that is being developed. The PDP is required for each phase of the multi-phase development plan (the CDP).

The Caropines Conceptual Development Plan (CDP), PD-02-18, was approved on October 9, 2018. According to the approved CDP on January 10, 2019, in Section 10 “Phasing” the project is approved to have a projected 10-year build out. Therefore, the 15 phases of development approved with the CDP must be built out by October 9, 2028.

The development approval also has vested rights for seven years in the regulations that were in place when the first site plan was approved for this project, which was “Caropines Phase 2A Amended” on August 20, 2019 (ZP-10-19). Therefore, the vested rights according to state statute from 2019 (when the CDP was approved) will expire on August 20, 2026. On October 10, 2028 if the fifteen (15) phases are not fully built, the development approval will have expired. On August 20, 2026 vested rights will no longer exist under the UDO regulations from 2019. The phases not yet developed may still proceed for development but must meet the UDO regulations of that time in order to move forward.

- A Traffic Impact Assessment (TIA) for the entire Caropines development was completed by Ramey Kemp & Associates back on June 8, 2018 and submitted with the Conceptual Development Plan (CDP). The TIA

³ An important note here is that there were 102 lots already platted in Caropines when the current CDP was approved in October of 2018. While the planning staff is primarily concerned with the 550 approved under the current CDP, NCDOT analyzes traffic based on the previous 102 lots plus any added under the current CDP. This quickly results in confusion when reading comments on Caropines from NCDOT, so keep this in mind.

recommended a variety of off-site roadway improvements based on anticipated impacts of the entire Caropines development. During review of previous phases of Caropines development (Phases 2A and 9 and Phases 2, 3A, 7A, 8, 12, 14A and 15) the applicants submitted an additional TIA Phasing Study that established thresholds for the incremental development of recommended roadway improvements. The TIA Phasing Study was reviewed by NCDOT and comments on the TIA Phasing Study were received by the Town. Previous PDP approvals were conditioned on requirements based on studies provided and commitments made at the time of approval and are not modified by any subsequent action taken on the current proposed PDP for Phases 3B and 4.⁴

As for the current review of Phases 3B and 4, the applicants have submitted a new Traffic Impact Analysis Phasing Study (dated August 3, 2022 and attached to this report) with the Phase 3B and 4 PDP submittal. The current phasing study still references the 2018 TIA (therefore also attached to this report for reference) and now provides updated recommendations for traffic improvements based on completed development, development presently under construction, and development requested to be approved and completed. NCDOT reviewed the new August 3, 2022 TIA Phasing Study and provided revised comments (dated November 17, 2022 and attached to this report) on the off-site improvements that will be required to serve Caropines. Planning staff recommends that if the proposed PDP for Phases 3B and 4 is approved, it be done so with the following condition to comply with criteria #4 of PDP approval:

- Transportation improvements as specified in in the November 17, 2022 NCDOT letter shall be completed prior to the approval of any final plat associated with PD-12-22 in which the total number of platted lots exceeds the number of lots referenced in NCDOT's letter.
- New lots in Caropines Phases 3B and 4 will be accessed from a variety of new internal alleyways, internal roadways and extensions of existing internal roadways (see Preliminary Plats for each phase attached to this memo). All streets shall be built to the cross-sectional standard outlined in the approved CDP and as shown on the Preliminary Plat.
- A gravel secondary emergency access extension of Avenue of the Carolinas has previously been constructed to provide access back to Airport Road. The applicants state on page 6 of 6 of the PDP Narrative the following regarding paving of Avenue of the Carolinas to serve those lots in Phases 3B and 4 that are directly adjacent to that road:

⁴ If a current PDP condition can't limit a future PDP, it also can't amend a condition of a previous PDP.

“With the phases as described in this PDP, the current emergency and construction access road will be fully paved to the secondary entrance on Airport Road.”

The applicants go on in the same section to state the following:

“Completion of Avenue of the Carolinas must occur before final plat approval of either Phase 3B or 4.”

Some background is warranted here. According to Section 10.0 of the approved CDP, the engineering design, subbase improvement and pavement of this gravel secondary emergency access was supposed to have occurred before March 25, 2022 because Section 10.0 of the CDP states that the road “will be fully paved” upon completion of either the lots adjoining the wetlands bridge that are shown in Phases 2 and 3 of Exhibit XI in the CDP, or “a period of three years from the approval of a Preliminary Development Plan to construct the first section of development of this CDP.” None of the phases of the proposed PDP are designed in a manner to adjoin the wetland bridge. Therefore, since the first PDP for Caropines Phases 2A and 9 was already approved by the Town of Southern Pines Town Council on March 25th, 2019 (and even the second PDP for Caropines Phases 2, 3A, 7A, 8, 12, 14A and 15 was already approved by the Town of Southern Pines Town Council on October 28, 2019) the secondary emergency access should have been “fully paved” by March 25th, 2022, which is three (3) years from the approval of the PDP to develop the first section of the development. Presently, the secondary emergency access is not paved and the applicant has addressed the matter in the PDP Narrative as quoted above.

Staff met with the applicants during a previous PDP submittal in April of 2022 regarding this matter of paving Avenue of the Carolinas. The applicant stated at that time that the secondary emergency access had not been paved because the gravel emergency roadway does not align exactly as shown in the CDP and if it were to be paved, they may have had to remove it and repave it when designing Phases 3B or 4 (since they are adjacent to the roadway). Therefore, they stated at that time that once the PDP proposed at that time was approved, Avenue of the Carolinas would be completed with the first phase to proceed to site plan review. The language provided in the current PDP Narrative now specifically states this. The Town Council must decide if the current commitments for completion of Avenue of the Carolinas made in the PDP application are adequate to support another PDP approval of two more phases that include 75 more lots. Planning staff recommends that if the proposed PDP for Phases 3B and 4 is approved, it be done so with the following condition to comply with criteria #2, #3 and #4 of PDP approval:

- That the first phase developed pursuant to this PDP approval, either Phase 3B or Phase 4, include engineering plans for paving and completion of the entirety of Avenue of the Carolinas and that no final plat be approved for either Phase 3B or Phase 4 until the entirety of Avenue of the Carolinas is paved and completed and approved by the Town Engineer. Paving and completion of the entirety of Avenue of the Carolinas shall not be allowed to be further delayed per a Subdivision Performance Guarantee because it was already required to have been completed in March of 2022 per the black and white language of Section 10 of the CDP.
- The proposed lots must be served by water and sewer utilities. Regarding sewer services, the applicant states on page 3 of 5 in the PDP that:

“Due to the complexity of designing a gravity system to serve these phases, coordination with the town engineer and applicant team is ongoing. The applicant and applicant’s engineer have worked with the town to prepare a master utility plan to serve these phases and will continue to work with the town to produce an acceptable gravity sewer system.”

Following the December 15, 2022 Planning Board meeting, the applicants’ engineering firm has provided the Town Engineer with an acceptable conceptual master plan for providing gravity sewer services. Planning staff recommends that if the proposed PDP for Phases 3B and 4 is approved, it be done so with the following condition based on criteria #4 of PDP approval:

- No site plan will be approved without an acceptable gravity sewer system design as approved by the Town Engineer.

Regarding water services, the only information provided by the applicants regarding plans for water service is a statement in the PDP Narrative that “Water is readily available for the project.” The Town Engineer agrees that water is available to the site, but all standards for waterline construction, including a very clear and unambiguous looping of waterlines, shall be required.

- A Red-Cockaded Woodpecker (RCW) inventory was completed on the subject properties when the CDP was being prepared and a map of known cavity trees was included in the Conceptual Development Plan (Exhibit IV). Section 4.1.5 of the CDP addresses the protection of woodpeckers through participation in a government “Safe Harbor” program, and Section 5.3.1 of the CDP states that RCW foraging habitat will be managed “during the development process.” However, the RCW analysis is now nearly 5 years old. The applicant’s narrative submitted with the current PDP application states: “During the full construction and engineering design phases, letters

will be obtained from US Fish and Wildlife to clear the areas of the property for Phases 3B and 4.” In order to make this commitment by the applicant clear at the time of site plan and erosion control permit review, Planning staff recommends that if the proposed PDP for Phases 3B and 4 is approved, it be done so with the following condition, based on criteria #3 of PDP approval:

- The applicants have committed in the PDP application to securing letters from USF&WS authorizing the clearing of land in Phases 3B and 4 so copies of the letters approving the clearing based on impacts to RCW habitat shall be provided to the Town of Southern Pines prior to approval of erosion control permits.

Recent comments have not been received from the U.S. Fish and Wildlife Service.

- Sections 2.2 and 5.5.11 of the CDP states that amenities may be provided throughout the development. The CDP states that “Recreational opportunities for the residents of The Carolina may include the following: golf short course, soccer and/or baseball play fields, parks and community gathering areas, performance/movie outdoor amphitheater, pickle ball courts, walking trails and sidewalk network, open play areas, community garden and other potential active and passive amenity areas”. Furthermore, one of the purposes of the PD zoning district as stated in UDO §3.5.14(A) is to “Integrate public spaces and amenities to promote community gatherings and activities.”

The applicants have addressed existing and proposed amenities on pages 2 and 3 of 6 in the Narrative. The applicants state that a clubhouse and pool, a 3-hole golf course, open play fields and greenway trails all exist. The applicants state that gathering space is to be provided with the townhome development, and that a splash pad at the clubhouse pool and a community garden are already underway. It is the opinion of planning staff that these amenities discussed in the project Narrative, combined with the open space provided with each phase of development, are proportional to the 150 lots previously approved and the 75 lots presently proposed for approval.

Planning staff recommends that if the proposed PDP for Phases 3B and 4 is approved, it be done with the following condition, based on criteria #1 and #2 of PDP approval and based on statements made by the applicant in the project Narrative dated December 22, 2022:

- Per Sections 2.2 and 5.5.11 of the CDP, the developers shall have completed either the splashpad addition to the clubhouse pool or the community garden area prior to final plat approval of the *second* phase of development authorized under PD-12-22.

- Per Section 5.5.4 of the CDP, street trees must be planted in all phases of development at the rate of one tree per thirty (30) lineal feet of roadway, planted randomly and in clusters to achieve a more natural appearance. The applicants have submitted landscaping plans with each phase that appear to demonstrate compliance with this section of the CDP.
- Per Section 5.5.1 of the approved CDP, sidewalks or multi-use paths are required on one side of all streets. All Preliminary Plat sheets submitted with this PDP application show sidewalks on one side of all proposed streets. Sidewalks shall be separated from the street by either 6' or 11' landscape areas, depending on the required cross-section, also demonstrating compliance with the CDP.
- Neighborhood Meetings were held on May 31, 2018 and July 11, 2018. The meetings were held to discuss the Caropines Conceptual Development Plan, of which this Preliminary Development Plan is a part.

D. Outside Agency Comments:

- A request for comments from agencies was emailed 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, Sandhills Community College, Moore County Airport Authority, U.S. Fish and Wildlife Service and the Regional Land Use Advisory Commission on October 26, 2022.
 - An email response to our request for agency comments was received from the North Carolina Department of Transportation on November 2, 2022. The comments state as follows:

“For this one, a driveway permit with applicable roadway improvements will be required.”
 - An email was received from the Regional Land Use Advisory Commission stating that they have no formal comment on this case but do wish to note that the area of development intersects with an active RCW foraging area. Any additional comments received will be forwarded to the Planning Board at the Preliminary Forum.
 - Comments from Town Engineer James Michel have been provided and are addressed in this report where appropriate.

V. ATTACHMENTS:

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

1. Attachment A: Draft Findings of Fact for PDP
2. Attachment B: Draft Findings of Face for Preliminary Plat.
3. Reference: Caropines CDP (text)
4. Reference: Caropines CDP Land Use Plan (Exhibit IX)
5. Town of Southern Pines Planned Development Application
6. Applicant's PDP Narrative (updated following December 15, 2022 Planning Board Preliminary Forum)
7. Applicant's PDP Criteria Justification (updated following December 15, 2022 Planning Board Preliminary Forum)
8. Town of Southern Pines Major Subdivision Preliminary Plat Application
9. Applicant's Major Subdivision Justification (updated following December 15, 2022 Planning Board Preliminary Forum)
10. Applicant's Preliminary Development Plan (Sheets L-1.0 through L-1.6, updated following December 15, 2022 Planning Board Preliminary Forum)
11. Ramey Kemp TIA Phasing Study (August 3, 2022)
12. Ramey Kemp TIA (June 8, 2018)
13. NCDOT Letter from February 6, 2019

VI. PLANNING STAFF RECOMMENDATION:

Following discussion that occurred at the Planning Board Preliminary Forum and subsequent correspondence with planning staff and the applicant, the applicants submitted revised application materials to address many of the concerns of staff and the Planning Board. Planning staff recommends conditional approval of the project based on five (5) conditions set forth below. To be clear, staff's recommended conditions are consistent with maps and text contained in the revised application materials. The conditions of approval are recommended to simply ensure that a handful of important issues are abundantly clear in the final Written Decision document that will be the most prominent and frequently referenced approval document for the project.

VII. TOWN COUNCIL ACTION:

To either approve or deny a Preliminary Development Plan application, the Town Council must make findings of fact and conclusions to the applicable standards. The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case. The Town Council shall then vote on whether the application complies with the criteria as set forth in Section 2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4. Finally, the Town Council shall then vote on whether the application complies with the criteria as set forth in Section 2.20.4(G) Criteria for a Preliminary Plat, Criteria 1-6.

I move to:

1. Adopt **Attachment A** of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Development Plan PD-12-22.

- OR -

2. Adopt **Attachment A** of the staff report as Findings of Fact regarding the proposed Preliminary Development Plan PD-11-22, with the following changes:

I move to:

1. Approve Preliminary Development Plan PD-12-22.

- OR -

2. Approve Preliminary Development Plan PD-12-22 with the following conditions of approval:

1. Transportation improvements as specified in in the November 17, 2022 NCDOT letter shall be completed prior to the approval of any final plat

associated with PD-12-22 in which the total number of platted lots exceeds the number of lots referenced in NCDOT's letter.

2. That the first phase developed pursuant to this PDP approval, either Phase 3B or Phase 4, include engineering plans for paving and completion of the entirety of Avenue of the Carolinas and that no final plat be approved for either Phase 3B or Phase 4 until the entirety of Avenue of the Carolinas is paved and completed and approved by the Town Engineer. Paving and completion of the entirety of Avenue of the Carolinas shall not be allowed to be further delayed per a Subdivision Performance Guarantee because it was already required to have been completed in March of 2022 per the black and white language of Section 10 of the CDP.
3. No site plan will be approved without an acceptable gravity sewer system design as approved by the Town Engineer.
4. The applicants have committed in the PDP application to securing letters from USF&WS authorizing the clearing of land in Phases 3B and 4 so copies of the letters approving the clearing based on impacts to RCW habitat shall be provided to the Town of Southern Pines prior to approval of erosion control permits.
5. Per Sections 2.2 and 5.5.11 of the CDP, the developers shall have completed either the splashpad addition to the clubhouse pool or the community garden area prior to final plat approval of the *second* phase of development authorized under PD-12-22.

I move to:

1. Adopt **Attachment B** of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Plat.

- OR -

2. Adopt **Attachment B** of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Plat, with the following changes:

I move to:

1. Approve the Preliminary Plat for PD-12-22;
2. Approve the Preliminary Plat for PD-12-22 with the following additional conditions:

ATTACHMENT A
Draft Town Council Findings of Fact
Preliminary Development Plan Application PD-12-22

Finding of Fact #1:

The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Development Plan approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Development Plan, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

The Town Council finds that the application complies with UDO §2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

1. **The application demonstrates that it will achieve the purposes of the PDD and this section.**

The Town Council finds that the Preliminary Development Plan (PDP) for Caropines Phases 3B and 4 implements the purposes of the Planned Development District because the proposed land use, as a component of a CDP that contains a mix of residential and recreational land uses, is supported by the stated purpose of the district as being “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 the UDO.” Furthermore, the design of the PDP is consistent with the intentions of the Planned Development District regulations as set forth in Chapter 3 of the UDO.

2. **The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO.**

The Town Council finds that the PDP is consistent with the Caropines Conceptual Development Plan (CDP), with the imposition of conditions of approval to highlight

commitments made by the developer in the application materials. Avenue of the Carolinas will be completed with the first of either phase of development authorized under PD-12-22 now that a specific location and alignment of the road may be determined based on the layout of Phases 3B and 4. Off-site improvements as required by NCDOT will be in place prior to approval of final plats, a gravity-only sewer system will be developed to serve the lots, potential impacts to Red Cockaded Woodpecker habitat will be adequately reviewed prior to tree clearing, and amenities for future residents that the developer has developed and has committed to developing will be in place prior to final plat approval.

3. The proposed Development is located in an area of the Town that is appropriate.

Town Council finds that the proposed PDP is located in an appropriate area of town because the proposed development is located in an area designated as Residential/Golf by the Comprehensive Long Range Plan's Future Land Use Map. Furthermore, the development may be served by existing public utilities and public facilities or by utilities and facilities that will be improved by the developer. Additionally, the risk of negative impacts to the environmentally sensitive lands within and adjacent to the project site are being adequately mitigated through the development design.

4. The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.

Town Council finds that the proposed PDP includes efficient extensions of public facilities, utilities and services because sewer and water facilities exist near the proposed development and any necessary extensions or improvements will be made by the developer. Furthermore, the property in which the development is proposed has been annexed by the Town and currently benefits from the public safety services available to properties within our corporate boundary.

ATTACHMENT B
Draft Town Council Findings of Fact
Preliminary Plat Application PD-12-22

Finding of Fact #1:

The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Plat approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

The Town Council finds that the application complies with UDO §2.20.5(G) Criteria for a Preliminary Plat, Criteria 1-6, in that:

1. **The application is consistent with the approved Sketch Plat, if applicable;**
This is not applicable.
2. **The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;**
The Town Council finds that the proposed Preliminary Plat is generally consistent with the standards set forth in the CLRP because the property is designated as Residential/ Golf on the Future Land Use Map. The designation accommodates “a single family or attached dwellings at a variety of densities, recreational facilities in addition to the golf course, limited guest accommodations, and limited commercial services intended to serve residents of and visitors to the development.”
3. **The proposed subdivision complies with the UDO and applicable state and federal regulations;**
The Town Council finds that the proposed subdivision generally complies with the UDO. The project will not be granted Site Plan approval per UDO §2.48 without necessary approvals from applicable state and federal agencies. The burden of demonstrating compliance with applicable state and federal regulations rests with the applicant per UDO §2.5.6.
4. **The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and / or permissible zoning and future land use of adjacent property;**
The Town Council finds the proposed subdivision is compatible with the existing zoning because a conditional PDP approval for Phases 3B and 4 has been granted and because the lot type and lot layout of Phases 3B and 4 have been deemed to be consistent with the approved Caropines CDP.

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

The Town Council finds that the proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties because Phases 3B and 4 are located within an area of the Caropines development that is not adjacent to properties outside Caropines and traffic impacts to Airport Road are being monitored and mitigated by NCDOT.

6. **The proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development;**

The Town Council finds that public water and sewer utilities are available to serve the project. Adequate stormwater facilities will be verified prior to approval of site plans for the proposed subdivision. Emergency services are available within a reasonable distance of the Caropines development. Commercial services to serve the Caropines development are rapidly developing at the nearby intersection of Airport Road and NC Highway 22.

PD DISTRICT CONCEPTUAL DEVELOPMENT
PLAN APPLICATION
CAROPINES
SOUTHERN PINES, NORTH CAROLINA

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Exhibits

- Exhibit I Southern Pines Conceptual Development Plan Application
- Exhibit II Site Location Map
- Exhibit III Neighborhood Meeting Sign-In Sheet and Report
- Exhibit IV Existing Conditions – Aerial Imagery and Endangered Species
- Exhibit V Existing Conditions - Wetlands/Floodplain/Topography
- Exhibit VI Existing Conditions - Soils
- Exhibit VII Existing Conditions - Property Information
- Exhibit VIII Adjacent Property Owners
- Exhibit IX Land Use Plan
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- Exhibit XVII Traffic Impact Analysis
- Exhibit XVIII Street Lights
- Exhibit XIX Street Signage
- Exhibit XX Streetscape Plantings

1.0 PURPOSE

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

- Modify the approved zoning of the +/- 385 acres of land from the current RS-2 CD and FRR zoning to update the plan to a Conceptual Development Plan (CDP) and create a Planned Development (PD) district.
- Establish the permitted uses, density, standards and conditions under which the subject property shall be developed through this document.

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

The proposed PD – CDP and land uses for the Caropines development are consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promote its objectives. The CLRP has designated the property as a Residential/Golf Use. This CDP encourages a variety of land uses and building types including single and multi-family residential at a moderate density and recreational uses. The CDP results in a master planned development, and discourages disjointed, piecemeal development.

2.0 PROJECT OVERVIEW

2.1 Location

The proposed project described in this application is geographically located north of downtown Southern Pines on the south side of Airport Road across from the Moore County Airport. The property is bordered by: Airport Road on its Northern boundary, the Mill Creek Shopping Center on its Western boundary, the Whispering Woods neighborhood in the Whispering Pines jurisdiction on its Eastern boundary, and Mill Creek and the Warrior Woods subdivision on its Southern boundary. A site location map showing the site and immediate surroundings is included in Exhibit II. The proposed parcel is fully annexed into the Town of Southern Pines allowing the town to have zoning jurisdiction. Utilities are available at the site with capacity to accommodate the proposed development.

2.2 Vision

The vision for the project is to prepare a master plan and develop a high-quality, residential community that will meet the needs of its residents. Carefully integrating new housing and housing types into the existing residential community and providing new recreational opportunities for the existing community is the priority of the new Master Plan. Balancing the needs of the existing residents by maintaining open space views, while enhancing the overall community for both current residents is very important. Protecting the investments of the existing residents, new residents and developer are a priority.

The proposed rezoning seeks to modify the existing residential zoning for a portion of the property known as The Carolina, previously developed as a residential golf course

community. Original approvals for the property were based on the overall +/- 453-acre property and permitted 472 residential units and 96 assisted living units for a total of 568 residential units. Approximately 102 single-family residential lots are platted under this original approval. Through this proposed CDP and PD rezoning, the applicant is seeking to rezone the remainder of the undeveloped property, approximately 385 acres, to continue a mixed-residential community with up to 550 residential units on the balance of the property segmented in accordance with Section 5.0 Development Program (including Table 1.0). Providing opportunities for construction of different residential types to meet the demands of a growing Moore County and Town of Southern Pines is an important element of the community plan. This mixture of residential types also meets the goals of the Town's Comprehensive Long-Range Plan. Housing types may include single-family residential of various sizes, townhomes, duplexes and multi-family condominiums. No "for rent" apartment communities will be permitted within the development. All new development of single-family residential will follow the existing covenants and restrictions (see Exhibit XV) for the community. See Section 6.0 of this document for additional clarification regarding covenants and restrictions.

An 18-hole golf course is no longer a financially viable operation on this property. More than 1000 golf courses have closed around the country with more closing every day. To improve the Carolina community and maintain a viable, thriving neighborhood an alternative development vision is required. Enhancing the existing community is the priority. Providing for a variety of recreational amenities within the existing golf corridors, existing amenity areas and in other areas of the property describes the enhanced vision for the property.

Recreational opportunities for the residents of the The Carolina may include the following: golf short course, soccer and/or baseball play fields, parks and community gathering areas, performance/movie outdoor amphitheater, pickle ball courts, walking trails and sidewalk network, open play areas, community garden and other potential active and passive amenity areas.

Access to the site will be provided at the existing entrance on Airport Road and another access location further east on Airport Road. The community will not be gated; however, the existing guardhouse facility may remain in place. Significant open spaces are incorporated into the master plan and mature, existing vegetation will be saved in and around parks, roadways and buffers as possible. Community parks, trails, sidewalks and a street tree planting program will be included. Future greenway connections will be provided. Best management practices will be implemented for the development for storm water management and erosion control.

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

2.3 Applicant and Project Team

The applicant is Caropines, LLC. Consultants currently include Koontz Jones Design, PLLC (Land Planner), Robbins, May & Rich, LLP (Attorney), Bradshaw, Robinson, Slawter LLP (Land Use Attorney), LKC Engineering (Civil Engineer), Larry King & Associates (Civil Engineering), Pendergrass Law Firm, PLLC and Ramey Kemp and Associates, Inc. (Traffic Engineer)

2.4 Compliance

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

3.0 CONCEPTUAL DEVELOPMENT PLAN APPLICATION - See Exhibit I

4.0 EXISTING CONDITIONS

4.1 Existing Natural Features

4.1.1 Prevalent Tree Canopy and Vegetation

The tree canopy type and vegetation of the prevalent tree canopy and vegetation are included in Existing Conditions - Prevalent Tree Canopy and Vegetation in Exhibit IV. The property consists mainly of Longleaf Pines trees and Scrub Oaks in the upland areas and a mixture of hardwoods including Sweet Gum, Tulip Poplar and other varieties persist in the wetland areas. Tree canopy and vegetation will be further identified as required during the site plan permitting process.

4.1.2 Orchards or Other Agricultural Groves

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

4.1.3 Streams, Wetlands and Floodplain

Mill Creek borders the southern boundary of the property. The location of the stream, wetlands and floodplain are depicted in the Existing Conditions Map – Wetlands/Floodplain/Topography found in Exhibit V. Jurisdictional wetlands were delineated and mapped on the site and have been field verified by the Army Corps of Engineers. The proposed development is located in a WS III watershed. The site is located outside of the WSIII critical area but within a designated High-Quality Water Quality ("HQW) zone. The soil types, Existing Conditions - Soils found in Exhibit VI, shows the type of soils located on the site.

4.1.4 Topographic Features

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

4.1.5 Unique Land Formations, Endangered/Threatened Species

The existing golf course has altered and shape the landscape of the existing property. Golf corridors have been cleared, graded and enhanced to construct golf holes throughout the site. Cart paths and bridges exist throughout the site and are connected to the golf course development.

Woodpecker habitat has been delineated on the site. There are several woodpecker cavity trees that have been identified on the site. Results of the woodpecker investigation have been included and shown on the Existing Conditions Map – Aerial Imagery and Endangered Species Exhibit IV. The property has been enrolled in the Red Cockaded Woodpecker Safe Harbor Program with US Fish and Wildlife. As required by the US Fish and Wildlife regulations for the Safe Harbor Program, these areas will be managed as part of the development process.

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

4.2 Existing Man-made Features

4.2.1 Streets, Roads, Parking or Other Structures

Existing streets, roads, parking, sidewalks, walkways, greenways and associated drainage structures are located throughout the site and indicated on the existing conditions map in Exhibit V. The property also contains an existing golf course corridor with cart paths and other golf related facilities.

4.2.2 Storm Water Facilities and Structures

There are currently functioning storm water facilities or structures on the site to accommodate stormwater from the existing developed areas of the property. New stormwater facilities will be provided for each individual phase of development and approved as required.

4.2.3 Utilities

Sewer – sewer line connections are currently located on the property and have been installed in previous phases of the development. The lines were designed to accommodate future development at the proposed number of units. A letter describing available service from the Town of Southern Pines Public Works Department is included as Exhibit XIV.

Electric - Electric power is available for the site and has been installed in previous phases. All new electric lines will be installed underground.

Gas – Natural gas is available for the site and has been installed in previous phases. A natural gas service line is located within an easement through a portion of the property. (See Existing Conditions map for location)

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

Water – Water line connections are currently located on the property and have been installed in previous phases of the development. The lines were designed to accommodate future development at the proposed number of units. A letter describing available service from the Town of Southern Pines Public Works Department is included as Exhibit XIV.

4.2.4 Buildings, Structures, Signs and Historical Structures

There are no historical structures on the site. An existing clubhouse, pump house and maintenance building exist on the site. An existing guardhouse structure and entry monumentation are located at the main entrance along Airport Road.

4.3 Existing Legal Features

4.3.1 Zoning Information - The subject property is currently zoned Residential Single-Family – Conditional District (RS2) with an approved structurally integrated subdivision for 472 residential units and Facilities, Resource and Recreation District (FRR) with an approved 96 unit assisted living facility. This totals 568 residential units permitted on the property. 102 residential lots have been developed under the original approval, leaving potential for 466 additional residential units. The area is indicated as a RS2 zoning district, with an approved structurally integrated subdivision, and FRR on the Town of Southern Pines Zoning Map. The property is also indicated as Residential/Golf in the Town's CLRP.

4.3.2 Property Lines - see Exhibit VII

4.3.3 Right of Ways - Adjacent rights-of-ways along property edges are Airport Road and Cardinal Drive in Whispering Pines and are depicted in Exhibit VII.

4.3.4 Easements - Utility easements are depicted in Exhibit V.

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

Tract	Owner	Deed Book	Page Number(s)
1	Caropines Ventures, LLC	4198	260

2	Caropines Ventures, LLC	4512	377
3	Caropines Ventures, LLC	4564	103
4	71 st Partners, LLC	4777	140

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

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

5.0 DEVELOPMENT CONDITIONS

5.1 Development Program

The Carolina was approved as a “Structurally Integrated Subdivision,” meaning that it includes flexibility for lot size and setback standards that are varied from those required in the underlying zoning district. Applicant seeks to bring the development under the subsequently adopted UDO as a Planned Development. Planned Developments under the UDO similarly allow for and specifically contemplate smaller and varied lot sizes as well as nonstandard setbacks. Thus, the requested CDP and development standards, as described in detail below, will carry forward the original intent of the planning approvals in that regard.”

The development may include mixed residential uses, golf course and resort facilities, community parks, recreational areas and natural open spaces per Table 1.0 below. The allowable development program (residential unit type and number of dwelling units) for each development area is presented in Table 1.0. Each area is graphically depicted in the Land Use Plan included in Exhibit IX. The Conceptual Master Plan is included in Exhibit X.

Table 1.0 Development Program

Approximately 68 of the +/- 453 total acres were previously platted into 102 residential lots (the “Historic Development”). The Historic Development is not included within this rezoning request. The Development Program set out in the table below relates to the proposed 550 residential units to be developed on the remaining, undeveloped +/- 385 acres. Thus, the Historic Development (102 platted lots), plus the proposed future development will total 652 residential units.

LAND AREA	QUANTITY	UNIT TYPE	TOTAL
A	100	SINGLE-FAMILY DETACHED	Combined maximum residential units 550 All residential unit types may be converted at a 1:1 ratio so long as the total number of units does not exceed subtotal maximums for either category. The “Quantity” listed for each residential unit type is an “up to” number but, in no case, will the combined total number of new residential units exceed 550. This gives some flexibility in the allocation of housing types between phases over the course of the development and acknowledges possible changes in the market along the way.
	60	COTTAGE	
	110	TOTAL	
B	65	TOWNHOME	
	50	COTTAGE	
	50	SINGLE-FAMILY DETACHED	
	65	TOTAL	
C	120	CONDOMINIUM	
	65	TOWNHOME	
	50	COTTAGE	
	35	SINGLE-FAMILY DETACHED	
	160	TOTAL	
D	40	COTTAGE	
	130	SINGLE-FAMILY DETACHED	
	150	TOTAL	
E	75	COTTAGE	
	120	SINGLE-FAMILY DETACHED	
	150	TOTAL	
F	15	COTTAGE	
	10	SINGLE-FAMILY-DETACHED	
	15	TOTAL	
G	9	LARGE SINGLE-FAMILY	
	9	TOTAL	
H	25	LARGE SINGLE-FAMILY	
	25	TOTAL	
I		OPEN SPACE	Open space and recreational amenities including trails, clubhouses, parks, golf, plant nurseries, community gardens and other recreational uses

5.2 Development Standards - Dimensional Standards

The permitted dimensional standards and open space are presented below in Table 2.0 and 3.0 below. Open space is further discussed in Section 5.5.2 below.

Table 2.0 Dimensional Standards

Category	Dimensions
Large Single-Family	
Min. Lot Size	20,000 SF
Min. Lot Width	50 FT
Min. Building and Yard Setbacks	
Front	30 FT
Side-Street	15 FT
Side Interior	10 FT
Rear	20 FT
Max. Building/Structure Height	35 FT
Single Family Residential	
Min. Lot Size	8,000 SF
Min. Lot Width	50 FT
Min. Building and Yard Setbacks	
Front	20 FT
Side-Street	15 FT
Side Interior	10 FT
Rear	25 FT
Max. Building/Structure Height	35 FT
Cottage	
Min. Lot Size	5000 SF
Min. Lot Width	40 FT
Min. Building and Yard Setbacks	
Front	20 FT
Side-Street	10 FT
Side Interior	5 FT
Rear	20FT
Max. Building/Structure Height	35 FT
Townhome	
Min. Lot Size	2000 SF/UNIT
Min. Lot Width	20 FT
Min. Building and Yard Setbacks	
Front	5 FT
Side-Street	10 FT
Side Interior	0 FT
Rear	20 FT
Max. Building/Structure Height	35 FT

Multi-family (Condominium)	
Min. Lot Size	3000 SF
Min. Lot Width	20 FT
Min. Building and Yard Setbacks	
Front	20 FT
Side-Street	15 FT
Side Interior	15 FT
Rear	30 FT
Max. Building/Structure Height	40 FT

Table 3.0 – Open Space

Category	Required	Amount Provided
Total	77.1 acres; 20% minimum	115.5 acres; 30%
Usable	38.5 acres; 10% minimum	77.0 acres; 20%

- Open space exceeds amount required by UDO Section 3.5.14. – Includes Land Area 'I' as shown on Exhibit IX 'Land Use Plan', wetland areas outside of Land Area 'I' and existing waterbodies outside Land Area 'I'.
- Usable open space as defined by the UDO and may include trails, open areas, amenity areas, golf and other recreational areas.

5.3 Treatment of Onsite Natural and Man-Made Features

5.3.1 Natural Features

The majority of the property's wetlands will remain undisturbed and protected. If any wetland impacts occur, they will be limited to road crossings. As required by law, any impacts must be permitted and mitigated per the requirements of the Army Corps of Engineers and the North Carolina Department of Environment and Natural Resources.

As required by US Fish and Wildlife, the understory in areas of suitable and potentially suitable red cockaded woodpecker foraging habitat will be managed during the development process.

The community lies within the WSIII HQW Watershed District established by NCDWQ. The project will comply with all state and local standards for water quality including any and all required setbacks, buffers and storm water management requirements. The project will utilize best management practices and engineered storm water facilities as required by NCDWQ rules and regulations.

5.3.2 Man Made Features - The existing pump house will remain and be utilized for irrigation purposes. Irrigation areas may include common spaces, parks, golf course areas and other recreation spaces throughout the development. All existing roadways, entry monumentation, entry guardhouse, clubhouse facilities and residential lots will remain.

5.4 Statement Regarding Public Facilities

Any community greenway trails will be added to the Town of Southern Pines greenway system. The greenway trails are anticipated to be dedicated to the Town of Southern Pines. Future connection points are also provided to the Town's greenway system. Any neighborhood parks and green spaces are anticipated to be dedicated the property owner's association. The Town and homeowner's association may enter into a supplemental maintenance agreement for such areas.

5.5 Additional Design Conditions

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

5.5.1 Vehicular Circulation and Street Cross Sections

The vehicular circulation within the community provides for interconnectivity between the residential lots, amenities and Airport Road. Street standards supplementing the current Town of Southern Pines standards that may be included within the project boundary are included in Exhibit XIII. The functional classification of streets is illustrated in Exhibit XII Conceptual Transportation Plan. Upon completion, the streets will be private and maintained by the developer and/or the property owner's association. Although a Traffic Impact Assessment (TIA) is not required to be submitted with a CDP application, in good faith, Applicant has provided a full TIA to the Town for review which has been reviewed by the Town Engineer and the NCDOT. The TIA will be updated to the newly adopted TIA standards at the PDP stage. The TIA outlines the current traffic volumes and conditions, volumes at the proposed build out and proposed traffic mitigation measures required for the full build out. Improvements as recommended by the TIA will be implemented as described in the TIA. Roadways adjacent to the community are governed by the NCDOT and therefore the Traffic Impact Analysis, ingress/egress and proposed mitigation requires NCDOT approval and all mitigation measures and will be implemented per the requirements of and as established by the NCDOT.

Applicant requests approval of Asphalt wedge curbing in the development as utilized in the original, approved sections of the development. This will create a consistent look for future development sections. The general rule under the UDO is that curb and gutter is required for streets (UDO Section 4.11.10(B)) and wedge curbing is allowed only in limited circumstances. However, that Section specifically says "except as provided in Section 4.11.14." UDO Section 4.11.14, in turn, allows for deviation from that standard within a Planned Development: "Except as otherwise approved in a PD, . . . the street must be built to the same standards as a Public Street." Thus, the Board may allow asphalt wedge curbing at the Applicant's request.

Ingress/Egress Points

Airport Road - Two (2) access points along Airport Road will be provided. Future connections to other surrounding roadways may be made if the

opportunity is made available without revision to this document to provide additional locations for emergency service vehicles as necessary.

There will be no driveway cuts submitted as part of any future PDP along either the existing Avenue of the Carolinas or proposed secondary access from Airport Road south to the proposed wetland bridge crossing. This prohibition does not include the roadway intersections and is intended to be specific to residential driveways, not road cross sections, serving residential product.

Cul-de-sacs - Cul-de-sacs will be limited in the community, however, in some instances cul-de-sacs may be provided based on land features and parcel boundaries.

Sidewalks/Multi-use-paths – Concrete sidewalks and/or asphalt multi-use paths will be provided throughout the development on at least one side of all new streets as shown in Exhibit XIII. The determination between the use of sidewalks or multi-use paths will be determined during the PDP phase and based on topography, location and proximity to other pedestrian paths within the development. Sidewalks and multi-use paths will be installed with the development of each individual lot. Bonding of these improvements will be permitted per the Town's UDO standards in effect at the time of the approval of this CDP. Bonding is permitted for 12 months with a potential 6-month extension. Bonding, timing and construction of these improvements will be discussed during the PDP process for each individual phase of development.

Construction Traffic – Upon completion of the temporary secondary access road connection to Airport Road and Town of Southern Pines approval to allow construction traffic to utilize this access, all construction traffic will be directed to this entrance and will not be permitted in the main entrance to the development.

Road Connections – No road connection will be made from the existing Avenue of the Carolinas to future sections of the development indicated on the Phasing Plan (Exhibit XI) as Phases 2 and 3 across the driving range area.

5.5.2 Open Space, Amenity and Pedestrian Circulation

A network of pedestrian sidewalks and greenway trails and parks will be provided throughout the community and connect to the Town of Southern Pines Greenway System at the Warrior Woods subdivision. A minimum of 115.5 acres (30%) of total open space shall be provided. A minimum of 77.0 acres (20%) of the provided open space shall be usable open space as described in Section 3.5.14 of the UDO. A minimum 5' sidewalk or 8' greenway will be provided in front of residences on at least one side of the roadway. Any neighborhood or community parks and green spaces are anticipated to be dedicated to the homeowner's association. The homeowner's association will maintain these areas.

The acreage comprising the remaining golf holes, as indicated by Area 'I' on Exhibit IX, will be preserved in some form as a part of the network of greenway trails, parks or common open areas. Applicant desires to preserve some functional golf holes as an amenity. However, the precise disposition of the remaining golf course holes in the development is not determined at this time other than that the acreage will be preserved Open Space. The Open Space may include between 0-9 functional golf holes depending on multiple factors to be determined at a later date.

5.5.3 Architectural Standards

The community will be controlled by architectural standards through the community's Covenants and Restrictions - see Exhibit XV. Architectural standards are desired to maintain consistency and quality through the life of the development and be consistent with the previously developed areas of the property. All development and building permits are subject to all Local, State and Federal permitting guidelines, architectural review, rules and regulations.

All single-family detached homes and cottages will be a minimum of 1,900 sf. All Townhome units will be a minimum of 1,600 sf. Square footage minimums will be established by declaration of covenants.

The multi-family development standards of Section 4.10.8 of the UDO will apply to condominium uses in Caropines, except 4.10.8(F) regarding open space and 4.10.8(C)(7)(a) and (b). These modifications are based on the fact that the Planned Development itself is subject to significant Open Space requirements, which Open Space elements are accessible to the occupants and it would be desirable during building design to have flexibility to provide entrances to more than four (4) dwelling units from a single entrance. (Side note: there are many multi-family condominium product types that are very attractive and include multiple floors that may access up to 12 units – 4 per floor. In addition, if the building were to become an internal corridor type building, all units would be accessed from a single main entrance.)

5.5.4 Landscaping and Buffering

Landscape standards will meet or exceed the requirements of the Town of Southern Pines UDO per Section 3.5.14(H). Landscape buffers will be installed per the UDO unless otherwise specified in this document.

Individual Lot Landscaping – Individual single-family detached lots will be landscaped as follows:

Large Trees*	= 5 (1 shade tree and all others Longleaf Pines)
Understory Trees	= 2 (Dogwoods, Redbuds, etc)
Shrubs	= 50 (Minimum of (10) 5-gallon shrubs, all other shrubs to be Minimum 3-gallon containers)
Groundcover	= 20 (Minimum 1-gallon containers)

Sod = 1,800 sf

To encourage saving of trees on individual lots, credit will be given for each tree saved on an individual lot on a 1 to 1 basis. (example: 2 trees saved then 3 trees must be planted.

* Large tree plantings on individual lots do not include street trees required by this section

Individual private lot landscaping will not be enforced by the Town of Southern Pines. Covenants and restrictions for the community will reflect the planting standards described above and be enforced by the Property Owner's Association.

Streetscape – Street trees will be planted in the existing Villages of the Carolina section of the development per Exhibit XX. Street trees will be adjusted to accommodate existing driveways and future driveway locations within the development. Streetscape in future phases will reflect the planting scheme shown in Exhibit XX.

In an effort to reflect the natural appearance of the original sections of development within The Carolina, street trees will be planted with random spacing, rather than at regimented distances on center to provide a more natural character within the development of new sections. Street tree plantings will be installed at a rate of one tree for every 30' of roadway on both sides of the street, however, trees may exceed 30' on center and be planted with random spacing as described above. Street trees will not exceed a maximum of 80' on center. Longleaf Pine trees will make up a minimum of 65% of all street tree plantings. Any existing trees maintained within the right-of way will be credited toward the street tree requirements. Each lot must have a minimum of one (1) street tree planted in the right-of-way between the property's lot lines.

Street trees will be installed during reasonable planting times based upon the individual plant species. Bonding of these improvements will be permitted per the Town's UDO standards in effect at the time of the approval of this CDP. Bonding is permitted for 12 months with a potential 6-month extension. Bonding, timing and construction of these improvements will be discussed during the PDP process for each individual phase of development.

Landscape buffers are not required within a planned development; however, Applicant may elect to install a landscape buffer in its discretion as part of future land planning within the PD.

5.5.5 Utilities

Electric, water, sewer and gas utilities are currently available on the property as described in Section 4.2.3 of this document. Any new utility lines will be installed per the policies of the local utility providers and the Town of Southern Pines for underground utilities.

From time to time, temporary services may be required and shall be allowed at community facilities, temporary construction offices, temporary sales centers and other common amenities such as parks.

Drainage easement areas will be provided as required by the UDO and applicable regulations, the same being designed during, detailed and located during the detailed engineering and permitting of future development phases.

Water and sewer utilities will be provided by the Town of Southern Pines, the cost of which will be borne by the developer. To provide minimum 20,000 sf lots in Area 'G', matching the historically developed large single-family lots in close proximity, the nine (9) lots indicated for this area may be served by septic tanks. All lots must meet septic tank standards and obtain a septic permit from the Moore County Health Department. Any septic approved by Moore County Health Department will not be installed or maintained by the Town of Southern Pines.

Cable will be provided by Spectrum. Power and electric utility will be provided by Duke Energy. Telephone service to be provided by CenturyLink.

5.5.6 Street Lighting

Street lighting will be designed in conformance with the requirements of Section 4.8 in the Town of Southern Pines UDO. The cost of installation and maintenance of any specialty street lighting shall not be the responsibility of the Town of Southern Pines. Appropriate lighting in parking areas and amenity locations will be provided.

Street lights will be provided by Duke Energy Progress or other utility company to reflect the light fixture shown in Exhibit XVIII. Should this light fixture be discontinued a comparable street light design will be substituted.

5.5.7 Signage

Subdivision signage and an existing entry structure exist at the Avenue of the Carolinas access point. This signage will remain and be maintained. A second smaller development sign may be provided at a second Airport Road access location to the east of the main entrance. Signage, internal to the development, may be provided throughout the property to identify neighborhood areas, amenity locations and other important areas within the development for purposes of identification and wayfinding. All signage will be designed in conformance with the requirements of the Town of Southern Pines UDO in Section 4.6. The cost of installation and maintenance of any specialty street signage shall not be the responsibility of the Town of Southern Pines.

Street signs design will reflect the signs included in Exhibit XIX.

5.5.8 Accessory Uses

Accessory dwellings and uses may be incorporated in various areas per Section 5.2 and 5.3 of the Towns UDO.

5.5.9 Temporary Uses/Special Events

Temporary construction trailers including, but not limited to real estate, construction and sales offices may be installed during the period of construction and real estate sales. Other temporary uses may include tree or sod farms and plant nurseries (but such tree, sod or plant operations shall be temporarily operational during and as a part of installation of the initial development landscaping), special event parking, special event material storage, construction material storage and staging, arts and crafts festivals, athletic events, outdoor concerts and other special events. Any temporary uses or special events must obtain the appropriate permits from the Town of Southern Pines.

5.5.10 Storm Water Management and Water Quality Management

The Petitioner acknowledges that the subject site is located within a state regulated and protected drainage basin and accordingly agrees to fully comply with all aspects of applicable local and state standards and regulations for storm water mitigation and watershed protection, including specific requirements for erosion and sedimentation control. Best management practices at the time of development for each phase shall be utilized in accordance with NCDENR guidance. Drainage facilities will be located in the general locations as shown on Exhibit XII. These locations are subject to change throughout the continued development of the property based on detailed engineering and grading plans. Stormwater must be maintained on the overall property to meet the Town of Southern Pines, NCDENR, NCDWQ and any other stormwater regulations.

The installation/maintenance of any proposed storm water devices shall not be the responsibility of the Town of Southern Pines. The overall site will meet the 24% maximum built upon area as required by the state standards in this watershed at the time of this application. The overall density of the project will not exceed two (2) dwelling units per acre.”

As stated in the Application materials (Section 5.3), the project will comply with the WS III HQW regulations including the requirement to have no more than 2 residential units per acre.

5.5.11 Amenities

Additional amenities may be provided throughout the development. Any townhome or multi-family condominium development will be provided with their own amenities, operated and maintained by a separate property owner’s association or the developer.

5.5.12 Airport Proximity

Due to the properties proximity to the Moore County Airport, A note will be included in all property deeds for all residences, stating that the property is adjacent to an airport.

6.0 DRAFT COVENANTS & RESTRICTIONS

Covenants and restrictions are in place and recorded with Moore County for the previously developed sections of the property. Attached, as Exhibit XIII, is the previously recorded Declaration of Covenants, Conditions and Restrictions for Phase 1A of The Villages at The Carolina. In the event of approval of the Caropines CDP, the Declaration will be amended and supplemented to add property on a phase-by-phase basis and to conform the provisions of the Declaration to the approved plans for the development. If the CDP is approved as applied for, the Declaration will, at a minimum be modified to provide for the following: (1) allow for multi-family condominium units; (2) modify minimum setbacks, (3) reduce minimum residential square footage required and (4) establish appropriate height restrictions.

7.0 Traffic Impact Analysis (TIA)

A detailed TIA has been prepared with guidance from NCDOT and the Town of Southern Pines. Preliminary review of the TIA has been completed by the Town and NCDOT and is subject to NCDOT approval prior to the issuance of any building permits. All mitigation measures approved by NCDOT through the TIA will be requirements of the development of this property. Improvements as recommended by the TIA will be implemented as described in the TIA. An addendum or supplement to the main TIA will be provided with each preliminary development plan (PDP) indicating which, if any, improvements are required or triggered by the PDP.

8.0 Statement about Dedication of Streets

All streets will remain private streets. Streets will be maintained by the developer until such time as turned over to the property owner's association. The recorded restrictive covenants applicable to the development will provide for the long-term maintenance, repair and replacement of the common areas, including the roadways and transportation facilities by way of collection of dues and/or assessments, as needed.

9.0 Annexation

The property is already within the town limits for the Town of Southern Pines.

10. Phasing

This project is projected to have a 10-year build-out. All phases have been labeled on Exhibit XI - Phasing Plan and are governed by this section. Due to the large-scale of this project and the uncertainty of economic factors that influence land development, some flexibility in phases is necessary. Pursuant to Section 2.9 of the UDO, the proposed phasing plan (Section 10 of the CDP booklet) is tied to an event not a particular date (not uncommon with large scale, long-term planned communities). To clarify, the event to which the phasing will be tied is (a) when required infrastructure improvements are available and (b) a PDP application is approved.

Conceptual utility design plans are required during the Preliminary Development Plan process and will be submitted with any application for a Preliminary Development Plan.

Second Access from Airport Road – Upon completion of the lots and roads indicated in Phase 2 and 3 of the Phasing Plan (Exhibit XI), which reaches the wetland bridge location or a period of 3 years from the approval of a Preliminary Development Plan to construct the first section

of development of this CDP, the secondary access road connection to Airport Road will be fully paved to meet Town of Southern Pines road standards.

11.0 Conceptual Development Plan UDO Criteria

Below are listed the four (4) criteria required to approve a Conceptual Development Plan (CDP) application as described in Section 2.18.4(H) of the Town of Southern Pines UDO. Following the individual criteria is an explanation describing how the project demonstrates compliance with each of these criteria.

A Conceptual Development Plan is permitted if the Applicant demonstrates that:

- (A) The Conceptual Development Plan conforms to all applicable provisions of this UDO;

The conceptual development plan conforms to all standards of the UDO. The booklet included with the application demonstrates the overall compliance with the UDO. The purpose of this PD – Conceptual Development Plan (CDP) application is to modify the current approved RS-2 structurally integrated subdivision for The Carolina property to allow for a modified mixed residential community. The property is also indicated as Residential/Golf in the Town's CLRP. The original approval was completed under a prior Town of Southern Pines Unified Development Ordinance (UDO). Structurally integrated subdivisions no longer exist as a development pattern in the UDO. To modify the existing approved subdivision and clarify the standards of development for the applicant and the Town of Southern Pines, a Planned Development (PD) district rezoning through the Conceptual Development Plan (CDP) process is requested. The proposed PD and CDP will the development standards and comply with the process requirements of the new UDO.

- (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;

The CDP is consistent with the goals and policies of the UDO. The property is zoned RS2 and FRR with an approved structurally integrated subdivision on the official zoning maps. There is no longer a provision for structurally integrated subdivisions. A residential Planned Development (PD) is the closest zoning classification to the original approval permitted in the current UDO. The proposed CDP complies with the requirements of the PD district. The proposed PD – CDP and land uses for the Caropines property are consistent with the original/current approved subdivision, Town's Comprehensive Long-Range Plan (CLRP) and promote its objectives. The CLRP has designated the property as Residential/Golf. This CDP encourages a variety of residential land uses including single-family, townhome and multi-family condominium residential at a low to moderate density. The CDP results in a master planned development, and discourages disjointed, piecemeal development. The CDP excludes all commercial, other than golf course, and industrial uses, consistent with the current zoning and CLRP.

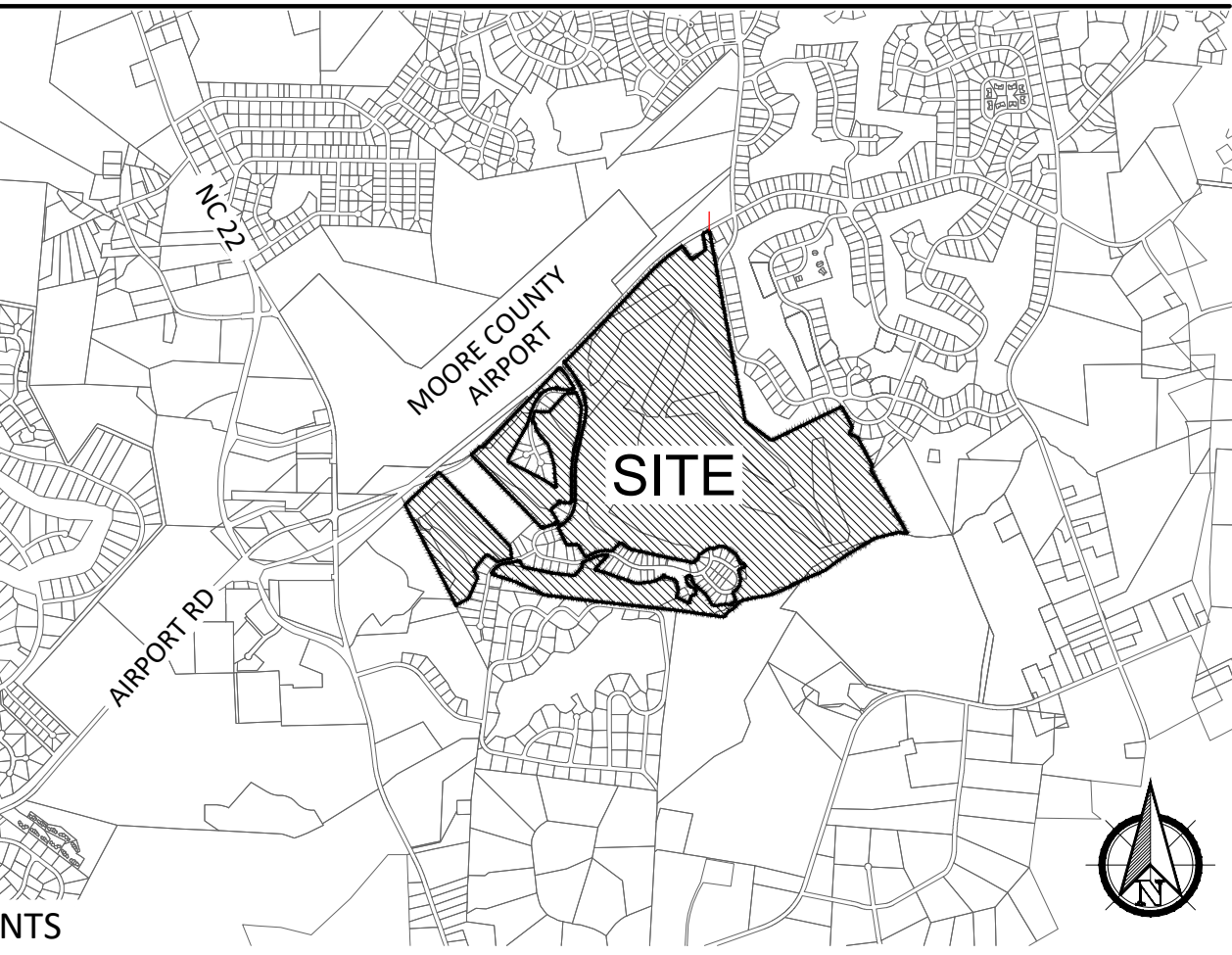
- (C) The proposed Development is appropriate for the area of the Town in which it is located; and

The existing development is a residential golf subdivision. The CLRP designates this property as Residential/Golf. The CDP booklet and plans provide the development standards necessary to develop a mixed residential community built around open space and amenities on the property like the existing property zoning. Proposed standards, densities and residential types are compatible with the existing structurally integrated subdivision approval and current development. Section 2.2 of the application describes the overall vision for the property. The existing development is bordered in part on the north and east by a residential golf course community and on the south west by another residential community. Thus, the proposal to modify the existing golf course community into a planned development district with a residential conceptual development plan that includes retaining certain golf amenities is consistent with and appropriate for the area of Town in which it is located.

- (D) The proposed Development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.

As described in Sections 5.5.5 of the CDP booklet water and sewer utilities are readily available for the project, as well as all other necessary utilities. Recent development by the applicant, within the property boundaries, under the approved structurally integrated subdivision, has extended and improved utility availability throughout the neighborhood. New utilities to serve the community described in the CDP documents, will follow the existing pattern of utility extensions within the neighborhood. Adequate sewer and water capacity to serve the development is available (see Exhibit XIV).

GENERAL VICINITY MAP



LAND USE LEGEND

SYMBOL	NOTES	ACRES
[Yellow Box]	LAND AREA 'A'	48.03
[Red Box]	LAND AREA 'B'	28.67
[Light Blue Box]	LAND AREA 'C'	25.84
[Blue Box]	LAND AREA 'D'	69.72
[Pink Box]	LAND AREA 'E'	85.46
[Brown Box]	LAND AREA 'F'	3.53
[Purple Box]	LAND AREA 'G'	7.22
[Orange Box]	LAND AREA 'H'	18.72
[Green Box]	LAND AREA 'I'	98.24
TOTAL SITE ACERAGE:		385.43

Caropines

Exhibit IX - Land Use Plan

Southern Pines, North Carolina

DEVELOPMENT TABULATION:

LAND AREA	QUANTITY	UNIT TYPE	TOTAL
A	100	SINGLE-FAMILY DETACHED	Combined maximum residential units 550 All residential unit types may be converted at a 1:1 ratio so long as the total number of units does not exceed subtotals for either category. The "Quantity" listed for each residential unit type is an "up to" number but, in no case, will the combined total number of new residential units exceed 550. This gives some flexibility in the allocation of housing types between phases over the course of the development and acknowledges possible changes in the market along the way.
	60	COTTAGE	
	110	TOTAL	
B	65	TOWNHOME	
	50	COTTAGE	
	50	SINGLE-FAMILY DETACHED	
C	65	TOTAL	
	120	CONDOMINIUM	
	65	TOWNHOME	
D	50	COTTAGE	
	35	SINGLE-FAMILY DETACHED	
	160	TOTAL	
E	40	COTTAGE	
	130	SINGLE-FAMILY DETACHED	
	150	TOTAL	
F	75	COTTAGE	
	120	SINGLE-FAMILY DETACHED	
	150	TOTAL	
G	15	COTTAGE	
	10	SINGLE-FAMILY-DETACHED	
	15	TOTAL	
H	9	LARGE SINGLE-FAMILY	
	9	TOTAL	
	25	LARGE SINGLE-FAMILY	
I	25	TOTAL	
		OPEN SPACE	Open space and recreational amenities including trails, clubhouses, parks, golf, plant nurseries, community gardens and other recreational uses

OPEN SPACE SUMMARY:

Category	Required	Amount Provided
Total	77.1 acres; 20% minimum	115.5 acres; 30%
Usable	38.5 acres; 10% minimum	77.0 acres; 20%

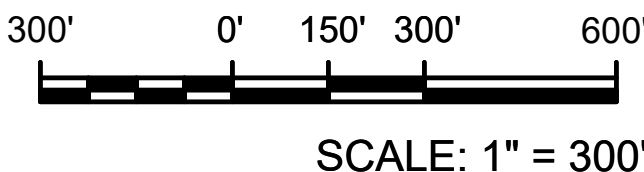
- Open space exceeds amount required by UDO Section 3.5.14 - Includes Land Area 'H' as shown on Exhibit IX 'Land Use Plan', wetland areas outside of Land Area 'H' and existing waterbodies outside Land Area 'H'.

DIMENSIONAL STANDARDS:

Category	Dimensions
Large Single-Family	
Min. Lot Size	20,000 SF
Min. Lot Width	50 FT
Min. Building and Yard Setbacks	
Front	30 FT
Side-Street	15 FT
Side Interior	10 FT
Rear	20 FT
Max. Building/Structure Height	35 FT
Single Family Residential	
Min. Lot Size	8,000 SF
Min. Lot Width	50 FT
Min. Building and Yard Setbacks	
Front	20 FT
Side-Street	15 FT
Side Interior	10 FT
Rear	25 FT
Max. Building/Structure Height	35 FT
Cottage	
Min. Lot Size	5,000 SF
Min. Lot Width	40 FT
Min. Building and Yard Setbacks	
Front	20 FT
Side-Street	10 FT
Side Interior	5 FT
Rear	20 FT
Max. Building/Structure Height	35 FT
Townhome	
Min. Lot Size	2,000 SF/UNIT
Min. Lot Width	20 FT
Min. Building and Yard Setbacks	
Front	5 FT
Side-Street	10 FT
Side Interior	0 FT
Rear	20 FT
Max. Building/Structure Height	35 FT
Multi-family (Condominium)	
Min. Lot Size	3,000 SF
Min. Lot Width	20 FT
Min. Building and Yard Setbacks	
Front	20 FT
Side-Street	15 FT
Side Interior	15 FT
Rear	30 FT
Max. Building/Structure Height	40 FT

LEGEND:

[Thick Dashed Line]	PROPERTY BOUNDARY	[Hatched Box]	EXISTING WETLANDS
[Thin Dashed Line]	AREA BOUNDARY	[Green Circle]	EXISTING RCW TREE
[Dotted Line]	MAJOR CONTOURS	[White Arrow]	CIRCULATION PATTERN
[Thin Solid Line]	MINOR CONTOURS	[Blue Shape]	PROPOSED STORM WATER MANAGEMENT LOCATIONS
[Thin Solid Line]	EXISTING PARCEL		





Planned Development District Preliminary Development Plan Application

Fee: \$ _____

Date Received: _____

Case No.: PD-____-____

Project Information:

Project Name: CAROPINES - PHASES 3B & 4

Physical Address: 277 AVENUE OF THE CAROLINAS

PIN: SEE ATTACHED

Parcel ID: SEE ATTACHED

Site Size: ±35.55 AC

Zoning: PD

Applicant:

Name(s): CAROPINES VENTURES, LLC & 71ST PARTNERS, LLC - C/O PERRY SHELLY

Email: PerryS@c-sprop.com

Phone: 910-864-3232

Mailing Address: THORNGROVE COURT SUITE 1 FAYETTEVILLE, NC 28303

Authorized Agent, if different from Applicant:

Name(s): KOONTZ JONES DESIGN - BOB KOONTZ

Email: BKOONTZ@KOONTZJONES.COM

Phone: 910-684-8487

Mailing Address: 150 S PAGE ST SOUTHERN PINES, NC 28387

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

Name(s): _____

Email: _____

Phone: _____

Mailing Address: _____

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

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

The property which is the subject of this application is located on the SOUTH side of AIRPORT RD (St./Ave.), between HIGHWAY 22 (St./Ave.) and HARDEE LANE (St./Ave.). The property has a frontage of ±5760 feet and a depth of ±4780 feet.

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

RESIDENTIAL DEVELOPMENT

Date: 9/12/22

Caropine Ventures, LLC
Applicant by: [Signature]
Perry Shelley

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

APPOINTMENT OF AGENT

The undersigned owner(s), 71st PARTNERS, LLC & CAROPINES VENTURES, hereby appoint(s) KOONTZ JONES DESIGN as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Preliminary Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

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

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

Signed this 12 day of SEPTEMBER, 2022.

71st PARTNERS, LLC & CAROPINE VENTURES, LLC

Caropine Ventures LLC
Property Owner

by Perry Shelley

Property Owner

Perry Shelley
Agent

Tract	Owner	Deed Book	Page	PIN	Parcel ID
1	Caropine Ventures, LLC	4512	377	858400613908	20050760
2	71ST PARTNERS, LLC	4777	140	858419511440	96000281
3	Caropine Ventures, LLC	4198	260	858300789195	00031457
4	71ST PARTNERS, LLC	4777	140	858419508871	96000280
5	71ST PARTNERS, LLC	4777	140	858300592330	96000278

CAROPINES PROPERTY (PDP #3) PRELIMINARY DEVELOPMENT PLAN NARRATIVE

The purpose of this PD – Preliminary Development Plan #3 (PDP) application is to fully describe the proposed phase(s) of development for the Caropines Property that meets all standards of the Caropines Property Conceptual Development Plan (CDP). As stated in the Town of Southern Pines Unified Development Ordinance (UDO) in Section 2.18.5(A), the PDP is intended to show, with greater detail, the proposed portion of development and illustrate how “proposed land use mix and intensity are consistent with the Comprehensive Plan, the purposes of the PDD and the approved Conceptual Development Plan”. The following narrative will provide information related to the submitted plans and provide details of Phases 3B & 4 of the proposed development of the Caropines CDP. This narrative will describe how the PDP meets the criteria set forth in Section 2.18.5(A). Phases 3B & 4 are consistent with the PD zoning district, CDP and the Town’s Comprehensive Long-Range Plan (CLRP). The property is indicated as Residential/Golf in the Town’s CLRP.

Phases 3B & 4, as described in this PDP application, are intended to include the next phases of development for the Caropines property and includes 12 single-family residential lots, 11 cottage lots, & 52 townhomes. An extension of the existing roadway network is shown on the PDP and connects the lots described in the PDP to Airport Road. With these phases, the current emergency and construction access road will be fully paved to the secondary entrance on Airport Road. This development conforms with the Development Program in Section 5.1 and Table 1.0 of the CDP booklet as well as all standards indicated in the CDP document. A tabulation is provided on sheet L-1.6 of the submission documents demonstrating conformance with the development program, dimensional standards and open space requirements as described in the CDP. Following is a description of the individual phases and overall design elements of the PDP.

Residential Development

Residential development proposed in this PDP will contain a total of 75 units. Lot totals by phase are described below:

Phase 3B = 11 cottage lots & 12 single-family detached
Phase 4 = 52 townhome lots

Phase 3B consists of 11 cottage lots and 12 single family lots. Adjacent to 3B is a well-maintained driving range which is open for use by residents as well as hole number 9 of the original Arnold Palmer golf course. Hole 9 is currently being maintained as an open play field. Additional open space also abuts this phase that supports a red cockaded woodpecker colony.

Phase 4 consists of 52 townhome lots. There are extensive wetlands backing up to the property affording extensive undisturbed open space.

The PDP plans include all associated infrastructure to accommodate the development of these phases. All lots meet the dimensional requirements provided in the CDP document. Lots in these phases are configured with streets that connect to the existing street network.

Overall Community

Walkability

Walkability is an important component of the proposed development. A concrete sidewalk is provided along one side of all streets within these phases of development as required by the CDP. These sidewalks connect to the community's existing pedestrian network/greenway and the Southern Pines greenway trail system through access points provided in previous phases of the development.

The greenway extends the full length of the property to Whispering Pines.

Amenities

Amenities, as described below, have been provided with previous phases of the development. The amenities provided through previous phases of the development are consistent with language in the approved CDP. Many of the possible amenities that were considered in the CDP documents have been provided. While no phasing of amenities were a part of the approved CDP, the amenities that have been provided are proportional to or exceed the current buildout of the community. Amenities provided include the following:

A \$1.8 million dollar clubhouse and pool were constructed in the early stages of the development. The clubhouse has a fitness facility, meeting and event rooms and member/residence events are held at the clubhouse regularly.

In addition to the clubhouse, a 3-hole golf course loop consisting of holes from of the original Arnold Palmer golf course was restored in the early stages of the development and is being maintained. The 3-hole loop is open for play by HOA members. The driving range has also been restored/maintained and is also open for use by residents w/ golf balls available in the clubhouse. The driving range is adjacent to Phase 3B.

Former golf holes 1, 18, & 9 are being maintained as open play fields with regular mowing and maintenance. These are adjacent to and accessible from Phase 3B. In addition to the open play fields, former golf hole corridors remain as dedicated open space (Land Area 'I') with existing cart paths serving as trails through the open space area.

A greenway trail connection was also constructed during the early phases of the development. The greenway extends the full length of the property (over 1.5 miles) and provides connections to the greenway trail network. The phases as described

in this PDP will connect to the existing pedestrian network, providing access to the greenway trail and over 115 acres of open space located throughout the community.

Per section 5.5.11 of the approved CDP, Phase 4 will include recreational or gathering space internal to the townhome development. Engineering site plans for Phase 4 will include designed amenity space internal to the townhome development.

Future amenities are also currently being planned for the community including a splash pad addition to the clubhouse pool featuring playful water features and arrangements geared towards children's play. Soil amendments have also been made for a community garden area near the eastern airport road entrance.

Stormwater Management

Stormwater management for all sites on the property will be provided per Section 5.5.10 of the CDP booklet. Appropriate state and local stormwater and erosion control permits will be required by the Town prior to any land disturbance activity on the site.

Lighting

All lighting on the property will follow Section 5.5.6 of the CDP and Section 4.8 of the UDO. Lighting levels along streets will be provided to meet the UDO standards for safety and match the existing community. Proposed lighting fixtures will match previous phases of development. All light will be projected downward to limit any light spilling onto adjacent properties.

Endangered Species

A woodpecker study has been prepared for the property and included in the CDP document. The property is also enrolled in the Red Cockaded Woodpecker Safe Harbor Program. While the area is located within potential foraging habitat, no active woodpecker cavity trees are located on this area of the property. During the full construction and engineering design phases, letters will be obtained from US Fish and Wildlife to clear the areas of the property for Phases 3B & 4. Letters permitting removal of trees will be required prior to any tree clearing on the property and all clearing must be completed within the guidelines.

Utilities/Infrastructure

This PDP follows the criteria described in Sections 5.5.5 of the CDP booklet. Due to the complexity of designing a gravity system to serve these phases, coordination with the town engineer and applicant team is ongoing. The applicant and applicant's engineer have worked with the town to prepare a master utility plan to serve these phases and will continue to work with the town to produce an acceptable gravity sewer system. Water is readily available for the project

All required infrastructure improvements will be provided by the developer for the lots described in this PDP.

Roadways

Roadways will be constructed in accordance with Section 5.5.1 of the CDP document. A Traffic Impact Assessment (TIA) has been provided showing the phasing of development within the property. A phasing study was prepared with previous PDP applications and a phasing letter from NCDOT (dated 2/6/2019) phased required improvements based on the number of units built/occupied.

An updated phasing study was prepared with this PDP submittal to re-evaluate required improvements per current traffic conditions and buildout. An updated phasing letter from NCDOT, dated November 17th, 2022 (provided), lists the traffic improvements that will be required/scheduled as follows:

Airport Road and Site Drive 1 (Ave. of The Carolinas Eastern Entrance)

- Provide stop control for Site Drive 1.
- Provide two egress lanes on Site Drive 1 with separate left and right turn lanes. A minimum of 75 feet of storage should be provided for the right turn lane on Site Drive 1.
- Construct an exclusive westbound left-turn lane on Airport Road with a minimum of 75 feet of storage and appropriate taper at the proposed Site Drive 1.
- Construct an exclusive eastbound right-turn lane on Airport Road with a minimum of 150 feet of storage
- ***Required before final plat approval which would equal 51 additional units***

Airport Road and NC 22

- Construct an exclusive westbound right-turn slip lane on Airport Road with a minimum of 150 feet of storage and appropriate taper. Provide yield control for the slip lane.
- ***Required before final plat approval which would equal 226 total units.***

Airport Road and Avenue of the Carolinas (existing entrance)

- Construct an exclusive eastbound right-turn lane at the intersection of Airport Road and Avenue of the Carolinas with a minimum of 75 feet of storage and appropriate taper.
- Construct an exclusive westbound left-turn lane at the intersection of Airport Road and Avenue of the Carolinas with a minimum of 75 feet of storage and appropriate taper.
- ***Required before final plat approval of any new lots on existing Avenue of the Carolinas (either Phase 1, 2, or 15)***

The status of buildouts by phase are described in the section below.

Current Buildout

A total of 150 units have been approved with two previously approved Preliminary Development Plans. To date, only 33 of the approved units have been completed. The table below describes the current buildout status per phase. As described earlier, the phased NCDOT improvements were based on the number of built units. Per discussion with the town of Southern Pines, tying improvements to completed units could be difficult to track and could result in issues with real estate closings, etc. Thus, the town is requiring improvements be tied to final plat approval rather than completion of a unit. Traffic improvements must be completed before final plat approval equaling the number of lots that would trigger said improvement. The table below also includes number of units with final plat approval.

APPROVED PHASES	UNITS APPROVED	UNITS PLATTED	UNITS COMPLETED	STATUS
2A	25	25	25	All approved units have been built
9	11	8		8 Lots under construction - 2023 buildout
15	9	0		On hold
8	8	8	8	All approved units have been built
2	12	0		On hold
12	32	25		25 lots have been platted
14A	24	0		On hold
7A	21	0		On hold
3A	8	0		On hold
TOTAL	150	66	33	

Completion of Avenue of the Carolinas

With the phases as described in this PDP, the current emergency and construction access road will be fully paved to the secondary entrance on Airport Road. Prior to completion of the extension, engineering plans will need to be submitted and approved by the Town of Southern Pines for Phases 3B & 4. Engineering plans cannot be submitted until the PDP for these phases is approved. Completion of avenue of the Carolinas must occur before final plat approval of either Phase 3B or 4

The proposed plan utilizes the CDP's development standards and implements portions of additional phases in the existing neighborhood, meeting the standards contained in the document. These phases of development meet the standards of the CDP and are part of a larger residential community as described in the CLRP.

In summary, the proposed PD – PDP is consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promotes its objectives. The CLRP designates the property as Residential/Golf. This PDP contains additional residential lots within the overall residential community that meet the standards of the approved CDP. The approved CDP describes a master planned residential community. The proposed PDP is the commencement of the next phases of development for the Caropines property. Phases 3B & 4, as indicated in this PDP, meet the description of the community vision described in Section 2.2 of the CDP and will create new residential housing in the Caropines community and Southern Pines.

Caropines Property Preliminary Development Plan Justification

Below are listed the four (4) criteria required to approve a Preliminary Development Plan (PDP) application as described in Section 2.18.5(H) of the Town of Southern Pines Unified Development Ordinance (UDO). Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

A Preliminary Development Plan is permitted if the Applicant demonstrates that:

- (1) The application demonstrates that it will achieve the purposes of the PDD and this section;

The PDP conforms to all standards set forth in the Conceptual Development Plan (CDP) and the standards set forth in the UDO. The booklet included with the approved CDP demonstrates the overall compliance with the UDO and this PDP follows the standards of the CDP. The PD District, Comprehensive Long-Range Plan (CLRP) and the CDP all encourage a residential community that reflects the standards of the existing community that surrounds the phase of development described in the PDP. The PDP submitted meets these goals.

- (2) The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;

The PDP is consistent with and meets all standards and requirements provided in the CDP booklet and plans and conforms to the standards of the UDO. All uses are consistent with the proposed development program and allowable uses in the CDP. The development of 12 single family residential lots, 11 cottage lots, and 52 townhome lots is consistent with Table 1.0 Development Program in the CDP booklet. The residential units follow all standards of the CDP included in Section 5 of the CDP.

- (3) The proposed Development is located in an area of the Town that is appropriate; and

The PDP is consistent with the CDP and surrounding community. The CLRP, which takes in to account surrounding land uses, designates this property as residential/golf. The property is bordered by: Airport Road and the Moore County Airport on its Northern boundary, the Mill Creek Commercial Shopping Center on its Western boundary, the Whispering Woods golf course community in the Whispering Pines jurisdiction on its Eastern boundary, and the Mill Creek and the Warrior Woods residential subdivision on its Southern boundary. The continued residential use included in the PDP is consistent with the surrounding land uses and appropriate for this area. With the development standards set forth in the UDO and CDP, the PDP will be compatible with the surrounding neighborhoods and land uses.

- (4) The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services

This PDP follows the criteria described in Sections 5.5.5 of the CDP booklet, and water and sewer utilities are readily available for the project and have been developed in previous phases of The Carolina development.



Major Subdivision Preliminary Plat Application

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

Subdivision Name: Caropines - Phase 3B & 4 Street Address: 277 Ave of the Carolinas
PIN: See attached Parcel ID: See attached Zoning District: PD
Project acreage in: Lots ±15.13 AC + Roads ±10.68 AC + Open Space ±9.74 AC + Common Area _____
+ Other (describe) _____ = Total Project Acreage ±35.55 AC
Number of Lots: 98 Minimum Lot Size: 4,250 SF Setbacks: AS APPROVED IN CDP
Highway Corridor Overlay: Yes/No NO If yes, Urban Village _____ Urban Transition _____ Rural Hwy _____
Watershed: Yes/No YES If yes, LR #2: X LR Vass: _____ Nicks Creek: _____ HQW: Yes/No X
Does the site contain a Special Flood Hazard Area: Yes/No YES Does the site contain wetlands: Yes/No YES

Applicant:

Name: CAROPINES VENTURES, LLC & 71ST PARTNERS, LLC - C/O PERRY SHELLY
Phone: 910-864-3232 Email: PerryS@c-sprop.com
Mailing Address: THORNGROVE COURT SUITE 1, FAYETTEVILLE, NC 28303

Contact Person, if different from Applicant:

Name: KOONTZ JONES DESIGN - BOB KOONTZ
Phone: 910-684-8487 Email: bkoontz@koontzjones.com
Mailing Address: 150 S PAGE ST, SOUTHERN PINES, NC 28387

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

Name(s): _____
Phone: _____ Email: _____
Mailing Address: _____

Date: 9/12/22

Caropine Ventures, LLC
[Signature]
Signature of Applicant

APPOINTMENT OF AGENT

71st PARTNERS, LLC &

The undersigned owner(s), CAROPINE VENTURES, hereby appoint(s) ROBERT JAMES DESIGN as the exclusive agent for the purpose of making an application to the Town of Southern Pines for approval of a Major Subdivision of the property described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

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

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

Signed this 12 day of SEPTEMBER, 2022

71st PARTNERS, LLC & CAROPINE VENTURES, LLC

Caropine Ventures, LLC
Property Owner

by Perry Shelley

Property Owner

[Signature]
Agent

Tract	Owner	Deed Book	Page	PIN	Parcel ID
1	Caropine Ventures, LLC	4512	377	858400613908	20050760
2	71ST PARTNERS, LLC	4777	140	858419511440	96000281
3	Caropine Ventures, LLC	4198	260	858300789195	00031457
4	71ST PARTNERS, LLC	4777	140	858419508871	96000280
5	71ST PARTNERS, LLC	4777	140	858300592330	96000278

Caropines PDP-3 Major Subdivision Justification

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

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

Not Applicable

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

The PDP conforms to all standards set forth in the Conceptual Development Plan (CDP) and the standards set forth in the UDO. The booklet included with the approved CDP demonstrates the overall compliance with the UDO and this PDP follows the standards of the CDP. The PD District, Comprehensive Long-Range Plan (CLRP) and the CDP all encourage a residential community that reflects the standards of the existing community that surrounds the phase of development described in the PDP. The PDP submitted meets these goals.

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

The proposed development complies with the UDO and will meet all the requirements as provided in the approved Conceptual Development Plan (CDP)

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

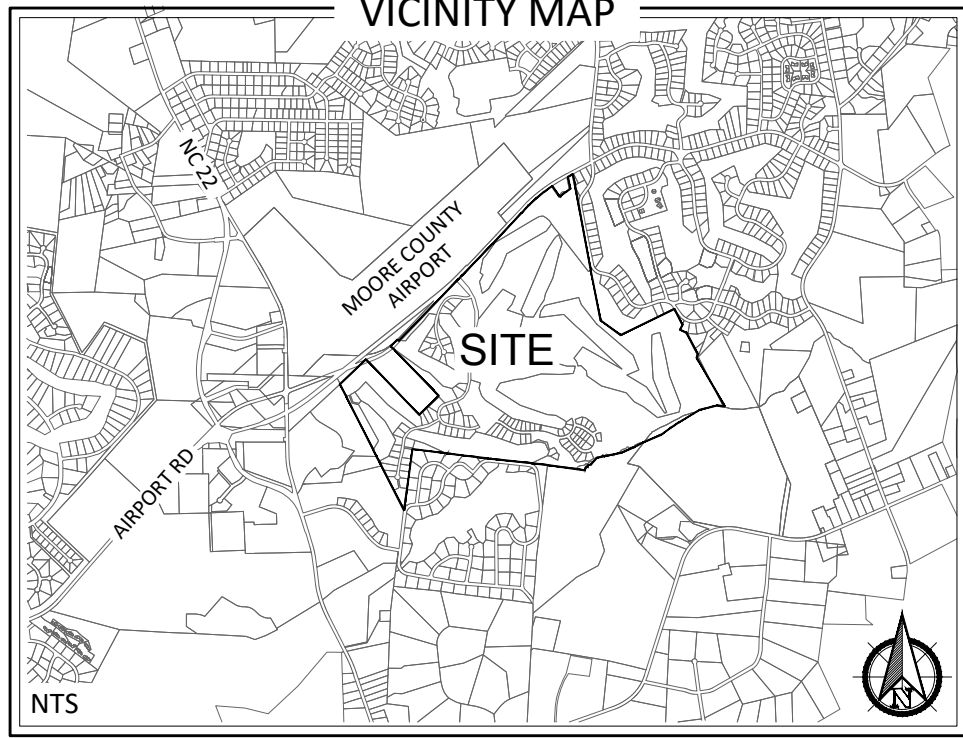
The PDP is consistent with and meets all standards and requirements provided in the CDP booklet and plans and conforms to the standards of the UDO. All uses are consistent with the proposed development program and allowable uses in the CDP. The development of 12 single family residential lots, 11 cottage lots, and 52 townhome lots is consistent with Table 1.0 Development Program in the CDP booklet. The residential units follow all standards of the CDP included in Section 5 of the CDP.

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

The PDP is consistent with the CDP and surrounding community. The CLRP, which takes in to account surrounding land uses, designates this property as residential/golf. The property is bordered by: Airport Road and the Moore County Airport on its Northern boundary, the Mill Creek Commercial Shopping Center on its Western boundary, the Whispering Woods golf course community in the Whispering Pines jurisdiction on its Eastern boundary, and the Mill Creek and the Warrior Woods residential subdivision on its Southern boundary. The continued residential use included in the PDP is consistent with the surrounding land uses and appropriate for this area. With the development standards set forth in the UDO and CDP, the PDP will be compatible with the surrounding neighborhoods and land uses.

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

This PDP follows the criteria described in Sections 5.5.5 of the CDP booklet, and water and sewer utilities are readily available for the project and have been developed in previous phases of The Carolina development.



ANTICIPATED PHASING SCHEDULE

1.	PHASE 3B
2.	PHASE 4

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

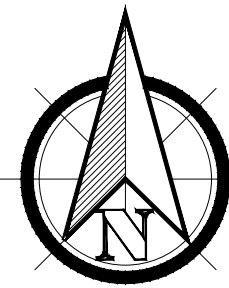
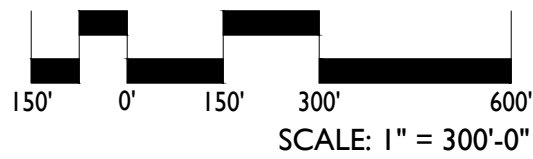
KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

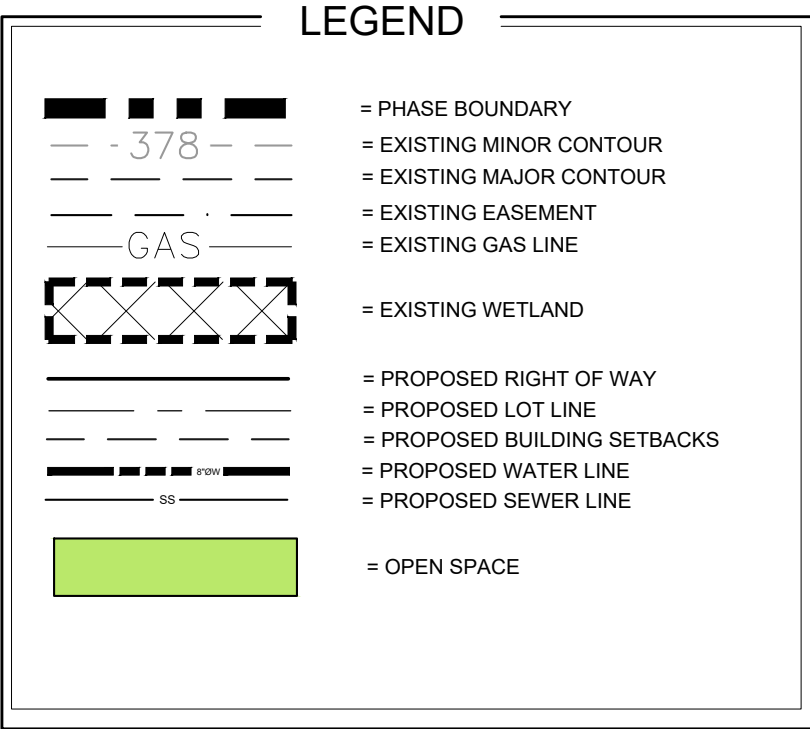
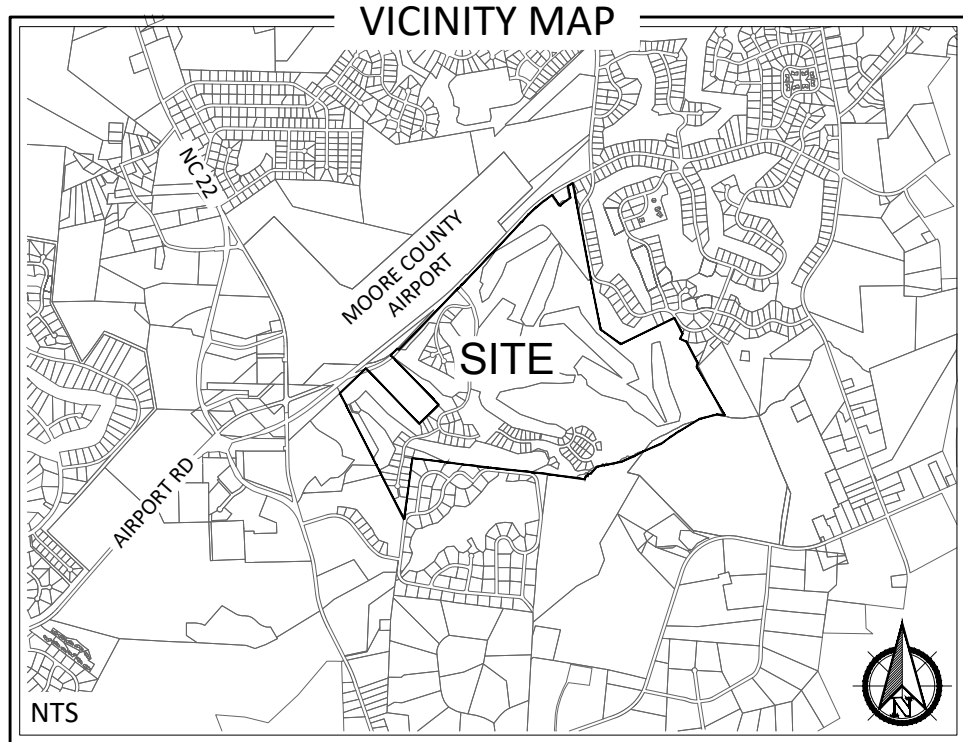
150 S PACE STREET
SUITE 100
P. (910) 584-8467
W. www.koontzjonesdesign.com

REVISIONS:

CAROPINES
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
OVERALL KEY SHEET

DATE: 09-12-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 300'-0"
PROJECT #: KDI1801
SHEET NUMBER:
L-1.0





ZONING INFORMATION

ZONING CLASSIFICATION:
PD - (WITH AN APPROVED CONCEPTUAL DEVELOPMENT PLAN)

REQUIRED SETBACKS (COTTAGE):
FRONT: 20'
SIDE-STREET: 10'
SIDE-INTERIOR: 5'
REAR: 20'

REQUIRED SETBACKS (SINGLE FAMILY):
FRONT: 20'
SIDE-STREET: 15'
SIDE-INTERIOR: 10'
REAR: 25'

MAX. BUILDING HEIGHT: 35'

PROPERTY INFORMATION

PROPERTY OWNER(S):
CAROPINE VENTURES, LLC
238 N. MCPHERSON CHURCH RD
FAYETTEVILLE, NC 28302

APPLICANT:
CAROPINE VENTURES, LLC
238 N. MCPHERSON CHURCH RD
FAYETTEVILLE, NC 28302

TOTAL ACREAGE (PHASE 3B): ±14.31 AC

TOTAL LOTS (PHASE 3B):
SINGLE FAMILY: 12 SINGLE FAMILY LOTS
COTTAGE: 11 COTTAGE LOTS
TOTAL: 23 UNITS

TOTAL OPEN SPACE (PHASE 3B): ±7.71 AC

TOTAL USEABLE OPEN SPACE (PHASE 3B): 0.00 AC

TOTAL IMPERVIOUS SURFACE (PHASE 3B): ±0.88 AC

FLOODPLAIN DATA

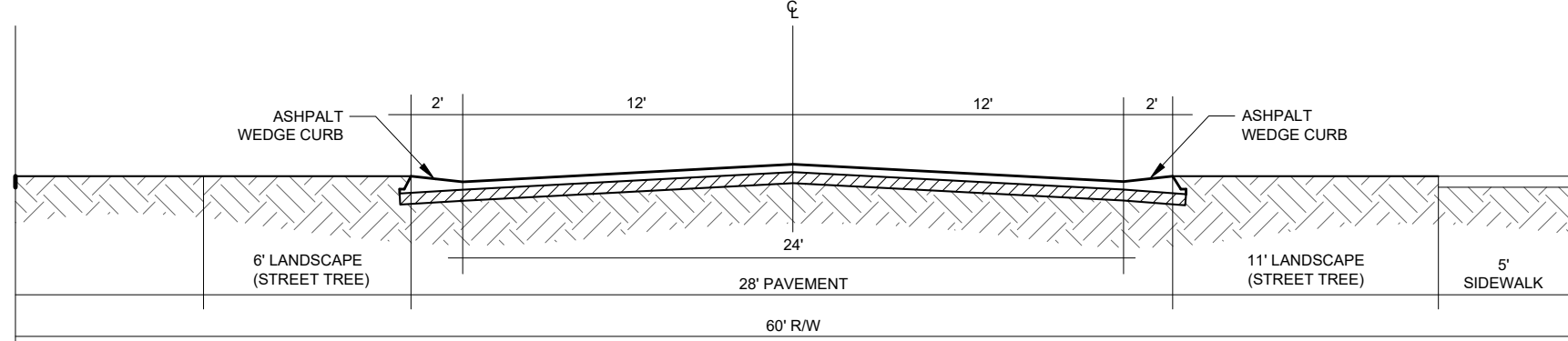
THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X'
(AREAS OF MINIMAL FLOODING)

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER
NFIP FIRM COMMUNITY
PANEL(S) NO: 8583
MAP(S): 3710858300J
DATE: OCTOBER 17, 2006

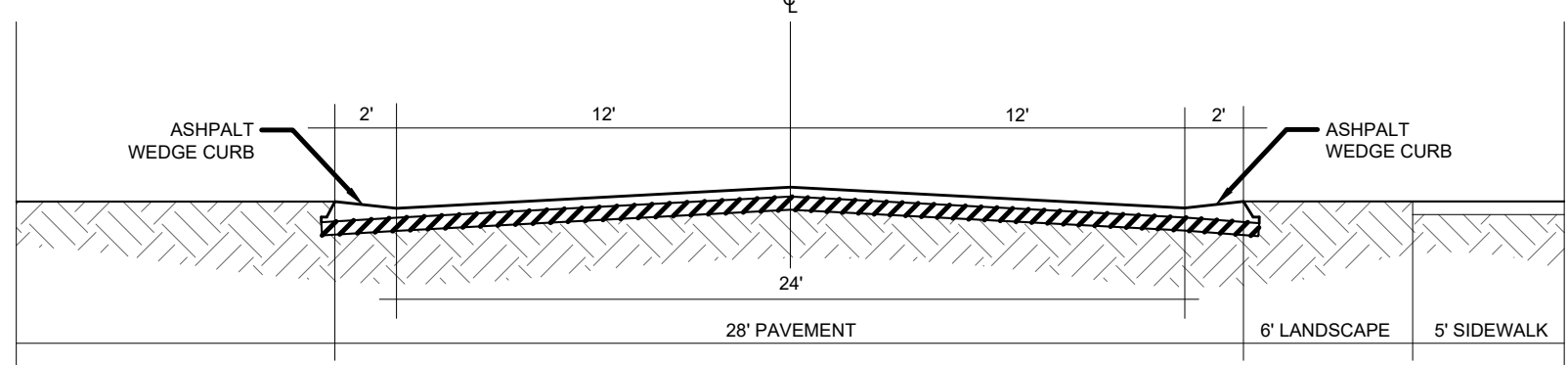
GENERAL NOTES:

- STREET LIGHTING WILL BE PROVIDED IN ACCORDANCE WITH SECTION 5.5.6 OF THE CONCEPTUAL DEVELOPMENT PLAN.
- PROJECT SIGNS WILL MEET ALL REQUIREMENTS OF SECTION 5.5.7 OF THE CONCEPTUAL DEVELOPMENT PLAN.
- STORMWATER MANAGEMENT DEVICES TO FOLLOW THE TOWN OF SOUTHERN PINE'S STANDARDS AND BE APPROVED BY THE TOWN ENGINEER.
- DRAINAGE WILL BE RETAINED AND TREATED BY ON SITE STORMWATER MANAGEMENT DEVICES.

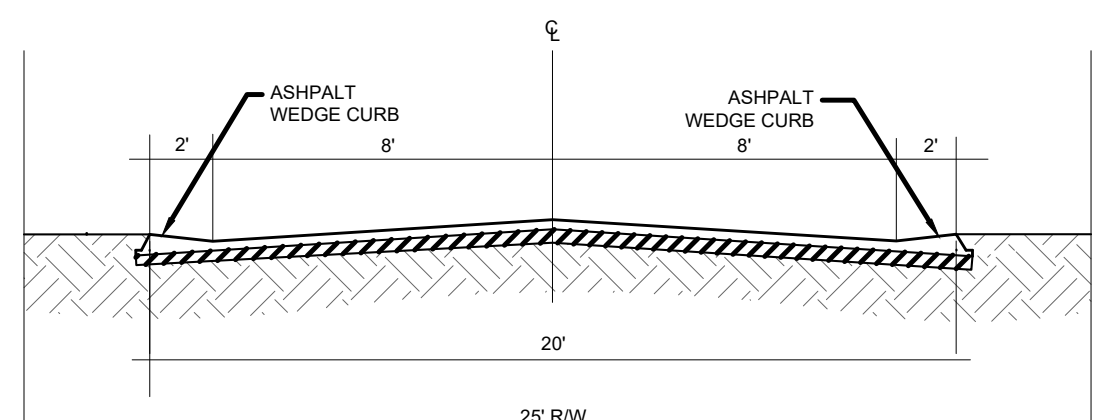
ROADWAY CROSS SECTIONS:



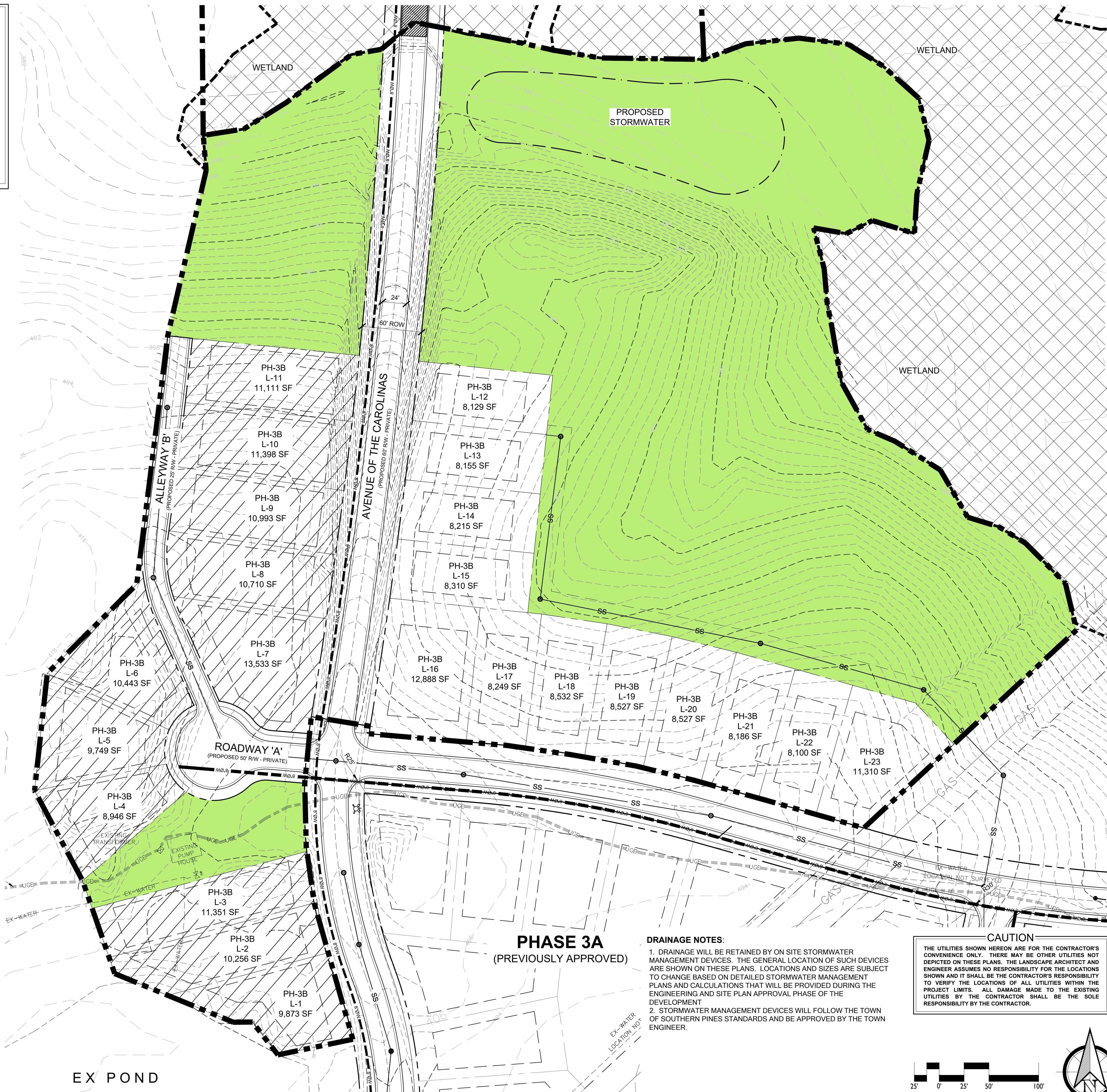
60' RIGHT-OF-WAY (RESIDENTIAL STREET)
SECTION (PER CONCEPTUAL DEVELOPMENT PLAN)



50' RIGHT-OF-WAY (RESIDENTIAL STREET)
SECTION (PER CONCEPTUAL DEVELOPMENT PLAN)



25' RIGHT-OF-WAY (RESIDENTIAL PRIVATE ALLEY)
SECTION

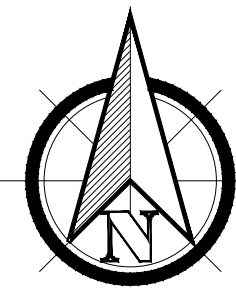
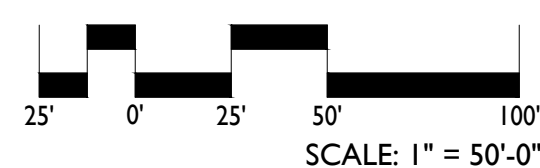


DRAINAGE NOTES:

- DRAINAGE WILL BE RETAINED BY ON SITE STORMWATER MANAGEMENT DEVICES. THE GENERAL LOCATION OF SUCH DEVICES ARE SHOWN ON THESE PLANS. LOCATIONS AND SIZES ARE SUBJECT TO CHANGE BASED ON DETAILED STORMWATER MANAGEMENT PLANS AND CALCULATIONS THAT WILL BE PROVIDED DURING THE ENGINEERING AND SITE PLAN APPROVAL PHASE OF THE DEVELOPMENT
- STORMWATER MANAGEMENT DEVICES WILL FOLLOW THE TOWN OF SOUTHERN PINES STANDARDS AND BE APPROVED BY THE TOWN ENGINEER.

CAUTION

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



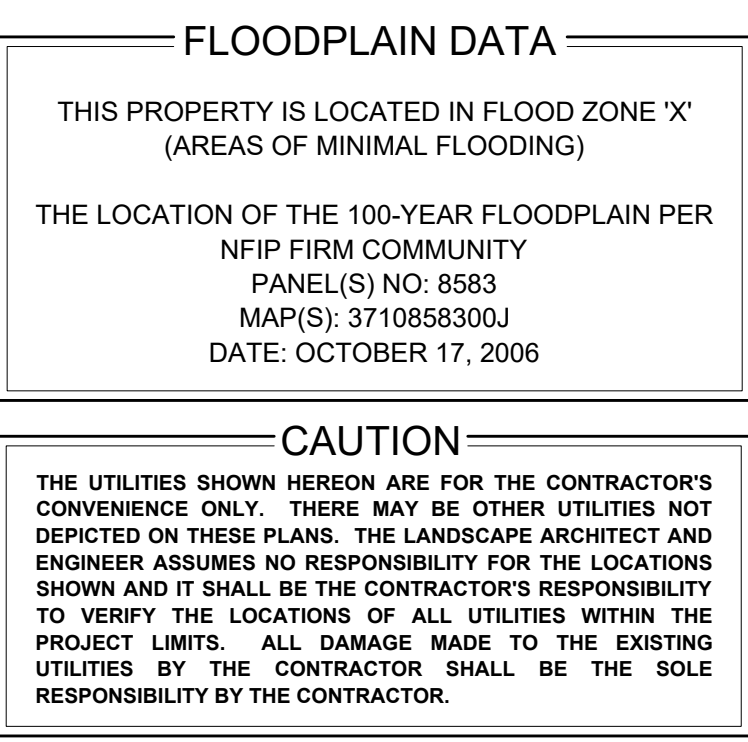
CAROPINES
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
PHASE 3B - PRELIMINARY PLAT

DATE: 11-18-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 50'-0"
PROJECT #: KDI801
SHEET NUMBER:
L-1.1

REVISIONS:

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PACE STREET
SUITE 100
FAYETTEVILLE, NC 28307
P: (704) 584-8467
W: www.koontzjonesdesign.com



STREET TREE CALCULATION

REQUIRED LANDSCAPE (STREET TREES) PER SEC 4.3.3

STREET	TOTAL DISTANCE (LF)	PLANTINGS/LF	PLANTING TYPE	REQUIRED	PROVIDED
Avenue of the Carolinas - Phase 3B (Both Sides)	1386	1/30 LF	LARGE TREES	46	46
Roadway A" - Phase 3B (Both Sides)	188	1/30 LF	LARGE TREES	6	6

STREETSCAPE PLANTING NOTES:

1. STREET TREE PLANTING TO COMPLY WITH THE GUIDELINES ESTABLISHED IN SECTION 5.5.4 OF THE APPROVED CONCEPTUAL DEVELOPMENT PLAN (CDP).
2. STREET TREE PLANTING LOCATIONS MAY BE ADJUSTED IN THE FIELD TO ACCOMMODATE FOR DRIVEWAY LOCATIONS OR EXISTING SITE CONDITIONS.
3. STREET TREES TO BE PLANTED AT A RATE OF ONE TREE PER EVERY 30' OF ROADWAY ON BOTH SIDES, AS REQUIRED IN SECTION 4.3.3 OF THE SOUTHERN PINES UDO. HOWEVER, SPACING BETWEEN TREES MAY EXCEED 30' O.C. TO ESTABLISH NATURAL RANDOM SPACING, BUT MUST NOT EXCEED SPACING GREATER THAN 80' O.C. (PER SEC. 5.5.4 OF THE CDP).
4. LONG LEAF PINES MAY BE PLANTED AT A MINIMUM OF ONE STREET TREE PLANTING IN THE RIGHT-OF-WAY. (PER SEC. 5.5 OF THE CDP).
5. LONG LEAF PINES WILL MAKE UP A MINIMUM OF 65% OF THE REQUIRED STREET TREE PLANTINGS (PER SEC. 5.5 OF THE CDP).



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

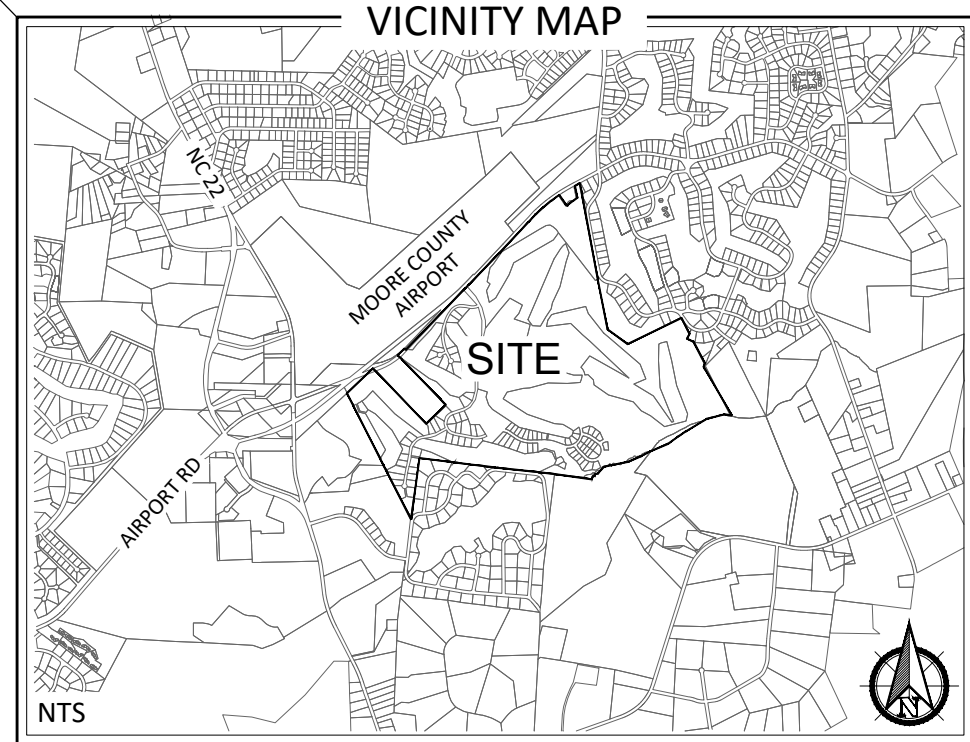
KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-8487
W: www.koontzjonesdesign.com



CAROPINES
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
PHASE 3B - STREETSCAPE PLANTING PLAN

DATE: 11-18-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
Q.C. BY: REK
SCALE: 1" = 50'-0"
PROJECT #: KJD1801
SHEET NUMBER#: **L-1.2**



FLOODPLAIN DATA

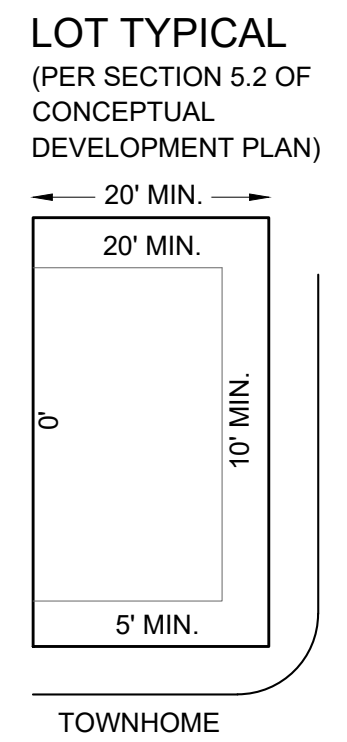
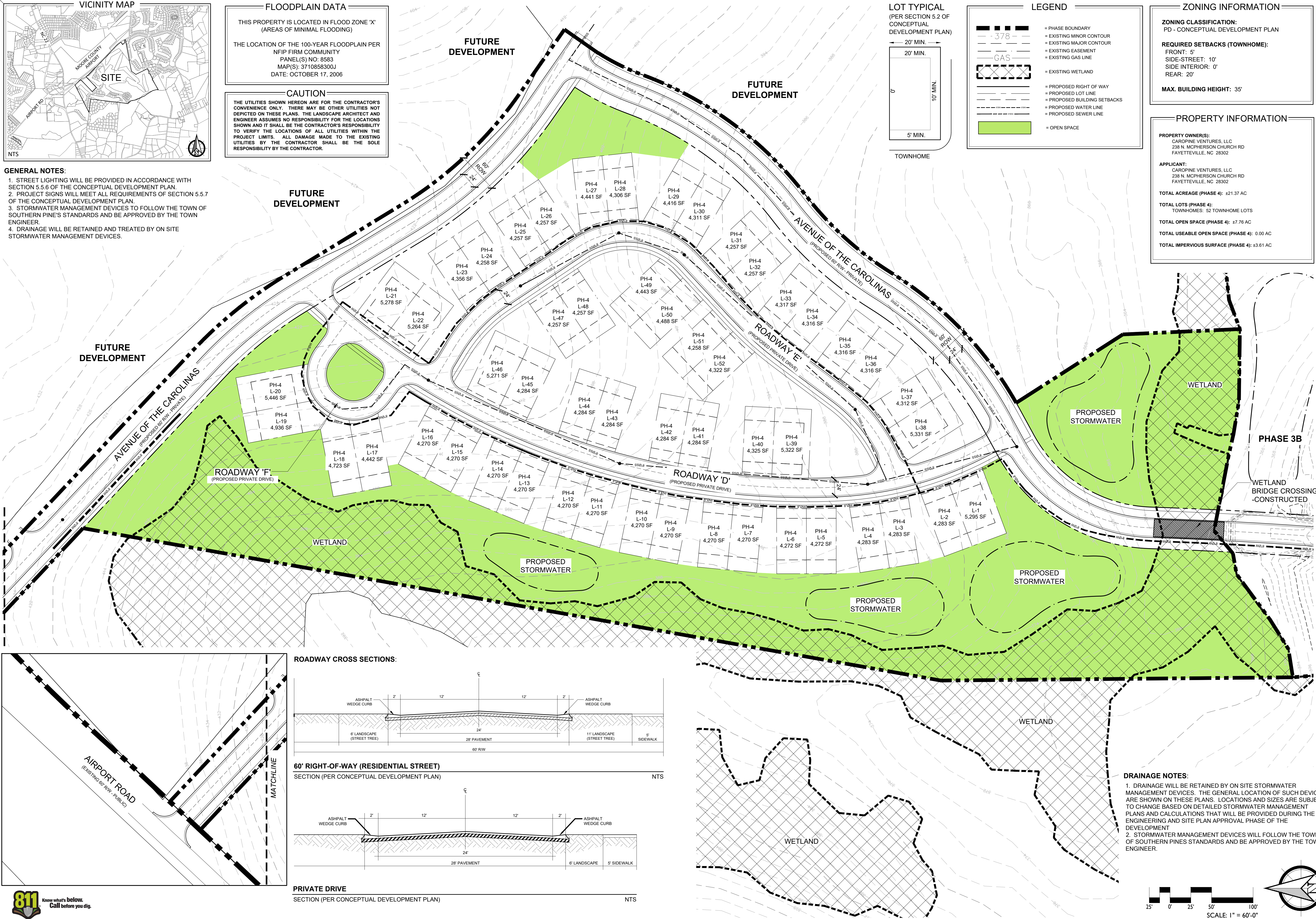
THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY PANEL(S) NO: 8583 MAP(S): 3710858300J DATE: OCTOBER 17, 2006

CAUTION

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

- GENERAL NOTES:**
1. STREET LIGHTING WILL BE PROVIDED IN ACCORDANCE WITH SECTION 5.5.6 OF THE CONCEPTUAL DEVELOPMENT PLAN.
 2. PROJECT SIGNS WILL MEET ALL REQUIREMENTS OF SECTION 5.5.7 OF THE CONCEPTUAL DEVELOPMENT PLAN.
 3. STORMWATER MANAGEMENT DEVICES TO FOLLOW THE TOWN OF SOUTHERN PINE'S STANDARDS AND BE APPROVED BY THE TOWN ENGINEER.
 4. DRAINAGE WILL BE RETAINED AND TREATED BY ON SITE STORMWATER MANAGEMENT DEVICES.



LEGEND

- PHASE BOUNDARY
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- EXISTING EASEMENT
- EXISTING GAS LINE
- EXISTING WETLAND
- PROPOSED RIGHT OF WAY
- PROPOSED LOT LINE
- PROPOSED BUILDING SETBACKS
- PROPOSED WATER LINE
- PROPOSED SEWER LINE
- OPEN SPACE

ZONING INFORMATION

ZONING CLASSIFICATION:
PD - CONCEPTUAL DEVELOPMENT PLAN

REQUIRED SETBACKS (TOWNHOME):
FRONT: 5'
SIDE-STREET: 10'
SIDE INTERIOR: 0'
REAR: 20'

MAX. BUILDING HEIGHT: 35'

PROPERTY INFORMATION

PROPERTY OWNER(S):
CAROPINE VENTURES, LLC
238 N. MCPHERSON CHURCH RD
FAYETTEVILLE, NC 28302

APPLICANT:
CAROPINE VENTURES, LLC
238 N. MCPHERSON CHURCH RD
FAYETTEVILLE, NC 28302

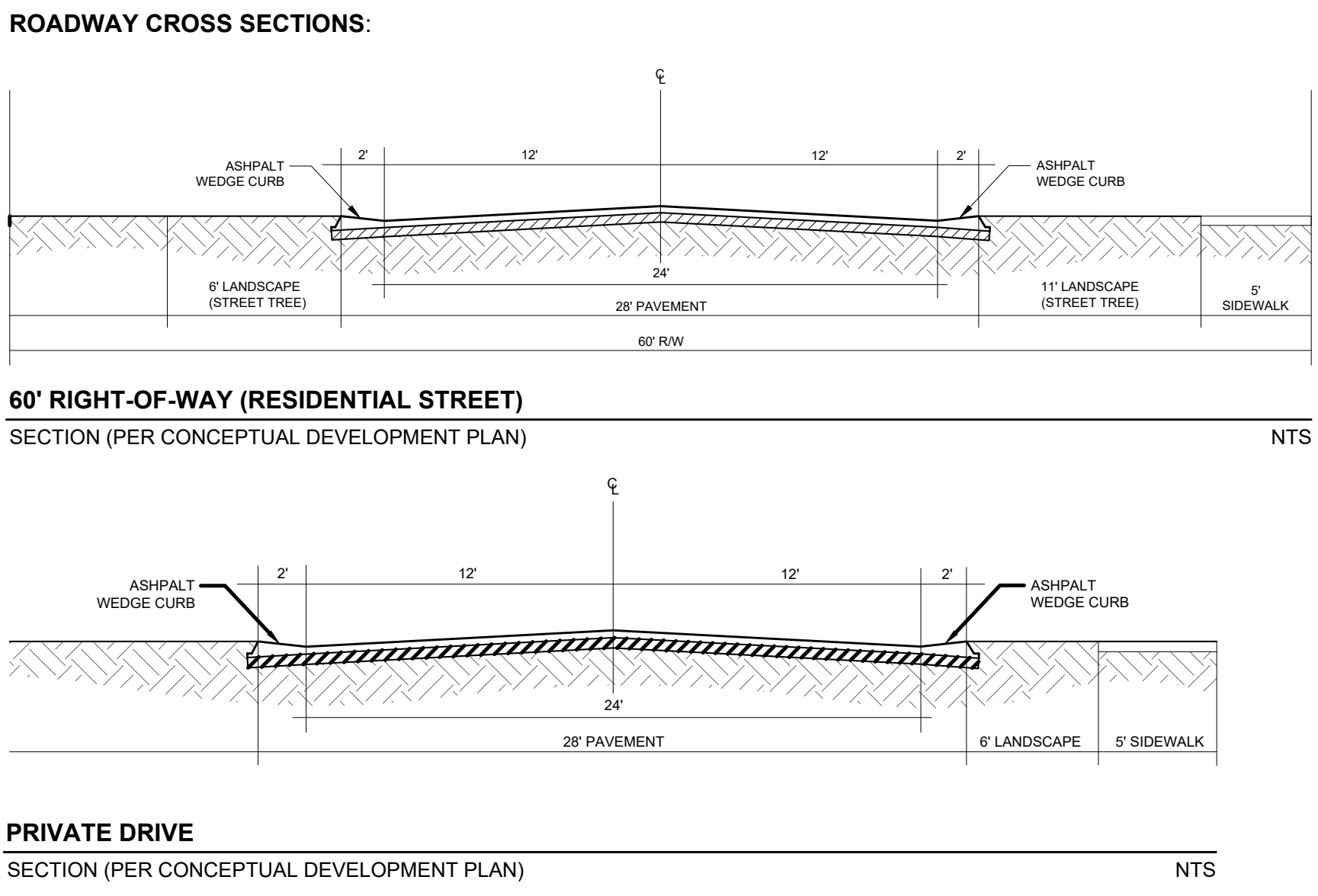
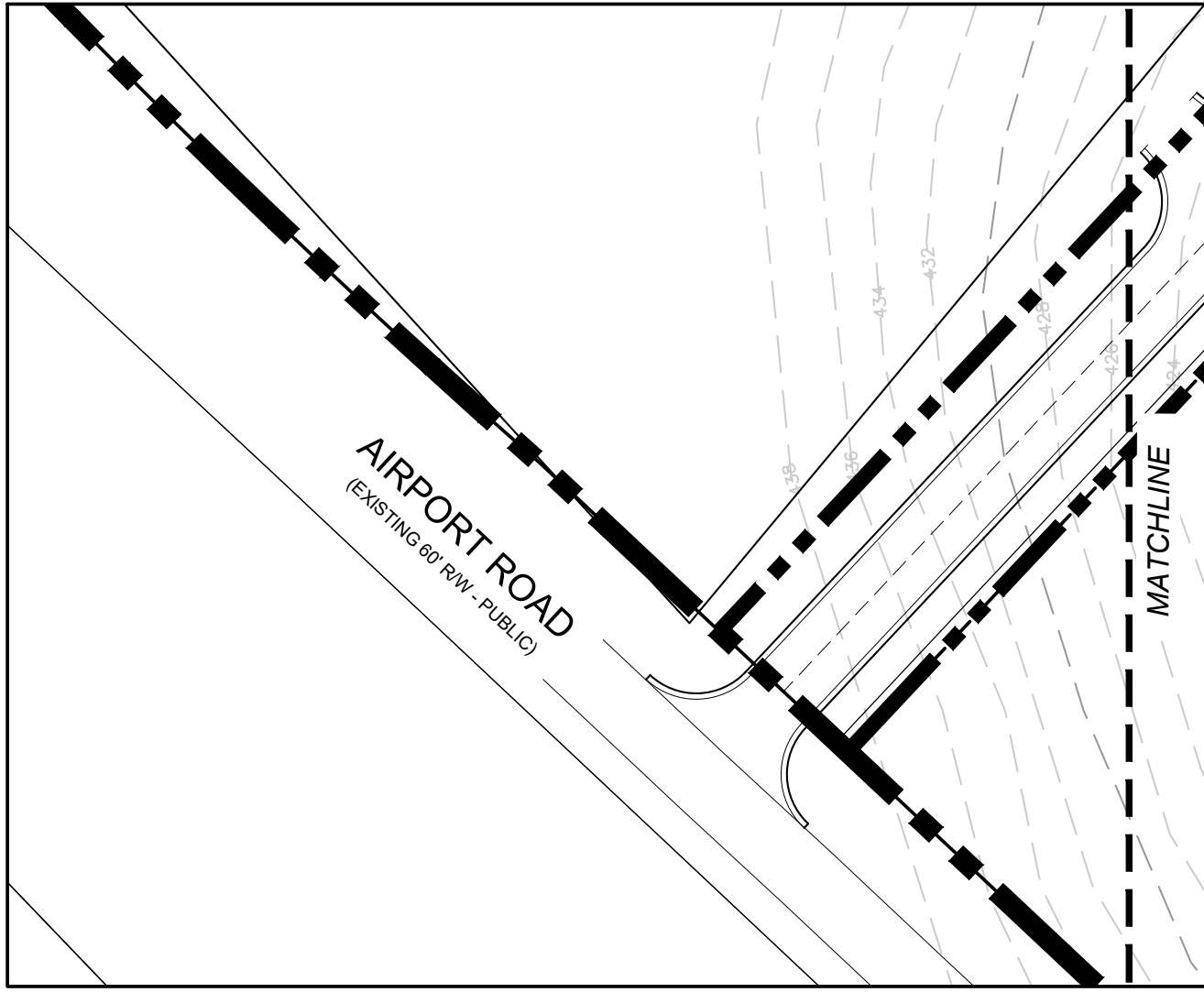
TOTAL ACREAGE (PHASE 4): ±21.37 AC

TOTAL LOTS (PHASE 4):
TOWNHOMES: 52 TOWNHOME LOTS

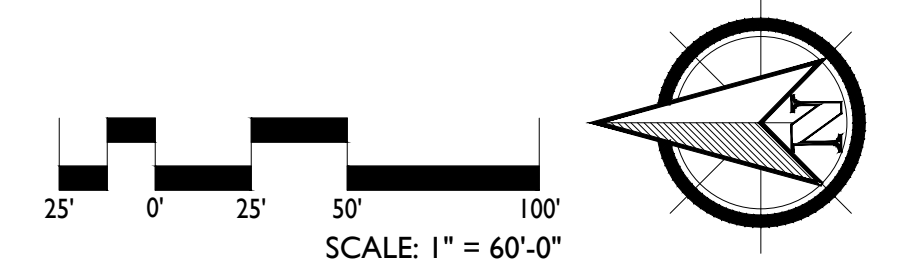
TOTAL OPEN SPACE (PHASE 4): ±7.76 AC

TOTAL USEABLE OPEN SPACE (PHASE 4): 0.00 AC

TOTAL IMPERVIOUS SURFACE (PHASE 4): ±3.61 AC



- DRAINAGE NOTES:**
1. DRAINAGE WILL BE RETAINED BY ON SITE STORMWATER MANAGEMENT DEVICES. THE GENERAL LOCATION OF SUCH DEVICES ARE SHOWN ON THESE PLANS. LOCATIONS AND SIZES ARE SUBJECT TO CHANGE BASED ON DETAILED STORMWATER MANAGEMENT PLANS AND CALCULATIONS THAT WILL BE PROVIDED DURING THE ENGINEERING AND SITE PLAN APPROVAL PHASE OF THE DEVELOPMENT
 2. STORMWATER MANAGEMENT DEVICES WILL FOLLOW THE TOWN OF SOUTHERN PINES STANDARDS AND BE APPROVED BY THE TOWN ENGINEER.



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

COONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

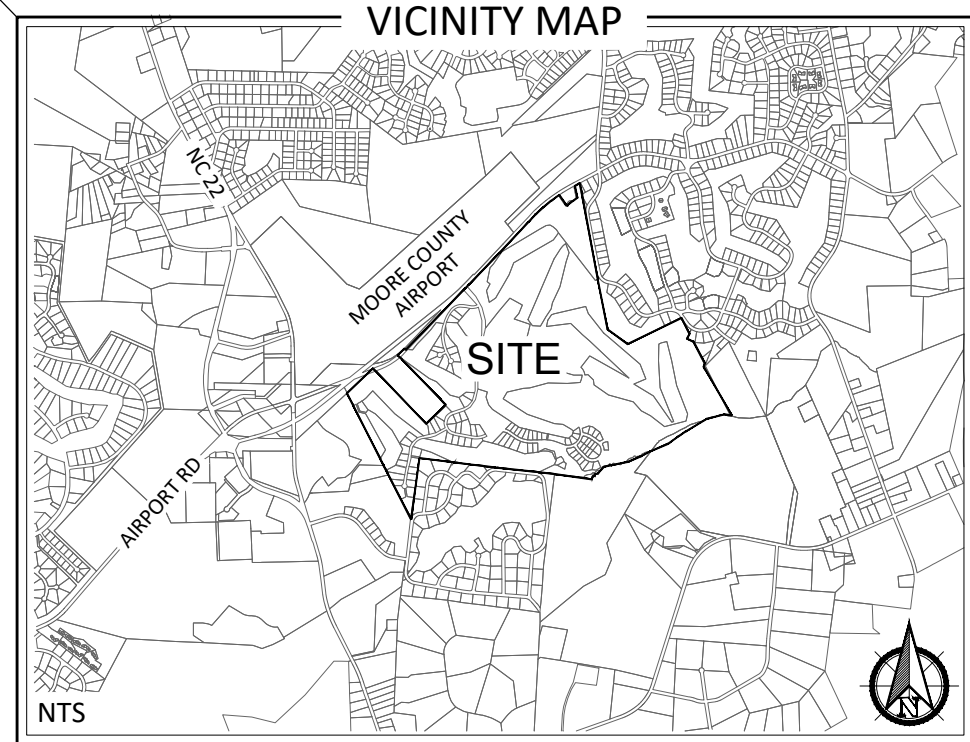
150 S PACE STREET
SUITE 100
FAYETTEVILLE, NC 28302
P: (910) 584-5467
W: www.coontzjonesdesign.com

REVISIONS:

NO.	DESCRIPTION	DATE
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CAROPINES
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
PHASE 4 - PRELIMINARY PLAT

DATE: 09-12-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 60'-0"
PROJECT #: KDI801
SHEET NUMBER: L-1.3



FLOODPLAIN DATA

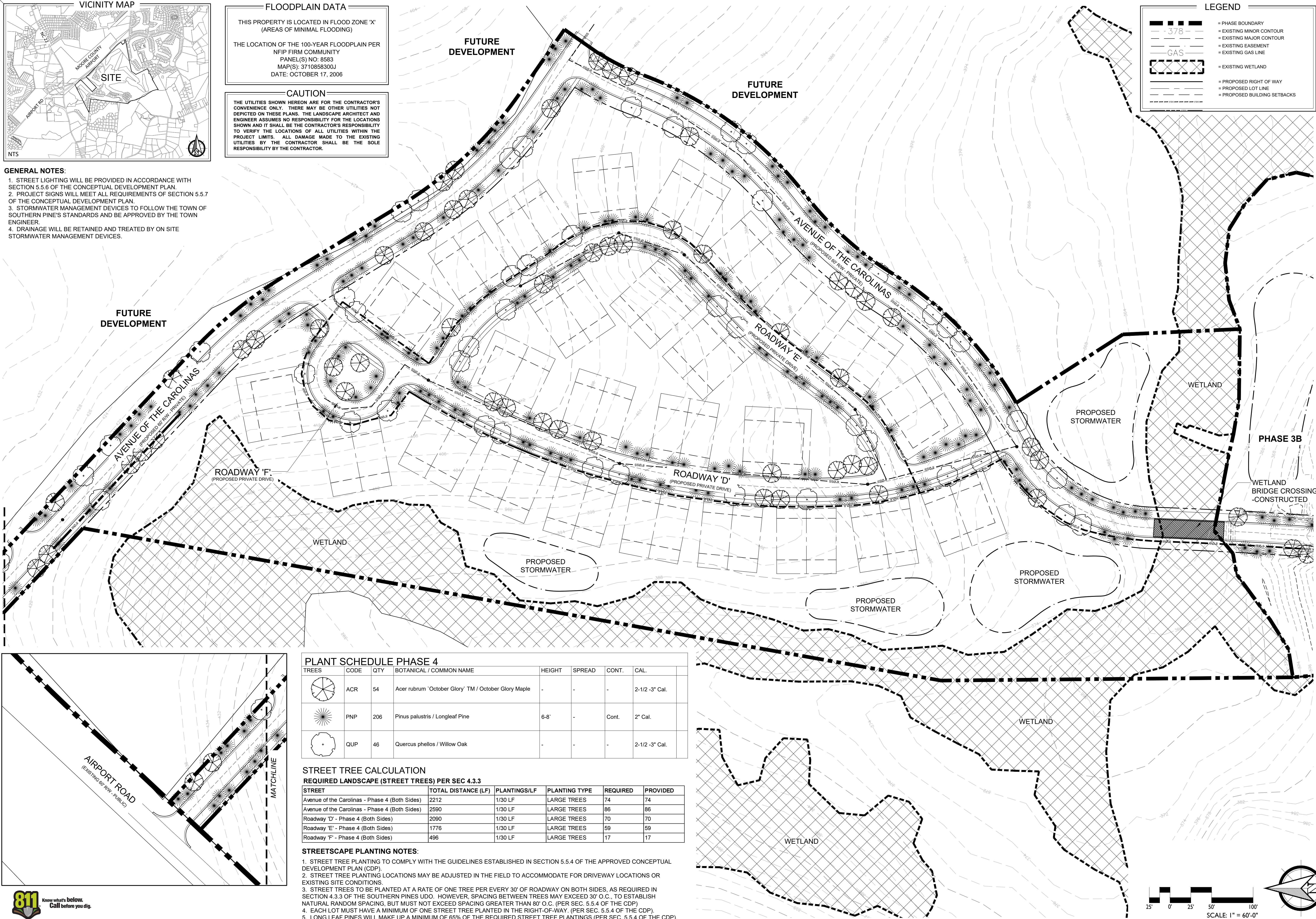
THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY PANEL(S) NO: 8583 MAP(S): 3710858300J DATE: OCTOBER 17, 2006

CAUTION

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

- GENERAL NOTES:**
1. STREET LIGHTING WILL BE PROVIDED IN ACCORDANCE WITH SECTION 5.5.8 OF THE CONCEPTUAL DEVELOPMENT PLAN.
 2. PROJECT SIGNS WILL MEET ALL REQUIREMENTS OF SECTION 5.5.7 OF THE CONCEPTUAL DEVELOPMENT PLAN.
 3. STORMWATER MANAGEMENT DEVICES TO FOLLOW THE TOWN OF SOUTHERN PINE'S STANDARDS AND BE APPROVED BY THE TOWN ENGINEER.
 4. DRAINAGE WILL BE RETAINED AND TREATED BY ON SITE STORMWATER MANAGEMENT DEVICES.



PLANT SCHEDULE PHASE 4

TREES	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	SPREAD	CONT.	CAL.
	ACR	54	Acer rubrum 'October Glory' TM / October Glory Maple	-	-	-	2-1/2 -3" Cal.
	PNP	206	Pinus palustris / Longleaf Pine	6-8'	-	Cont.	2" Cal.
	QUP	46	Quercus phellos / Willow Oak	-	-	-	2-1/2 -3" Cal.

STREET TREE CALCULATION

REQUIRED LANDSCAPE (STREET TREES) PER SEC 4.3.3

STREET	TOTAL DISTANCE (LF)	PLANTINGS/LF	PLANTING TYPE	REQUIRED	PROVIDED
Avenue of the Carolinas - Phase 4 (Both Sides)	2212	1/30 LF	LARGE TREES	74	74
Avenue of the Carolinas - Phase 4 (Both Sides)	2590	1/30 LF	LARGE TREES	86	86
Roadway 'D' - Phase 4 (Both Sides)	2090	1/30 LF	LARGE TREES	70	70
Roadway 'E' - Phase 4 (Both Sides)	1776	1/30 LF	LARGE TREES	59	59
Roadway 'F' - Phase 4 (Both Sides)	496	1/30 LF	LARGE TREES	17	17

- STREETSCAPE PLANTING NOTES:**
1. STREET TREE PLANTING TO COMPLY WITH THE GUIDELINES ESTABLISHED IN SECTION 5.5.4 OF THE APPROVED CONCEPTUAL DEVELOPMENT PLAN (CDP).
 2. STREET TREE PLANTING LOCATIONS MAY BE ADJUSTED IN THE FIELD TO ACCOMMODATE FOR DRIVEWAY LOCATIONS OR EXISTING SITE CONDITIONS.
 3. STREET TREES TO BE PLANTED AT A RATE OF ONE TREE PER EVERY 30' OF ROADWAY ON BOTH SIDES, AS REQUIRED IN SECTION 4.3.3 OF THE SOUTHERN PINES UDO. HOWEVER, SPACING BETWEEN TREES MAY EXCEED 30' O.C., TO ESTABLISH NATURAL RANDOM SPACING, BUT MUST NOT EXCEED SPACING GREATER THAN 90' O.C. (PER SEC. 5.5.4 OF THE CDP).
 4. EACH LOT MUST HAVE A MINIMUM OF ONE STREET TREE PLANTED IN THE RIGHT-OF-WAY. (PER SEC. 5.5.4 OF THE CDP).
 5. LONG LEAF PINES WILL MAKE UP A MINIMUM OF 65% OF THE REQUIRED STREET TREE PLANTINGS (PER SEC. 5.5.4 OF THE CDP).

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

KOONTZJONESDesign

LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PACE STREET
SUITE 100
P.O. BOX 84867
NC 28387
W: www.koontzjonesdesign.com

REVISIONS:

CAROPINES

PRELIMINARY DEVELOPMENT PLAN

SOUTHERN PINES, NORTH CAROLINA

PHASE 4 - STREETSCAPE PLANTING PLAN

DATE: 09-12-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 60'-0"
PROJECT #: KDI801
SHEET NUMBER#:
L-1.4

Line Table		
Line #	Length	Direction
L218	141.139	N83° 55' 33.90"W
L221	233.080	N85° 13' 38.68"E
L240	142.773	S58° 34' 47.88"W
L236	125.204	S60° 57' 19.07"W
L243	174.566	N51° 51' 03.02"E
L246	151.628	N40° 22' 20.99"E
L202	212.914	S62° 28' 58.67"W
L201	159.090	S62° 09' 56.84"W
L205	127.580	N54° 22' 33.46"E
L208	123.297	N30° 08' 06.48"E
L225	207.532	N74° 22' 23.82"E
L252	131.938	N05° 56' 14.91"E
L250	132.347	N17° 24' 56.94"E
L230	154.367	N63° 31' 22.68"E
L233	123.992	N52° 40' 21.54"E
L196	135.221	S14° 55' 46.28"W
L219	65.042	N15° 48' 51.20"E
L254	58.772	N85° 00' 49.92"W
L199	65.042	N15° 48' 51.20"E
L212	58.772	N85° 00' 49.92"W

Line Table		
Line #	Length	Direction
L194	135.000	N12° 02' 28.09"E
L190	135.000	N09° 09' 09.90"E
L191	72.661	S82° 22' 20.64"E
L195	68.805	S79° 24' 11.00"E
L197	68.805	S76° 30' 52.81"E
L200	60.601	N80° 41' 31.88"E
L211	105.152	S83° 00' 23.99"E
L209	41.435	S41° 22' 34.49"E
L193	61.290	S08° 21' 42.73"W
L188	64.919	S05° 01' 16.02"W
L203	162.917	N62° 48' 18.11"E
L173	135.083	S78° 30' 12.38"W
L170	135.000	N65° 06' 43.00"W
L172	118.707	S06° 10' 30.05"W
L169	123.683	N45° 09' 29.82"E
L175	137.302	S49° 30' 05.90"W
L174	102.557	S28° 04' 30.61"E
L166	82.996	N21° 07' 10.16"W
L171	79.194	N21° 07' 10.16"W
L165	145.330	S81° 35' 02.87"E

Line Table		
Line #	Length	Direction
L163	149.694	S82° 09' 01.26"E
L159	151.506	S83° 17' 00.67"E
L157	151.521	S83° 51' 00.89"E
L155	150.943	S84° 25' 00.92"E
L153	149.771	S84° 59' 00.36"E
L151	170.519	S85° 32' 58.81"E
L147	134.990	S86° 09' 18.52"E
L150	19.800	N06° 25' 06.17"E
L131	99.015	S42° 50' 10.95"E
L133	104.368	S42° 50' 10.95"E
L135	104.368	S42° 50' 10.95"E
L138	99.453	S42° 50' 10.95"E
L128	99.248	S42° 50' 10.95"E
L127	102.394	S42° 50' 10.95"E
L129	43.000	N47° 09' 49.05"E
L136	43.000	N47° 09' 49.05"E
L123	100.904	N87° 16' 45.56"W
L122	99.979	N87° 16' 45.56"W
L125	99.510	N87° 16' 45.56"W
L126	53.000	N02° 43' 14.44"E

Curve Table			
Curve #	Length	Radius	Delta
C91	46.750	275.000	009.7403
C99	47.083	275.000	009.8096
C98	12.978	275.000	002.7040
C75	98.654	225.000	025.1220
C80	22.491	325.000	003.9651
C81	47.618	225.000	012.1258
C54	20.002	77.500	014.7874
C61	24.632	102.500	013.7689
C105	130.156	6280.000	001.1875
C35	53.024	1026.859	002.9586
C36	53.024	1026.859	002.9586
C40	43.013	1025.402	002.4034
C5	43.012	1065.859	002.3121
C11	29.586	1064.402	001.5926
C18	43.048	525.000	004.6981
C32	9.441	244.000	002.2170
C59	106.881	6220.000	000.9845
C69	66.372	6280.000	000.6055
C57	44.329	50.000	050.7976
C60	33.154	50.000	037.9916

Curve Table			
Curve #	Length	Radius	Delta
C58	21.037	25.000	048.2143
C70	7.567	479.382	000.9044
C74	18.992	1230.000	000.8847
C85	48.065	6280.000	000.4385
C44	43.122	525.000	004.7061
C56	17.247	77.500	012.7504
C55	61.469	6220.000	000.5662
C53	61.499	6220.000	000.5665
C52	61.517	6220.000	000.5667
C51	61.524	6220.000	000.5667
C48	61.470	6220.000	000.5474
C47	65.730	6220.000	000.6055
C104	61.959	275.000	012.9090
C103	55.589	275.000	011.5818
C102	55.453	275.000	011.5535
C101	55.332	275.000	011.5283
C100	55.231	275.000	011.5073
C96	48.204	275.000	010.0432
C97	27.624	275.000	005.7554
C95	52.078	275.000	010.8503

Curve Table			
Curve #	Length	Radius	Delta
C94	52.078	275.000	010.8503
C93	52.096	275.000	010.8541
C92	52.059	275.000	010.8465
C71	66.938	1230.000	003.1181
C68	27.401	1230.000	001.2764
C72	62.007	1230.000	002.8884
C73	62.007	1230.000	002.8884
C90	60.000	6280.000	000.5474
C89	60.000	6280.000	000.5474
C87	64.998	6280.000	000.5930
C88	60.000	6280.000	000.5474
C86	81.940	6280.000	000.7476
C84	6.238	225.000	001.5884
C83	94.251	225.000	024.0008
C82	94.519	225.000	024.0690
C79	62.107	325.000	010.9492
C78	28.013	325.000	004.9386
C77	35.178	225.000	008.9579
C76	97.456	225.000	024.8170
C65	44.838	530.000	004.8472

Line Table		
Line #	Length	Direction
L224	50.931	S44° 46' 13.28"E
L223	48.042	S13° 20' 13.56"E
L217	158.395	N47° 02' 31.73"E
L220	126.670	N47° 02' 31.73"E
L222	7.025	N47° 02' 31.73"E
L192	61.290	N07° 48' 52.04"E
L204	36.147	N07° 48' 52.04"E
L207	25.146	N06° 59' 36.01"E
L206	37.484	N08° 21' 55.04"W
L65	43.000	S36° 49' 31.77"W
L95	43.000	S33° 46' 18.55"E
L134	43.000	N47° 09' 49.05"E
L137	12.034	N47° 09' 49.05"E
L198	55.076	N74° 11' 08.80"W
L149	35.422	N04° 44' 23.52"W
L148	41.286	N81° 04' 51.26"E
L105	53.000	N36° 45' 48.37"E
L97	43.000	S33° 46' 18.55"E
L92	36.720	S33° 46' 18.55"E
L90	43.000	S33° 46' 18.55"E

Line Table		
Line #	Length	Direction
L85	43.000	S06° 11' 40.78"E
L82	43.000	N30° 15' 27.38"E
L75	43.000	S47° 09' 49.05"W
L76	43.000	N47° 09' 49.05"E
L70	43.000	N39° 37' 19.35"E
L62	12.292	S36° 49' 31.77"W
L63	43.000	N36° 49' 31.77"E
L57	43.000	N57° 04' 11.95"E
L52	53.000	S20° 28' 31.09"E
L47	43.000	S09° 06' 43.36"E
L42	43.000	S00° 05' 05.04"E
L37	43.000	S05° 35' 03.70"W
L32	43.000	S11° 14' 42.71"W
L27	43.000	S16° 54' 01.84"W
L20	43.000	N22° 33' 13.22"E
L14	43.000	N28° 12' 24.59"E
L12	43.000	S10° 45' 54.59"E
L1	53.000	N79° 14' 05.41"E
L109	53.000	N25° 35' 05.31"E
L114	43.000	N17° 58' 08.86"E

Line Table		
Line #	Length	Direction
L121	43.000	S10° 20' 59.47"W
L99	33.561	S33° 46' 18.55"E
L78	43.000	S47° 09' 49.05"W
L69	20.278	S36° 49' 31.77"W
L130	27.030	N47° 09' 49.05"E
L141	43.000	N33° 46' 18.55"W
L142	99.000	N56° 13' 41.45"E
L140	99.000	N56° 13' 41.45"E
L145	99.000	N56° 13' 41.45"E
L53	101.744	S69° 31' 28.91"W
L51	99.000	S69° 31' 28.91"W
L49	100.802	S69° 31' 28.91"W
L48	100.802	S80° 53' 16.64"W
L46	99.000	S80° 53' 16.64"W
L44	100.596	S80° 53' 16.64"W
L43	99.885	S89° 54' 54.96"W
L41	99.028	S89° 54' 54.96"W
L39	99.924	S89° 54' 54.96"W
L36	98.988	N84° 24' 56.30"W
L38	99.858	N84° 24' 56.30"W

Line Table		
Line #	Length	Direction
L167	37.433	N85° 14' 30.29"W
L143	43.000	N33° 46' 18.55"W
L2	106.815	N10° 45' 54.59"W
L5	80.000	N10° 45' 54.59"W
L3	106.423	N10° 45' 54.59"W
L11	104.709	S79° 14' 05.41"W
L13	106.896	S79° 14' 05.41"W
L9	99.000	S79° 14' 05.41"W
L16	99.877	N61° 47' 35.41"W
L251	81.968	N78° 19' 32.13"W
L253	69.141	N86° 25' 45.97"W
L216	53.021	N74° 11' 08.80"W
L187	112.429	N85° 14' 30.29"W
L186	76.848	S78° 15' 20.57"W
L180	38.574	S85° 10' 40.46"W
L176	194.963	S52° 36' 46.16"W
L183	21.514	S74° 06' 09.36"W
L182	106.494	S52° 36' 46.16"W
L178	136.886	N52° 36' 46.16"E
L179	42.611	N78° 56' 59.35"E

Line Table		
Line #	Length	Direction
L177	57.307	S62° 14' 22.59"E
L181	60.230	S67° 41' 30.89"E
L185	37.946	N32° 16' 44.66"W
L184	38.756	S80° 41' 21.04"E
L214	135.000	S82° 27' 33.30"E
L189	135.000	N81° 21' 51.92"W
L215	135.000	S81° 54' 42.61"E
L213	135.586	S83° 00' 23.99"E
L248	132.864	N29° 14' 05.79"E
L161	150.896	S82° 43' 00.66"E
L124	42.666	N02° 43' 14.44"E
L132	43.000	N47° 09' 49.05"E
L139	43.000	N47° 09' 49.05"E
L146	43.000	N33° 46' 18.55"W
L144	43.000	N33° 46' 18.55"W
L164	40.334	N06° 25' 06.17"E
L162	60.025	N06° 25' 06.17"E
L160	60.025	N06° 25' 06.17"E
L158	60.025	N06° 25' 06.17"E
L156	60.025	N06° 25' 06.17"E

Line Table		
Line #	Length	Direction
L154	60.025	N06° 25' 06.17"E
L152	59.989	N84° 27' 01.19"E
L210	132.198	N05° 39' 32.53"E
L249	82.831	S66° 47' 28.12"E
L247	84.945	S67° 35' 45.45"E
L245	78.490	S67° 11' 55.04"E
L244	18.112	S14° 28' 26.43"E
L242	24.348	S14° 28' 26.43"E
L241	57.190	S07° 27' 03.35"E
L239	22.084	S11° 22' 20.44"E
L238	36.055	S08° 45' 32.60"E
L237	11.052	S29° 02' 40.93"E
L235	43.272	S29° 02' 40.93"E
L234	17.034	S66° 36' 11.35"E
L232	12.852	S66° 36' 11.35"E
L231	54.129	S57° 39' 40.18"E
L229	54.839	S30° 05' 30.50"E
L228	32.653	S72° 59' 16.58"E
L227	31.384	S58° 26' 21.58"E
L226	6.296	S44° 46' 13.28"E

Curve Table			
Curve #	Length	Radius	Delta
C67	41.674	530.000	004.5052
C63	35.527	50.000	040.7106
C62	35.117	50.000	040.2407
C49	61.500	6220.000	000.5665
C50	54.216	6220.000	000.4994
C66	55.913	370.000	008.6583
C20	43.048	525.000	004.6980
C16	43.080	1064.402	002.3189
C14	43.012	1064.402	002.3153
C12	13.426	1065.859	000.7217
C9	43.012	1065.859	002.3121
C7	43.012	1065.859	002.3121
C25	30.790	244.000	007.2300
C30	43.330	139.000	017.8607
C38	43.013	1026.859	002.4000
C42	43.013	1025.402	002.4034
C64	57.611	530.000	006.2281
C4	43.912	64.000	039.3120
C3	28.795	64.000	025.7782
C2	19.987	64.000	017.8936

ORIGINAL PD DEVELOPMENT PROGRAM (TABLE 1.0 - PAGE 9)				PRELIMINARY DEVELOPMENT PLAN - UPDATED PROGRAM							
LAND AREA	QUANTITY	UNIT TYPE	TOTAL	LAND AREA	QUANTITY (Approved)	QUANTITY (PHASE 3B)	QUANTITY (PHASE 4)	REMAINING	UNIT TYPE	TOTAL (REMAINING)	
A	100	SINGLE-FAMILY DETACHED	Combined maximum residential units 550 All residential unit types may be converted at a 1:1 ratio so long as the total number of units does not exceed subtotal maximums for either category.	A	8	12	0	80	SINGLE-FAMILY DETACHED	325	
	60	COTTAGE			20	11	0	29	COTTAGE		
	110	TOTAL			28	23	0	59	TOTAL		
B	65	TOWNHOME		B	0	0	52	13	TOWNHOME		
	50	COTTAGE			0	0	0	50	COTTAGE		
	50	SINGLE-FAMILY DETACHED			0	0	0	50	SINGLE-FAMILY DETACHED		
C	65	TOTAL		C	0	0	52	13	TOTAL		
	120	CONDOMINIUM			0	0	0	120	CONDOMINIUM		
	65	TOWNHOME			0	0	0	65	TOWNHOME		
D	50	COTTAGE		D	0	0	0	50	COTTAGE		
	35	SINGLE-FAMILY DETACHED			0	0	0	35	SINGLE-FAMILY DETACHED		
	160	TOTAL			0	0	0	160	TOTAL		
E	40	COTTAGE		E	0	0	0	40	COTTAGE		
	130	SINGLE-FAMILY DETACHED			102	0	0	28	SINGLE-FAMILY DETACHED		
	150	TOTAL			102	0	0	48	TOTAL		
F	75	COTTAGE		F	0	0	0	75	COTTAGE		
	120	SINGLE-FAMILY DETACHED			0	0	0	120	SINGLE-FAMILY DETACHED		
	150	TOTAL			0	0	0	150	TOTAL		
G	15	COTTAGE		G	11	0	0	4	COTTAGE		
	10	SINGLE-FAMILY-DETACHED			0	0	0	10	SINGLE-FAMILY-DETACHED		
	15	TOTAL			11	0	0	4	TOTAL		
H	9	LARGE SINGLE-FAMILY		H	9	0	0	0	LARGE SINGLE-FAMILY		
	9	TOTAL			9	0	0	0	TOTAL		
	25	LARGE SINGLE-FAMILY			0	0	0	25	LARGE SINGLE-FAMILY		
I	25	TOTAL		I	0	0	0	25	TOTAL		
		OPEN SPACE							OPEN SPACE		

PER SECTION 5.0 OF THE CONCEPTUAL DEVELOPMENT PLAN)		
PHASE	OVERALL OPEN SPACE (PROVIDED)	USEABLE OPEN SPACE (PROVIDED)
2	1.21 acres	1.02 acres
2A	0.69 acres	0.69 acres
3A	0.23 acres	0.23 acres
3B	7.71 acres	0.00 acres
4	7.76 acres	0.00 acres
7A	0.00 acres	0.00 acres
8	1.22 acres	1.22 acres
9	1.16 acres	1.16 acres
12	1.94 acres	1.12 acres
14A	5.5 acres	4.51 acres
15	0.77 acres	0.77 acres
TOTAL PROVIDED	28.19 acres	10.72 acres
REQUIRED OPEN SPACE (30%/20%)	111.55 acres	77.00 acres
TOTAL REMAINING TO PROVIDE	87.31 acres	66.28 acres

(PER SECTION 5.0 OF THE CONCEPTUAL DEVELOPMENT PLAN)	
PHASE	IMPERVIOUS SURFACE (PROPOSED)
Existing	0.98 acres
2	0.45 acres
2A	0.9 acres
3A	0.84 acres
3B	0.88 acres
4	3.61 acres
7A	0.93 acres
8	0.31 acres
9	0.34 acres
12	1.35 acres
14A	2.12 acres
15	0.82 acres
TOTAL ALLOWABLE (24%)	92.5 acres
TOTAL ALLOWABLE REMAINING	78.97 acres

REVISIONS:

DATE: 11-18-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
Q.C. BY: REK
SCALE:
PROJECT #: KJD1801
SHEET NUMBER:
1-16



August 3, 2022

Matthew Kitchen, PE
District Engineer
902 N. Sandhills Blvd.
Aberdeen, NC 28315
910-944-7621
mwkitchen@ncdot.gov

Subject: **Traffic Impact Analysis Phasing Study – Caropines Residential**
Southern Pines, North Carolina

Dear Mr. Kitchen:

This letter provides an updated phasing study for the Caropines Residential Development (formerly Airport Road Residential) located south of Airport Road and west of Cardinal Drive in Southern Pines, North Carolina.

An original TIA report was submitted by Ramey Kemp Associates (RKA) in June of 2018 and analyzed the proposed residential development with a total of 615 residential units (350 single family homes, 105 townhomes, and 160 apartments). During rezoning, the Town of Southern Pines (Town) restricted the development to a total of 550 residential units with the exact mix of single-family homes, townhomes, and condominiums not yet determined. A phasing study was prepared in December 2018 to evaluate several phases of development to determine when improvements would be required.

This updated phasing study considers completion of Phase 3B and Phase 4, but also adjusts the trip distribution and assignment at Avenue of the Carolinas as well as the proposed Site Driveway to account for the most current residential lot locations within the development. Phase 5 of the development is not considered in this study and is not proposed at this time.

Since there are a number of homes built in the development and more units approved but not constructed, this study adjusts the turning movements into and from Avenue of the Carolinas such that no trips are considered in existing conditions. To avoid overestimating traffic to and from Avenue of the Carolinas, trips for the residential units in the development were generated based on the ITE *Trip Generation Manual* and assigned to the intersection at Airport Road. Trips generated by the development were separated into a western portion of the development which would use Avenue of the Carolinas for access and an eastern portion of development that would use the new driveway (Site Drive 1) for access. A summary of the units in the eastern and western portions of the development are below.

Western Portion

Previously approved lots
Nearly all currently constructed homes
Section of 9 lots (future)
Section of 12 lots (future)
Section of 11 lots (future)
Total of ~ 132 lots

Eastern Portion

Previously approved lots (part of 150 lots)
Phase 3B (future)
Phase 4 (future)
Total of ~ 216 lots

Not all these lots are anticipated to be constructed at this time and would not generate new trips until the homes are constructed and occupied; however, this study assumes that all lots that are approved would be constructed to provide a worst-case analysis scenario. For the western portion of the development, the total number of lots considered in this study was increased to 135 to provide a conservative analysis. The eastern portion of development includes Phases 3B and 4 as well as most of the previously approved 150 lots. Some of these previously approved lots are not anticipated to be built in the next several years.

Trip Generation

The trip generation for the western and eastern portions of the development are summarized below. The *ITE Trip Generation Manual*, 11th Edition was used to generate the weekday daily, AM peak hour, and PM peak hour trips. Trips were generated separately for each portion of the development to assign the trips to each access.

Table 1 – Trip Generation for Western Portion of Development

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	AM Peak Hour Trips (vph)		PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single Family Detached Housing (210)	135 homes	1,330	25	73	83	49

Table 2: Trip Generation for Eastern Portion of Development

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	AM Peak Hour Trips (vph)		PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single Family Detached Housing (210)	216 homes	2,049	39	111	129	76

It should be noted that the trip generation shown in Table 1 and Table 2 represent the construction and occupancy of the number of homes shown. It is anticipated that a portion of these homes will not be constructed in the next several years so the actual number of trips added to the roadway network is expected to be less.

Trip Distribution and Assignment

Trip distribution percentages from the previous TIA report and phasing study were used to assign site trips to the study area. The overall network trip distribution percentages from the previous TIA are as follows:

- 30% to/from the west via Airport Road
- 25% to/from the south via NC 22
- 20% to/from the north via NC 22
- 10% to/from the east via Airport Road
- 10% to/from the south via Niagara Carthage Road
- 5% to/from the north via Niagara Carthage Road

Trips from the western portion of the development were assigned to Avenue of the Carolinas and trips from the eastern portion of the development were assigned to Site Drive 1. At each driveway intersection, site trips were distributed as follows:

- 75% to/from the west on Airport Road
- 25% to/from the east on Airport Road

Future Traffic Volumes

Traffic volumes from the previous phasing study were adjusted to provide more accurate and current traffic volumes for this analysis. A recent traffic count was completed at the intersection of NC 22 and Airport Road as part of the TIA for the Ace Hardware development. This traffic count was used to establish existing (2021) peak hour traffic volumes. Previous traffic counts from 2018 at other study intersections were grown to the year 2021 using a 2% annual growth rate. As previously stated, traffic turning into and from Avenue of Carolinas were removed from the traffic volume calculations. Traffic along Airport Road was balanced using the recent count from 2021 at NC 22. These revised 2021 peak hour traffic volumes were grown to the year 2024 using a 2% annual growth rate as was used in the previous traffic studies for this development.

Trips from four adjacent development were added to the future 2024 traffic volumes. Trips from these developments were taken from previously completed traffic studies. These developments include:

- Ravensbrook Residential
- Magnolia Poing
- Waterworks
- Ace Hardware

Site trips for the Caropines development were added to the future 2024 peak hour traffic volumes to determine the updated future build (2024) traffic conditions.

Capacity Analysis

Study intersections were analyzed using Synchro (Version 10.3) based on the 2010 Highway Capacity Manual (HCM) published by the Transportation Research Board and SIDRA INTERSECTION (Version 9) was utilized for the roundabout analyses. Since no improvements were originally required for the intersections of Hardee Lane/Cardinal Drive/Airport Road and Mill Creek Road/Airport Road as part of the original TIA, these intersections were not included in the analysis for this study. Refer to Table 3 for a summary of the analysis results.

Table 3: Analysis Summary of Future (2024) Conditions

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
NC 22 and Airport Road (Roundabout)	EB WB NB SB	1 LT-TH, <u>1-RT</u> 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH, 1 RT	A (9.1) F (90.6) C (18.1) D (29.0)	E (38.2)	B (13.9) C (23.4) F (77.0) A (8.4)	D (32.5)
NC 22 and Airport Road - Improved (Roundabout)	EB WB NB SB	1 LT-TH, <u>1-RT</u> 1 LT-TH, 1 RT 1 LT-TH-RT 1 LT-TH, 1 RT	A (9.2) C (23.6) C (18.1) D (34.5)	C (23.7)	B (13.9) B (10.1) F (77.0) A (8.4)	D (30.0)
Avenue of Carolinas and Airport Road	EB WB NB	1 TH-RT 1 LT-TH 1 LT-RT	-- A (7.8) ¹ C (18.4) ²	N/A	-- A (8.9) ¹ C (21.6) ²	N/A
Site Drive 1 and Airport Road	EB WB NB	1 TH, 1 RT 1 LT , 1 TH 1 LT, 1 RT	-- A (7.8) ¹ C (16.5) ²	N/A	-- A (8.7) ¹ C (18.2) ²	N/A
Niagara Carthage Road and Airport Road (Two-way stop control)	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	C (22.4) ² C (23.6) ² A (7.7) ¹ A (7.4) ¹	N/A	C (21.9) ² C (17.7) ² A (7.6) ¹ A (7.5) ¹	N/A
Niagara Carthage Road and Airport Road (All-way stop control)	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	B (12.3) ² B (12.3) ² B (10.4) ¹ B (12.1) ¹	B (12.0) ³	B (12.1) ² B (10.7) ² B (10.9) ¹ B (10.2) ¹	B (11.1) ³

Underline denotes improvements and/or lane reconfigurations to be constructed by others.

Bold denotes improvements and/or lane reconfigurations to be constructed by the developer.

1. Level of service for a major-street left turn movement
2. Level of service for a minor-street approach
3. Level of service for an all-way stop controlled intersection

Airport Road and NC 22

Capacity analysis indicates that this intersection is expected to experience delays on the westbound approach during the weekday AM peak hour and on the northbound approach during the weekday PM peak hour under 2024 Build traffic conditions.

This intersection was analyzed with a westbound right turn slip lane to alleviate the potential impacts of the proposed development. With the construction of a westbound right turn slip lane, this intersection is expected to operate at an acceptable overall level of service during the weekday AM and PM peak hour under 2024 Build traffic conditions.

While the northbound approach is expected to operate poorly during the weekday PM peak hour, it should be noted that the proposed development is expected to account for approximately 2.5% of the overall traffic at this intersection during the weekday AM peak hour and 8.0% of the overall traffic at this intersection during the weekday PM peak hour under 2024 Build traffic conditions.

Additional improvements were required by NCDOT as part of the development; however, this study proposes that the additional improvements be completed with future phases of development. The westbound right turn slip lane mitigates impacts of the considered development trips on the intersection.

Airport Road and Avenue of the Carolinas

Capacity analysis indicates that both the major-street left turn movements and the minor-street approaches are expected to operate at acceptable levels of service during the weekday AM and PM peak hours under 2024 Build traffic conditions. No queueing issues were identified in the analysis. Additional improvements were required by NCDOT as part of this development; however, this study proposes that the additional improvements be completed with future phases of development.

Site trips using Avenue of the Carolinas are not expected to increase since nearly all lots in the western portion of the development are approved and/or constructed.

Airport Road and Site Drive 1

Capacity analysis indicates that both the major-street left turn movements and the minor-street approaches are expected to operate at acceptable levels of service during the weekday AM and PM peak hours under 2024 Build traffic conditions.

Improvements required by NCDOT for this intersection are assumed to be completed as part of Phase 3B and Phase 4 when the Site Drive is constructed. All new development trips generated from lots that are not currently approved are expected to use the new site access on Airport Road. Improvements considered in this study are an exclusive eastbound right turn lane and westbound left turn lane on Airport Road.

Airport Road and Niagara Carthage Road

Capacity analysis indicates that both the major-street left turn movements and the minor-street approaches are expected to operate at acceptable levels of service during the weekday AM and PM peak hours under 2024 Build traffic conditions with existing traffic control. Previous NCDOT requirements are to convert this intersection to all-way stop-control if warranted and approved by NCDOT. Based on the analysis, this requirement does not appear to be warranted with this phase of development.

Conclusions

This study considers trips from existing homes and approved lots in the development as well as trips from Phase 3B and Phase 4. Traffic volumes at study intersections were updated based on recent traffic counts at NC 22 and Airport Road. Development trips (existing and future) were generated and assigned to the access intersections at Avenue of the Carolinas and Site Drive 1.

The upcoming phases of the Caropines development (Phases 3B, 4) are not expected to add turning movements at the intersection of Airport Road and Avenue of the Carolinas. Since no new turning trips are being added at this intersection, it is requested that turn lane improvements required at this intersection in the February 6, 2019 NCDOT letter be postponed until a future phase of development. Turn lane improvements identified at Airport Road / Site Drive #1 would be constructed to accommodate the turning trips at this location.

Although there are a number of lots approved within the development, several lots are not expected to be built for several years. Trips will not be generated by these lots until a home is constructed and occupied; therefore, the traffic used in this study would be conservative and high for the next several years. The development proposes to delay some improvements required by NCDOT until a future phase of development.

Based on the analysis provided in this study, the following are recommendations for improvements to be completed as part of the upcoming Phase of development:

Airport Road and Site Drive 1

- Provide stop control for Site Drive 1.
- Provide two egress lanes on Site Drive 1 with separate left and right turn lanes. A minimum of 75 feet of storage should be provided for the right turn lane on Site Drive 1.
- Construct an exclusive westbound left-turn lane on Airport Road with a minimum of 75 feet of storage and appropriate taper at the proposed Site Drive 1.
- Construct an exclusive eastbound right-turn lane on Airport Road with a minimum of 150 feet of storage and appropriate taper at the proposed Site Drive 1.

Airport Road and Avenue of Carolinas

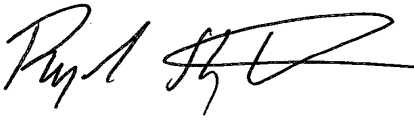
- Construct improvements previously required for this intersection in the future when the western portion of the development continues to build out.

Airport Road and NC 22

- Construct an exclusive westbound right-turn slip lane on Airport Road with a minimum of 150 feet of storage and appropriate taper. Provide yield control for the slip lane.
- Construct other improvements with future phase of development.

If you should have any questions or comments regarding this letter, please feel free to contact me at (919) 872-5115.

Sincerely,



Rynal Stephenson, P.E.
Director of North Carolina
INFRASTRUCTURE CONSULTING SERVICES, INC
dba
RAMEY KEMP & ASSOCIATES, INC.
NC Corporate License #F-1489



08/3/2022

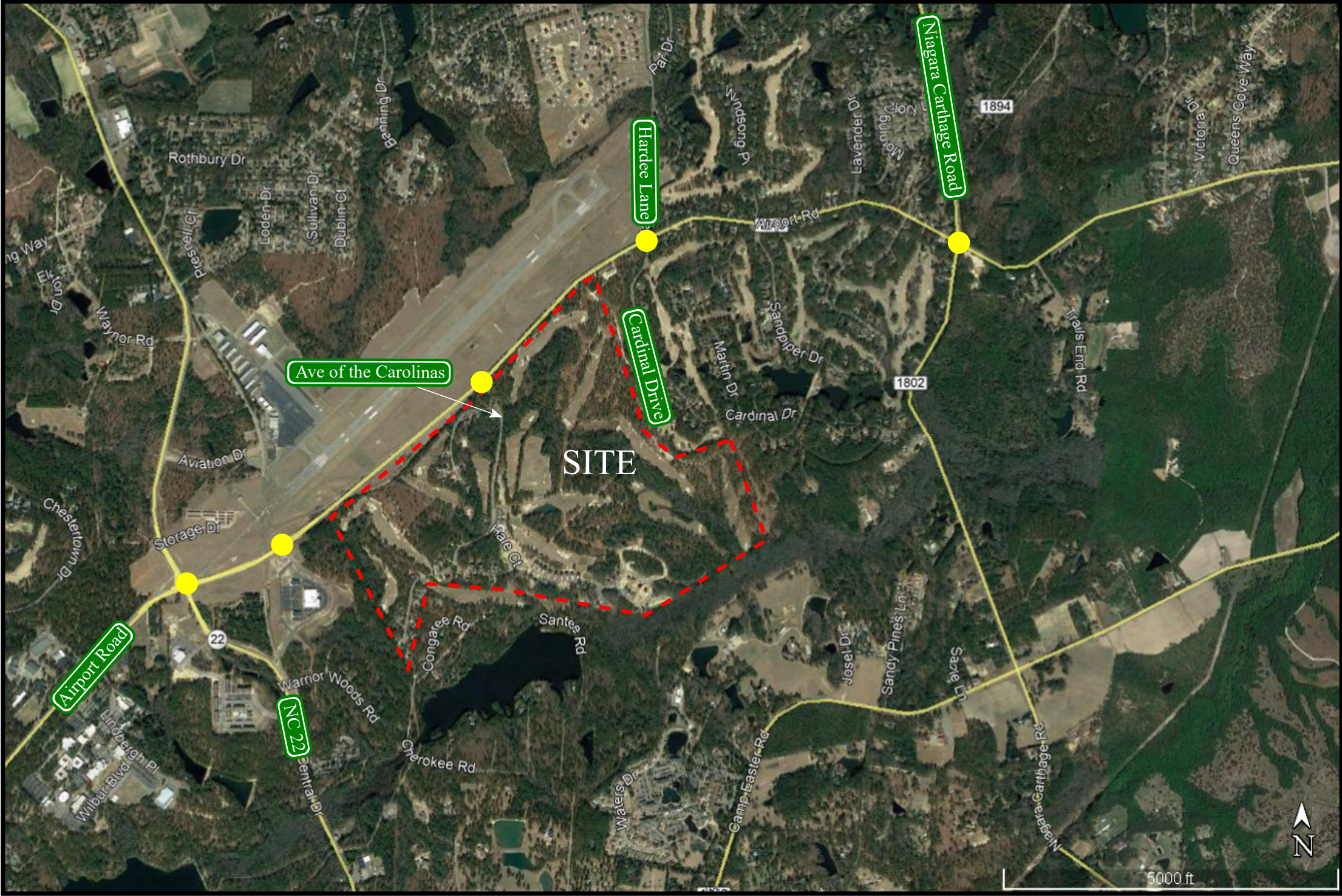
Attachments: Figures
Analysis Reports

cc: Perry Shelley, C&S Management



LEGEND

- Proposed Site Location
- Study Area
- Study Intersection

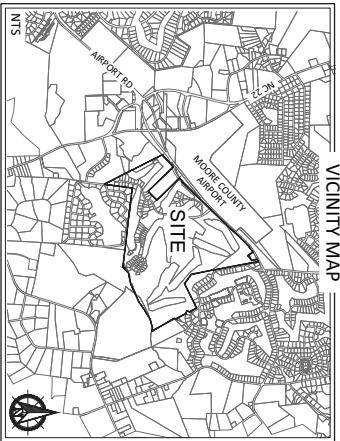


Caropines Residential
Updated Phasing Study
Southern Pines, NC

Site Location Map

Scale: Not to Scale

Figure 1



ANTICIPATED PHASING
SCHEDULE

1. PHASE 3B
2. PHASE 4
3. PHASE 5

PHASING NOTE:
1. THE PHASES DESCRIBED ABOVE REPRESENTS THE CURRENT ANTICIPATED ORDER OF DEVELOPMENT FOR THE PROPOSED PRELIMINARY DEVELOPMENT PLAN (PDP). PHASING IS SUBJECT TO CHANGE BASED ON THE RESULTS OF THE PHASING STUDY AND THE PHASING PLAN BEING VESTED FOR A DURATION OF UP TO FIVE (5) YEARS FROM THE DATE OF APPROVAL OF THE PDP. SHOULD CHANGES DUE TO MARKET CONDITIONS OR ENGINEERING DESIGN CONSTRAINTS ARISE, MODIFICATIONS TO THIS PHASING PLAN MAY BE REQUIRED. ANY SUCH MODIFICATIONS SHALL BE ADMINISTRATIVELY APPROVED BY THE PLANNING DIRECTOR DURING THE DEVELOPMENT PHASE AND THE MODIFICATION TO THE PHASING PLAN IS CONSISTENT WITH THE APPROVED UNITED DEVELOPMENT ORDINANCE (UDO).

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



DATE: 02-16-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
Q.C. BY: REK
SCALE: 1" = 300'-0"
PROJECT #: KJD1801

SHEET NUMBER#:
L-1.0

CAROPINES
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
OVERALL KEY SHEET

REVISIONS:

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-8487
W: www.koontzjonesdesign.com

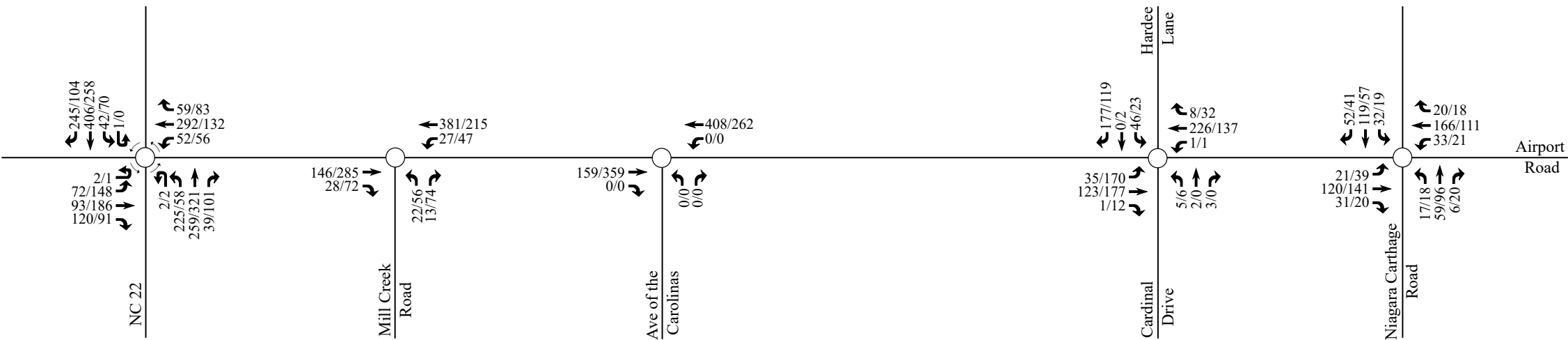


LEGEND

○ Unsignalized Intersection

⊙ Roundabout

X / Y ➡ Weekday AM / PM Peak Hour Traffic



Caropines Residential
Updated Phasing Study
Southern Pines, NC

2021 Existing
Peak Hour Traffic

Scale: Not to Scale

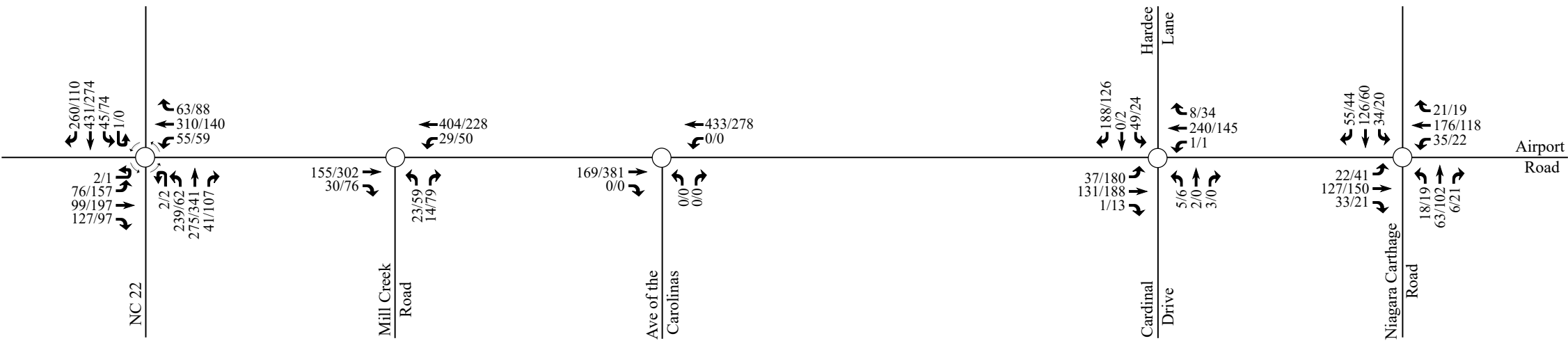
Figure 3

LEGEND

○ Unsignalized Intersection

⊙ Roundabout

X / Y ➡ Weekday AM / PM Peak Hour Traffic



Caropines Residential
Updated Phasing Study
Southern Pines, NC

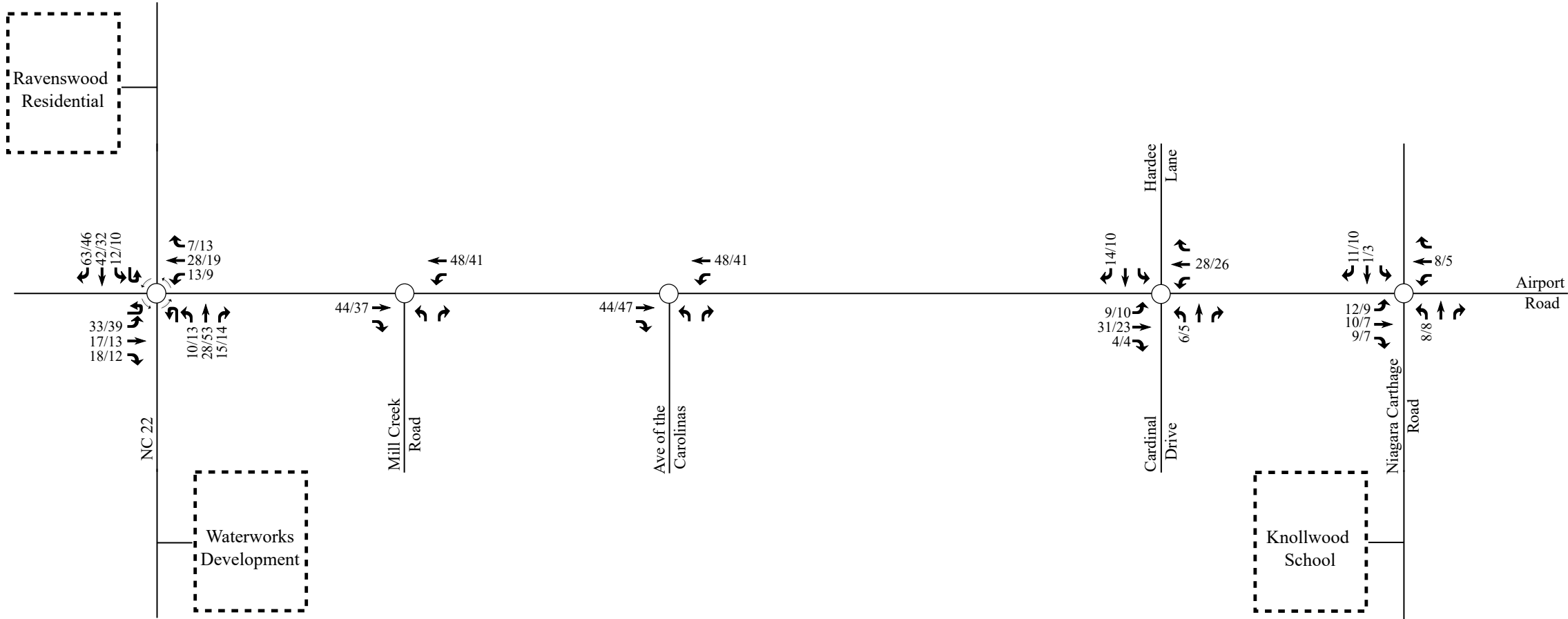
2024 Projected
Peak Hour Traffic

Scale: Not to Scale

Figure 4

LEGEND

- Unsignalized Intersection
- ⊙ Roundabout
- X / Y ➡ Weekday AM / PM Adjacent Development Trips



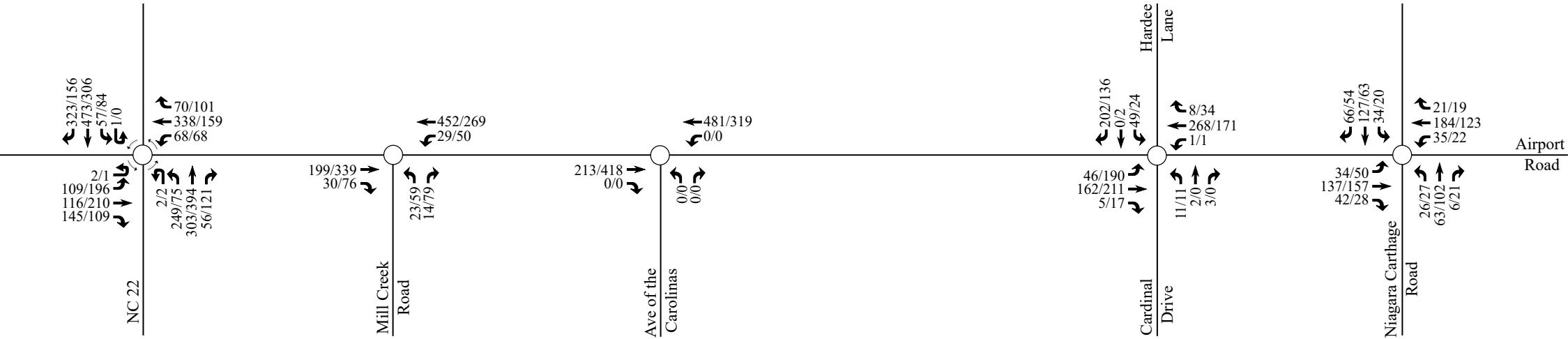
Caropines Residential
Updated Phasing Study
Southern Pines, NC

Peak Hour Adjacent
Development Trips

Scale: Not to Scale Figure 5

LEGEND

- Unsignalized Intersection
- Roundabout
- X / Y ➡ Weekday AM / PM Peak Hour Traffic



Caropines Residential
Updated Phasing Study
Southern Pines, NC

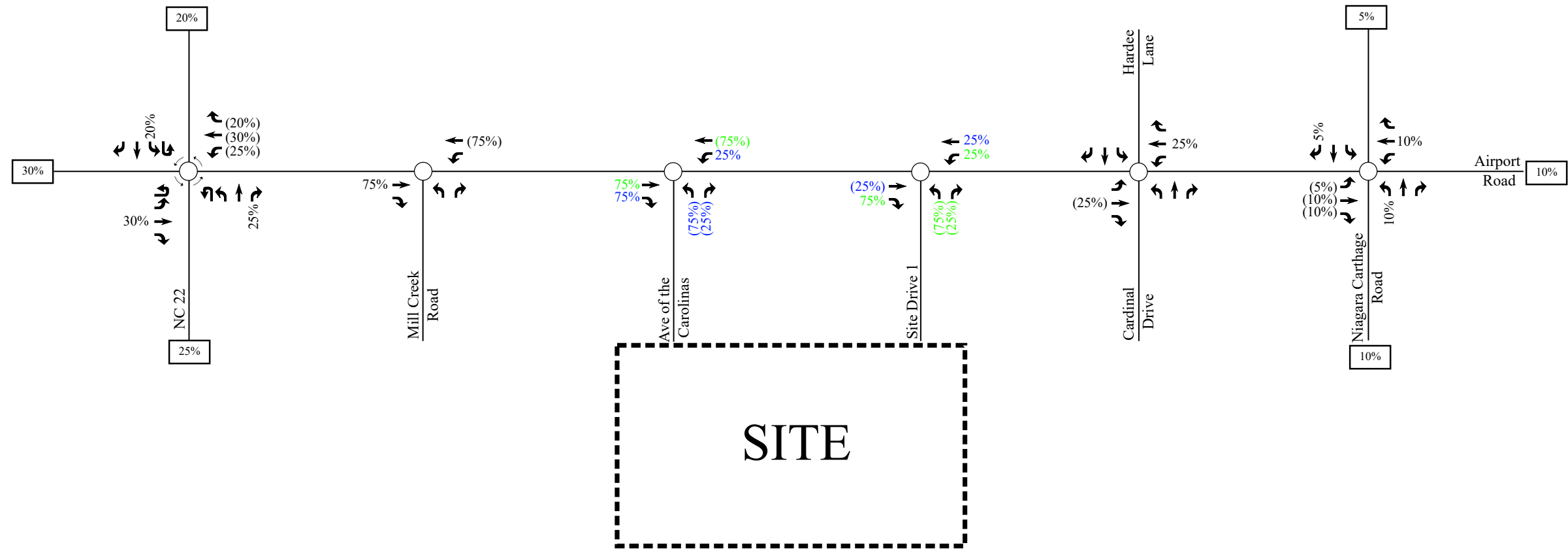
2024 No-Build
Peak Hour Traffic

Scale: Not to Scale

Figure 6

LEGEND

- Unsignalized Intersection
- ⦿ Roundabout
- X% ➡ Entering Trip Distribution
- (Y%) ➡ Exiting Trip Distribution
- XX% Regional Trip Distribution
- Western Site
- Eastern Site



Caropines Residential
Updated Phasing Study
Southern Pines, NC

Site Trip Distribution

Scale: Not to Scale

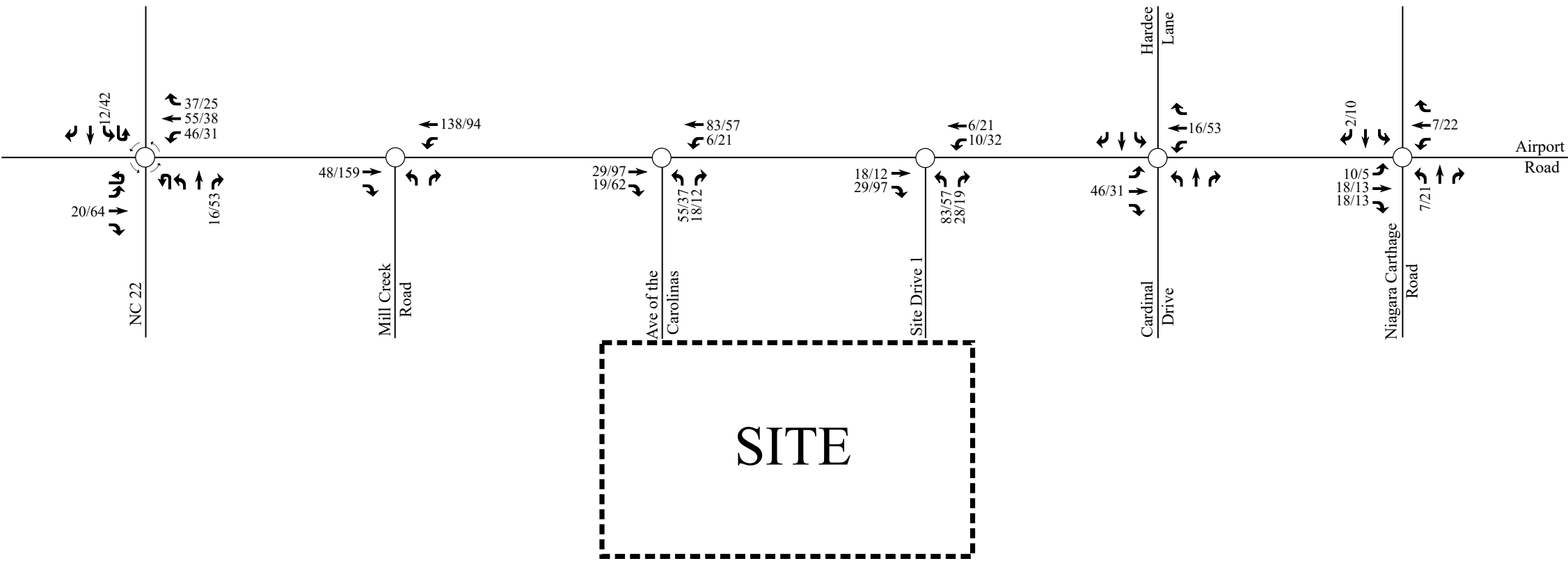
Figure 7

LEGEND

○ Unsignalized Intersection

⊙ Roundabout

X / Y ➡ Weekday AM / PM Peak Hour Site Trips



Caropines Residential
Updated Phasing Study
Southern Pines, NC

Total Site
Trip Assignment

Scale: Not to Scale

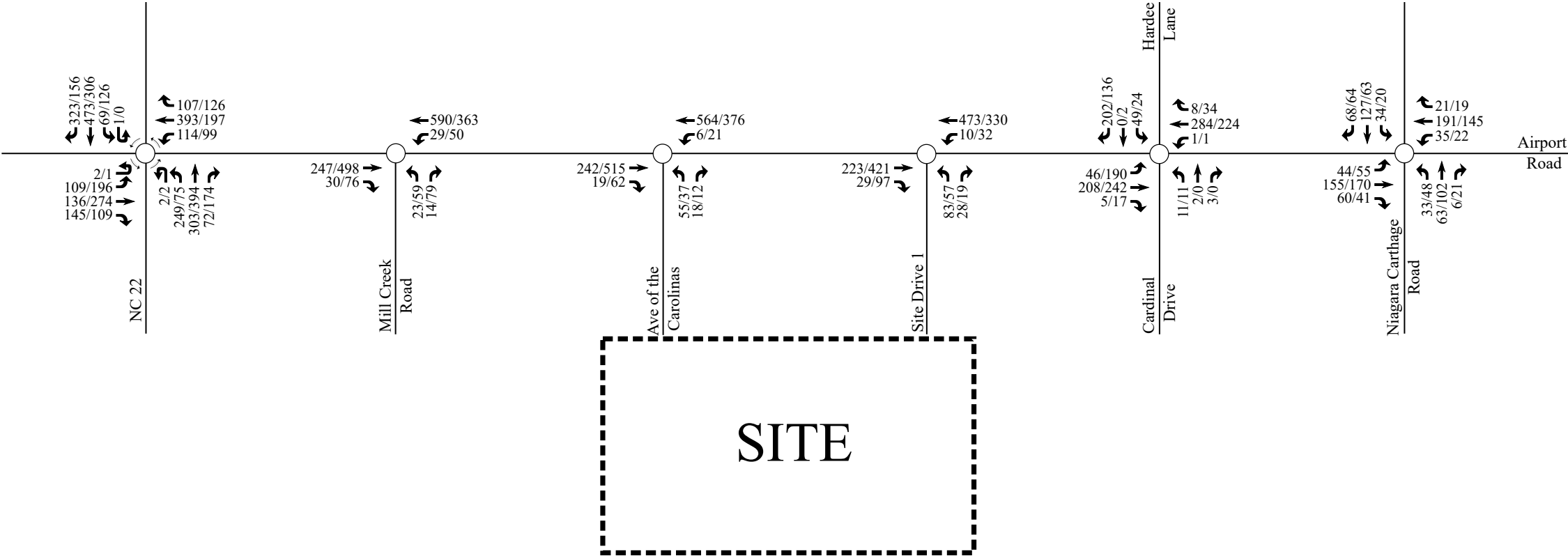
Figure 8

LEGEND

○ Unsignalized Intersection

⊙ Roundabout

X / Y ➡ Weekday AM / PM Peak Hour Traffic



Caropines Residential
Updated Phasing Study
Southern Pines, NC

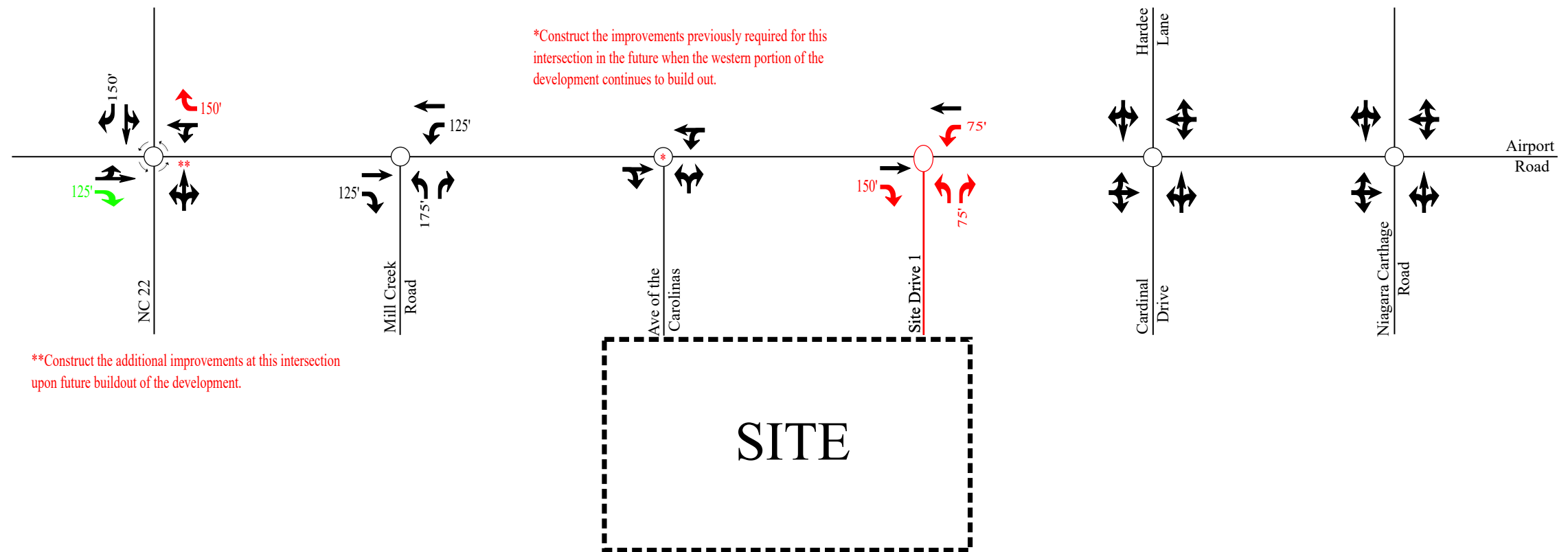
2024 Build
Peak Hour Traffic

Scale: Not to Scale

Figure 9

LEGEND

- Unsignalized Intersection
- ⊙ Roundabout
- ➔ Existing Lane
- x' Storage (In Feet)
- ➔ Recommended Improvement by Developer
- ➔ Recommended Improvement by Others



Caropines Residential
Updated Phasing Study
Southern Pines, NC

Recommended Lane
Configurations

Scale: Not to Scale

Figure 10

MOVEMENT SUMMARY

 **Site: 1 [2024 Build AM (Site Folder: Airport Road Residential Update)]**

NC 22 & Airport Road
Site Category: (None)
Roundabout

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h	HV %	[Total veh/h	HV %	v/c	sec		[Veh. veh	Dist ft				mph
South: NC 22														
3u	U	4	2.0	4	2.0	0.748	18.1	LOS C	12.6	319.8	0.88	1.12	1.67	31.1
3	L2	249	2.0	277	2.0	0.748	18.1	LOS C	12.6	319.8	0.88	1.12	1.67	30.4
8	T1	303	2.0	337	2.0	0.748	18.1	LOS C	12.6	319.8	0.88	1.12	1.67	30.4
18	R2	72	2.0	80	2.0	0.748	18.1	LOS C	12.6	319.8	0.88	1.12	1.67	29.6
Approach		628	2.0	698	2.0	0.748	18.1	LOS C	12.6	319.8	0.88	1.12	1.67	30.3
East: Airport Road														
1	L2	114	2.0	127	2.0	1.098	90.6	LOS F	38.4	974.7	1.00	2.51	6.12	15.6
6	T1	393	2.0	437	2.0	1.098	90.6	LOS F	38.4	974.7	1.00	2.51	6.12	15.6
16	R2	107	2.0	119	2.0	1.098	90.6	LOS F	38.4	974.7	1.00	2.51	6.12	15.4
Approach		614	2.0	682	2.0	1.098	90.6	LOS F	38.4	974.7	1.00	2.51	6.12	15.6
North: NC 22														
7u	U	4	2.0	4	2.0	0.920	42.8	LOS E	15.9	404.3	0.98	1.66	3.29	23.7
7	L2	69	2.0	77	2.0	0.920	42.8	LOS E	15.9	404.3	0.98	1.66	3.29	23.3
4	T1	473	2.0	526	2.0	0.920	42.8	LOS E	15.9	404.3	0.98	1.66	3.29	23.3
14	R2	323	2.0	359	2.0	0.219	5.7	LOS A	0.0	0.0	0.00	0.00	0.00	40.4
Approach		869	2.0	966	2.0	0.920	29.0	LOS D	15.9	404.3	0.62	1.04	2.07	27.6
West: Airport Road														
5u	U	4	2.0	4	2.0	0.391	10.2	LOS B	1.9	48.9	0.68	0.73	0.84	34.6
5	L2	109	2.0	121	2.0	0.391	10.2	LOS B	1.9	48.9	0.68	0.73	0.84	33.8
2	T1	136	2.0	151	2.0	0.391	10.2	LOS B	1.9	48.9	0.68	0.73	0.84	33.8
12	R2	145	2.0	161	2.0	0.211	7.0	LOS A	0.8	21.1	0.59	0.58	0.59	35.7
Approach		394	2.0	438	2.0	0.391	9.1	LOS A	1.9	48.9	0.64	0.67	0.75	34.5
All Vehicles		2505	2.0	2783	2.0	1.098	38.2	LOS E	38.4	974.7	0.78	1.36	2.75	24.3

Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
Roundabout LOS Method: Same as Sign Control.

Vehicle movement LOS values are based on average delay and v/c ratio (degree of saturation) per movement.

LOS F will result if v/c > 1 irrespective of movement delay value (does not apply for approaches and intersection).

Intersection and Approach LOS values are based on average delay for all movements (v/c not used as specified in HCM 6).

Roundabout Capacity Model: US HCM 6.

Delay Model: HCM Delay Formula (Geometric Delay is not included).

Queue Model: HCM Queue Formula.

Gap-Acceptance Capacity: Traditional M1.

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Project: S:\2018 Projects\18118 Airport Road Residential - Southern Pines, NC\Phasing Study March 2022\March 2022\Analysis\SIDRA\NC 22 & Airport Road.sip9

MOVEMENT SUMMARY

 **Site: 1 [2024 Build PM (Site Folder: Airport Road Residential Update)]**

NC 22 & Airport Road
Site Category: (None)
Roundabout

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h	HV %	[Total veh/h	HV %	v/c	sec		[Veh. veh	Dist] ft				mph
South: NC 22														
3u	U	4	2.0	4	2.0	1.063	77.0	LOS F	36.5	928.2	1.00	2.35	5.42	17.5
3	L2	75	2.0	83	2.0	1.063	77.0	LOS F	36.5	928.2	1.00	2.35	5.42	17.3
8	T1	394	2.0	438	2.0	1.063	77.0	LOS F	36.5	928.2	1.00	2.35	5.42	17.2
18	R2	174	2.0	193	2.0	1.063	77.0	LOS F	36.5	928.2	1.00	2.35	5.42	17.0
Approach		647	2.0	719	2.0	1.063	77.0	LOS F	36.5	928.2	1.00	2.35	5.42	17.2
East: Airport Road														
1	L2	99	2.0	110	2.0	0.736	23.4	LOS C	7.4	188.0	0.88	1.17	1.84	28.8
6	T1	197	2.0	219	2.0	0.736	23.4	LOS C	7.4	188.0	0.88	1.17	1.84	28.7
16	R2	126	2.0	140	2.0	0.736	23.4	LOS C	7.4	188.0	0.88	1.17	1.84	28.0
Approach		422	2.0	469	2.0	0.736	23.4	LOS C	7.4	188.0	0.88	1.17	1.84	28.5
North: NC 22														
7	L2	126	2.0	140	2.0	0.508	10.2	LOS B	3.7	92.7	0.65	0.68	0.85	34.4
4	T1	306	2.0	340	2.0	0.508	10.2	LOS B	3.7	92.7	0.65	0.68	0.85	34.3
14	R2	156	2.0	173	2.0	0.106	3.3	LOS A	0.0	0.0	0.00	0.00	0.00	40.5
Approach		588	2.0	653	2.0	0.508	8.4	LOS A	3.7	92.7	0.48	0.50	0.63	35.7
West: Airport Road														
5u	U	4	2.0	4	2.0	0.657	15.9	LOS C	6.3	159.7	0.80	1.01	1.45	32.0
5	L2	196	2.0	218	2.0	0.657	15.9	LOS C	6.3	159.7	0.80	1.01	1.45	31.3
2	T1	274	2.0	304	2.0	0.657	15.9	LOS C	6.3	159.7	0.80	1.01	1.45	31.3
12	R2	109	2.0	121	2.0	0.133	5.2	LOS A	0.5	13.2	0.49	0.41	0.49	36.8
Approach		583	2.0	648	2.0	0.657	13.9	LOS B	6.3	159.7	0.74	0.90	1.27	32.2
All Vehicles		2240	2.0	2489	2.0	1.063	32.5	LOS D	36.5	928.2	0.77	1.26	2.41	25.7

Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
Roundabout LOS Method: Same as Sign Control.

Vehicle movement LOS values are based on average delay and v/c ratio (degree of saturation) per movement.

LOS F will result if v/c > 1 irrespective of movement delay value (does not apply for approaches and intersection).

Intersection and Approach LOS values are based on average delay for all movements (v/c not used as specified in HCM 6).

Roundabout Capacity Model: US HCM 6.

Delay Model: HCM Delay Formula (Geometric Delay is not included).

Queue Model: HCM Queue Formula.

Gap-Acceptance Capacity: Traditional M1.

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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MOVEMENT SUMMARY

 **Site: 1 [2024 Build AM - Improved (Site Folder: Airport Road Residential Update)]**

NC 22 & Airport Road
Site Category: (None)
Roundabout

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h	HV %	[Total veh/h	HV %	v/c	sec		[Veh. veh	Dist ft				mph
South: NC 22														
3u	U	4	2.0	4	2.0	0.748	18.1	LOS C	12.6	319.8	0.88	1.12	1.67	31.1
3	L2	249	2.0	277	2.0	0.748	18.1	LOS C	12.6	319.8	0.88	1.12	1.67	30.4
8	T1	303	2.0	337	2.0	0.748	18.1	LOS C	12.6	319.8	0.88	1.12	1.67	30.4
18	R2	72	2.0	80	2.0	0.748	18.1	LOS C	12.6	319.8	0.88	1.12	1.67	29.6
Approach		628	2.0	698	2.0	0.748	18.1	LOS C	12.6	319.8	0.88	1.12	1.67	30.3
East: Airport Road														
1	L2	114	2.0	127	2.0	0.810	27.4	LOS D	10.1	255.3	0.91	1.31	2.25	27.5
6	T1	393	2.0	437	2.0	0.810	27.4	LOS D	10.1	255.3	0.91	1.31	2.25	27.4
16	R2	107	2.0	119	2.0	0.131	5.2	LOS A	0.5	13.0	0.49	0.42	0.49	36.8
Approach		614	2.0	682	2.0	0.810	23.6	LOS C	10.1	255.3	0.84	1.15	1.94	28.7
North: NC 22														
7u	U	4	2.0	4	2.0	0.958	51.5	LOS F	18.6	472.4	1.00	1.81	3.83	21.8
7	L2	69	2.0	77	2.0	0.958	51.5	LOS F	18.6	472.4	1.00	1.81	3.83	21.4
4	T1	473	2.0	526	2.0	0.958	51.5	LOS F	18.6	472.4	1.00	1.81	3.83	21.4
14	R2	323	2.0	359	2.0	0.219	5.8	LOS A	0.0	0.0	0.00	0.00	0.00	40.4
Approach		869	2.0	966	2.0	0.958	34.5	LOS D	18.6	472.4	0.63	1.14	2.41	25.9
West: Airport Road														
5u	U	4	2.0	4	2.0	0.394	10.4	LOS B	2.0	49.7	0.68	0.73	0.86	34.6
5	L2	109	2.0	121	2.0	0.394	10.4	LOS B	2.0	49.7	0.68	0.73	0.86	33.7
2	T1	136	2.0	151	2.0	0.394	10.4	LOS B	2.0	49.7	0.68	0.73	0.86	33.7
12	R2	145	2.0	161	2.0	0.213	7.1	LOS A	0.8	21.3	0.59	0.59	0.59	35.7
Approach		394	2.0	438	2.0	0.394	9.2	LOS A	2.0	49.7	0.65	0.68	0.76	34.4
All Vehicles		2505	2.0	2783	2.0	0.958	23.7	LOS C	18.6	472.4	0.75	1.06	1.85	28.7

Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
Roundabout LOS Method: Same as Sign Control.

Vehicle movement LOS values are based on average delay and v/c ratio (degree of saturation) per movement.

LOS F will result if v/c > 1 irrespective of movement delay value (does not apply for approaches and intersection).

Intersection and Approach LOS values are based on average delay for all movements (v/c not used as specified in HCM 6).

Roundabout Capacity Model: US HCM 6.

Delay Model: HCM Delay Formula (Geometric Delay is not included).

Queue Model: HCM Queue Formula.

Gap-Acceptance Capacity: Traditional M1.

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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MOVEMENT SUMMARY

 **Site: 1 [2024 Build PM - Improved (Site Folder: Airport Road Residential Update)]**

NC 22 & Airport Road
Site Category: (None)
Roundabout

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h	HV %	[Total veh/h	HV %	v/c	sec		[Veh. veh	Dist ft				mph
South: NC 22														
3u	U	4	2.0	4	2.0	1.063	77.0	LOS F	36.5	928.2	1.00	2.35	5.42	17.5
3	L2	75	2.0	83	2.0	1.063	77.0	LOS F	36.5	928.2	1.00	2.35	5.42	17.3
8	T1	394	2.0	438	2.0	1.063	77.0	LOS F	36.5	928.2	1.00	2.35	5.42	17.2
18	R2	174	2.0	193	2.0	1.063	77.0	LOS F	36.5	928.2	1.00	2.35	5.42	17.0
Approach		647	2.0	719	2.0	1.063	77.0	LOS F	36.5	928.2	1.00	2.35	5.42	17.2
East: Airport Road														
1	L2	99	2.0	110	2.0	0.463	11.6	LOS B	2.6	66.7	0.70	0.79	0.99	33.5
6	T1	197	2.0	219	2.0	0.463	11.6	LOS B	2.6	66.7	0.70	0.79	0.99	33.5
16	R2	126	2.0	140	2.0	0.181	6.6	LOS A	0.7	17.8	0.57	0.55	0.57	36.0
Approach		422	2.0	469	2.0	0.463	10.1	LOS B	2.6	66.7	0.66	0.72	0.87	34.2
North: NC 22														
7	L2	126	2.0	140	2.0	0.508	10.2	LOS B	3.7	92.7	0.65	0.68	0.85	34.4
4	T1	306	2.0	340	2.0	0.508	10.2	LOS B	3.7	92.7	0.65	0.68	0.85	34.3
14	R2	156	2.0	173	2.0	0.106	3.3	LOS A	0.0	0.0	0.00	0.00	0.00	40.5
Approach		588	2.0	653	2.0	0.508	8.4	LOS A	3.7	92.7	0.48	0.50	0.63	35.7
West: Airport Road														
5u	U	4	2.0	4	2.0	0.657	15.9	LOS C	6.3	159.7	0.80	1.01	1.45	32.0
5	L2	196	2.0	218	2.0	0.657	15.9	LOS C	6.3	159.7	0.80	1.01	1.45	31.3
2	T1	274	2.0	304	2.0	0.657	15.9	LOS C	6.3	159.7	0.80	1.01	1.45	31.3
12	R2	109	2.0	121	2.0	0.133	5.2	LOS A	0.5	13.2	0.49	0.41	0.49	36.8
Approach		583	2.0	648	2.0	0.657	13.9	LOS B	6.3	159.7	0.74	0.90	1.27	32.2
All Vehicles		2240	2.0	2489	2.0	1.063	30.0	LOS D	36.5	928.2	0.73	1.18	2.22	26.5

Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
Roundabout LOS Method: Same as Sign Control.

Vehicle movement LOS values are based on average delay and v/c ratio (degree of saturation) per movement.

LOS F will result if v/c > 1 irrespective of movement delay value (does not apply for approaches and intersection).

Intersection and Approach LOS values are based on average delay for all movements (v/c not used as specified in HCM 6).

Roundabout Capacity Model: US HCM 6.

Delay Model: HCM Delay Formula (Geometric Delay is not included).

Queue Model: HCM Queue Formula.

Gap-Acceptance Capacity: Traditional M1.

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Airport Road Residential - Southern Pines, NC
3: Ave of the Carolinas & Airport Road

2024 Build
Timing Plan: AM Peak Hour

Intersection						
Int Delay, s/veh	1.5					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	242	19	6	564	55	18
Future Vol, veh/h	242	19	6	564	55	18
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	269	21	7	627	61	20
Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	290	0	921	280
Stage 1	-	-	-	-	280	-
Stage 2	-	-	-	-	641	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1272	-	300	759
Stage 1	-	-	-	-	767	-
Stage 2	-	-	-	-	525	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1272	-	298	759
Mov Cap-2 Maneuver	-	-	-	-	298	-
Stage 1	-	-	-	-	767	-
Stage 2	-	-	-	-	521	-
Approach	EB		WB		NB	
HCM Control Delay, s	0		0.1		18.4	
HCM LOS	C					
Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT	
Capacity (veh/h)	350	-	-	1272	-	
HCM Lane V/C Ratio	0.232	-	-	0.005	-	
HCM Control Delay (s)	18.4	-	-	7.8	0	
HCM Lane LOS	C	-	-	A	A	
HCM 95th %tile Q(veh)	0.9	-	-	0	-	

Airport Road Residential - Southern Pines, NC
3: Ave of the Carolinas & Airport Road

Build 2024
Timing Plan: AM Peak Hour

Intersection						
Int Delay, s/veh	1.2					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	515	62	21	376	37	12
Future Vol, veh/h	515	62	21	376	37	12
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	572	69	23	418	41	13
Major/Minor	Major1	Major2		Minor1		
Conflicting Flow All	0	0	641	0	1071	607
Stage 1	-	-	-	-	607	-
Stage 2	-	-	-	-	464	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	943	-	244	496
Stage 1	-	-	-	-	544	-
Stage 2	-	-	-	-	633	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	943	-	236	496
Mov Cap-2 Maneuver	-	-	-	-	236	-
Stage 1	-	-	-	-	544	-
Stage 2	-	-	-	-	613	-
Approach	EB	WB		NB		
HCM Control Delay, s	0	0.5		21.6		
HCM LOS	C					
Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT	
Capacity (veh/h)	271	-	-	943	-	
HCM Lane V/C Ratio	0.201	-	-	0.025	-	
HCM Control Delay (s)	21.6	-	-	8.9	0	
HCM Lane LOS	C	-	-	A	A	
HCM 95th %tile Q(veh)	0.7	-	-	0.1	-	

Airport Road Residential - Southern Pines, NC
5: Niagara Carthage Road & Airport Road

2024 Build
Timing Plan: AM Peak Hour

Intersection	
Intersection Delay, s/veh	12
Intersection LOS	B

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	44	155	60	35	191	21	33	63	6	34	127	68
Future Vol, veh/h	44	155	60	35	191	21	33	63	6	34	127	68
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	49	172	67	39	212	23	37	70	7	38	141	76
Number of Lanes	0	1	0	0	1	0	0	1	0	0	1	0

Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	1	1	1	1
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	1	1	1
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	1	1	1	1
HCM Control Delay	12.3	12.3	10.4	12.1
HCM LOS	B	B	B	B

Lane	NBLn1	EBLn1	WBLn1	SBLn1
Vol Left, %	32%	17%	14%	15%
Vol Thru, %	62%	60%	77%	55%
Vol Right, %	6%	23%	9%	30%
Sign Control	Stop	Stop	Stop	Stop
Traffic Vol by Lane	102	259	247	229
LT Vol	33	44	35	34
Through Vol	63	155	191	127
RT Vol	6	60	21	68
Lane Flow Rate	113	288	274	254
Geometry Grp	1	1	1	1
Degree of Util (X)	0.188	0.427	0.414	0.39
Departure Headway (Hd)	5.959	5.336	5.433	5.512
Convergence, Y/N	Yes	Yes	Yes	Yes
Cap	600	673	661	651
Service Time	4.025	3.388	3.487	3.567
HCM Lane V/C Ratio	0.188	0.428	0.415	0.39
HCM Control Delay	10.4	12.3	12.3	12.1
HCM Lane LOS	B	B	B	B
HCM 95th-tile Q	0.7	2.1	2	1.8

Airport Road Residential - Southern Pines, NC
5: Niagara Carthage Road & Airport Road

Build 2024
Timing Plan: AM Peak Hour

Intersection	
Intersection Delay, s/veh	11.1
Intersection LOS	B

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	55	170	41	22	145	19	48	102	21	20	63	64
Future Vol, veh/h	55	170	41	22	145	19	48	102	21	20	63	64
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	61	189	46	24	161	21	53	113	23	22	70	71
Number of Lanes	0	1	0	0	1	0	0	1	0	0	1	0

Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	1	1	1	1
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	1	1	1
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	1	1	1	1
HCM Control Delay	12.1	10.7	10.9	10.2
HCM LOS	B	B	B	B

Lane	NBLn1	EBLn1	WBLn1	SBLn1
Vol Left, %	28%	21%	12%	14%
Vol Thru, %	60%	64%	78%	43%
Vol Right, %	12%	15%	10%	44%
Sign Control	Stop	Stop	Stop	Stop
Traffic Vol by Lane	171	266	186	147
LT Vol	48	55	22	20
Through Vol	102	170	145	63
RT Vol	21	41	19	64
Lane Flow Rate	190	296	207	163
Geometry Grp	1	1	1	1
Degree of Util (X)	0.292	0.427	0.307	0.244
Departure Headway (Hd)	5.532	5.196	5.341	5.373
Convergence, Y/N	Yes	Yes	Yes	Yes
Cap	648	692	672	666
Service Time	3.577	3.232	3.382	3.418
HCM Lane V/C Ratio	0.293	0.428	0.308	0.245
HCM Control Delay	10.9	12.1	10.7	10.2
HCM Lane LOS	B	B	B	B
HCM 95th-tile Q	1.2	2.1	1.3	1

Airport Road Residential - Southern Pines, NC
5: Niagara Carthage Road & Airport Road

2024 Build
Timing Plan: AM Peak Hour

Intersection												
Int Delay, s/veh	14.5											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	44	155	60	35	191	21	33	63	6	34	127	68
Future Vol, veh/h	44	155	60	35	191	21	33	63	6	34	127	68
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	49	172	67	39	212	23	37	70	7	38	141	76

Major/Minor	Minor2		Minor1		Major1		Major2					
Conflicting Flow All	520	406	179	523	441	74	217	0	0	77	0	0
Stage 1	255	255	-	148	148	-	-	-	-	-	-	-
Stage 2	265	151	-	375	293	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	467	534	864	465	510	988	1353	-	-	1522	-	-
Stage 1	749	696	-	855	775	-	-	-	-	-	-	-
Stage 2	740	772	-	646	670	-	-	-	-	-	-	-
Platoon blocked, %								-	-	-	-	-
Mov Cap-1 Maneuver	287	504	864	302	481	988	1353	-	-	1522	-	-
Mov Cap-2 Maneuver	287	504	-	302	481	-	-	-	-	-	-	-
Stage 1	727	676	-	830	753	-	-	-	-	-	-	-
Stage 2	504	750	-	431	651	-	-	-	-	-	-	-

Approach	EB		WB		NB		SB	
HCM Control Delay, s	22.4		23.6		2.5		1.1	
HCM LOS	C		C					

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1353	-	-	488	462	1522	-
HCM Lane V/C Ratio	0.027	-	-	0.59	0.594	0.025	-
HCM Control Delay (s)	7.7	0	-	22.4	23.6	7.4	0
HCM Lane LOS	A	A	-	C	C	A	A
HCM 95th %tile Q(veh)	0.1	-	-	3.8	3.8	0.1	-

Airport Road Residential - Southern Pines, NC
5: Niagara Carthage Road & Airport Road

Build 2024
Timing Plan: AM Peak Hour

Intersection												
Int Delay, s/veh	12.5											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	55	170	41	22	145	19	48	102	21	20	63	64
Future Vol, veh/h	55	170	41	22	145	19	48	102	21	20	63	64
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	61	189	46	24	161	21	53	113	23	22	70	71

Major/Minor	Minor2		Minor1		Major1		Major2					
Conflicting Flow All	472	392	106	498	416	125	141	0	0	136	0	0
Stage 1	150	150	-	231	231	-	-	-	-	-	-	-
Stage 2	322	242	-	267	185	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	502	544	948	483	527	926	1442	-	-	1448	-	-
Stage 1	853	773	-	772	713	-	-	-	-	-	-	-
Stage 2	690	705	-	738	747	-	-	-	-	-	-	-
Platoon blocked, %								-	-	-	-	-
Mov Cap-1 Maneuver	352	514	948	315	497	926	1442	-	-	1448	-	-
Mov Cap-2 Maneuver	352	514	-	315	497	-	-	-	-	-	-	-
Stage 1	819	760	-	741	684	-	-	-	-	-	-	-
Stage 2	495	677	-	519	734	-	-	-	-	-	-	-

Approach	EB		WB		NB		SB	
HCM Control Delay, s	21.9		17.7		2.1		1	
HCM LOS	C		C					

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1442	-	-	502	487	1448	-
HCM Lane V/C Ratio	0.037	-	-	0.589	0.424	0.015	-
HCM Control Delay (s)	7.6	0	-	21.9	17.7	7.5	0
HCM Lane LOS	A	A	-	C	C	A	A
HCM 95th %tile Q(veh)	0.1	-	-	3.8	2.1	0	-

Airport Road Residential - Southern Pines, NC
6: Site Drive #1 & Airport Road

2024 Build
Timing Plan: AM Peak Hour

Intersection						
Int Delay, s/veh	2.3					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑	↗	↖	↑	↖	↗
Traffic Vol, veh/h	223	29	10	473	83	28
Future Vol, veh/h	223	29	10	473	83	28
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	150	75	-	0	75
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	248	32	11	526	92	31
Major/Minor	Major1	Major2		Minor1		
Conflicting Flow All	0	0	280	0	796	248
Stage 1	-	-	-	-	248	-
Stage 2	-	-	-	-	548	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1283	-	356	791
Stage 1	-	-	-	-	793	-
Stage 2	-	-	-	-	579	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1283	-	353	791
Mov Cap-2 Maneuver	-	-	-	-	353	-
Stage 1	-	-	-	-	793	-
Stage 2	-	-	-	-	574	-
Approach	EB	WB		NB		
HCM Control Delay, s	0	0.2		16.5		
HCM LOS	C					
Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBL	WBT
Capacity (veh/h)	353	791	-	-	1283	-
HCM Lane V/C Ratio	0.261	0.039	-	-	0.009	-
HCM Control Delay (s)	18.8	9.7	-	-	7.8	-
HCM Lane LOS	C	A	-	-	A	-
HCM 95th %tile Q(veh)	1	0.1	-	-	0	-

Airport Road Residential - Southern Pines, NC
6: Site Drive #1 & Airport Road

Build 2024
Timing Plan: AM Peak Hour

Intersection						
Int Delay, s/veh	1.7					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑	↗	↖	↑	↖	↗
Traffic Vol, veh/h	421	97	32	330	57	19
Future Vol, veh/h	421	97	32	330	57	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	150	75	-	0	75
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	468	108	36	367	63	21
Major/Minor	Major1	Major2		Minor1		
Conflicting Flow All	0	0	576	0	907	468
Stage 1	-	-	-	-	468	-
Stage 2	-	-	-	-	439	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	997	-	306	595
Stage 1	-	-	-	-	630	-
Stage 2	-	-	-	-	650	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	997	-	295	595
Mov Cap-2 Maneuver	-	-	-	-	295	-
Stage 1	-	-	-	-	630	-
Stage 2	-	-	-	-	627	-
Approach	EB	WB		NB		
HCM Control Delay, s	0	0.8		18.2		
HCM LOS	C					
Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBL	WBT
Capacity (veh/h)	295	595	-	-	997	-
HCM Lane V/C Ratio	0.215	0.035	-	-	0.036	-
HCM Control Delay (s)	20.5	11.3	-	-	8.7	-
HCM Lane LOS	C	B	-	-	A	-
HCM 95th %tile Q(veh)	0.8	0.1	-	-	0.1	-

Intersection: 1: NC 22 & Airport Road

Movement	EB	EB	WB	NB	SB	SB
Directions Served	ULT	R	LTR	ULTR	ULT	R
Maximum Queue (ft)	130	91	1468	409	1188	250
Average Queue (ft)	55	31	1304	171	731	182
95th Queue (ft)	105	67	1767	353	1460	364
Link Distance (ft)	424		1460	1066	1146	
Upstream Blk Time (%)			15		34	
Queuing Penalty (veh)			94		0	
Storage Bay Dist (ft)		150				150
Storage Blk Time (%)	0				74	
Queuing Penalty (veh)	0				240	

Intersection: 2: Mill Creek Road & Airport Road

Movement	WB	WB	NB	NB
Directions Served	L	T	L	R
Maximum Queue (ft)	225	1681	77	32
Average Queue (ft)	72	650	25	9
95th Queue (ft)	240	1759	65	28
Link Distance (ft)		3698		1134
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	125		175	
Storage Blk Time (%)		57		
Queuing Penalty (veh)		17		

Intersection: 3: Ave of the Carolinas & Airport Road

Movement	WB	NB
Directions Served	LT	LR
Maximum Queue (ft)	15	61
Average Queue (ft)	1	32
95th Queue (ft)	7	53
Link Distance (ft)	1594	1228
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 4: Cardinal Drive/Hardee Lane & Airport Road

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	69	5	37	120
Average Queue (ft)	14	0	12	44
95th Queue (ft)	48	5	35	83
Link Distance (ft)	1544	1769	1044	1252
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 5: Niagara Carthage Road & Airport Road

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	127	96	58	98
Average Queue (ft)	57	43	28	45
95th Queue (ft)	97	76	47	76
Link Distance (ft)	1374	1340	1169	1240
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 6: Site Drive #1 & Airport Road

Movement	WB	NB	NB
Directions Served	L	L	R
Maximum Queue (ft)	26	75	47
Average Queue (ft)	2	34	16
95th Queue (ft)	15	61	39
Link Distance (ft)		1388	
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)	75		75
Storage Blk Time (%)		0	0
Queuing Penalty (veh)		0	0

Network Summary

Network wide Queuing Penalty: 351

Intersection: 1: NC 22 & Airport Road

Movement	EB	EB	B16	WB	NB	SB	SB
Directions Served	ULT	R	T	LTR	ULTR	LT	R
Maximum Queue (ft)	532	250	1161	232	973	232	109
Average Queue (ft)	494	236	894	85	605	85	7
95th Queue (ft)	570	328	1542	165	1084	178	73
Link Distance (ft)	424		1212	1460	1066	1146	
Upstream Blk Time (%)	96		38		12		
Queuing Penalty (veh)	0		0		0		
Storage Bay Dist (ft)		150					150
Storage Blk Time (%)	99	0				5	
Queuing Penalty (veh)	108	2				7	

Intersection: 2: Mill Creek Road & Airport Road

Movement	EB	WB	NB	NB
Directions Served	R	L	L	R
Maximum Queue (ft)	4	48	77	63
Average Queue (ft)	0	16	30	25
95th Queue (ft)	3	41	64	49
Link Distance (ft)			1134	
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	125	125	175	
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 3: Ave of the Carolinas & Airport Road

Movement	EB	WB	NB
Directions Served	TR	LT	LR
Maximum Queue (ft)	4	56	66
Average Queue (ft)	0	7	27
95th Queue (ft)	3	33	55
Link Distance (ft)	3698	1594	1228
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 4: Cardinal Drive/Hardee Lane & Airport Road

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	108	28	40	94
Average Queue (ft)	45	1	14	27
95th Queue (ft)	96	13	37	62
Link Distance (ft)	1544	1769	1044	1252
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 5: Niagara Carthage Road & Airport Road

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	102	65	71	62
Average Queue (ft)	50	34	34	31
95th Queue (ft)	82	58	56	50
Link Distance (ft)	1374	1340	1169	1240
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 6: Site Drive #1 & Airport Road

Movement	EB	WB	NB	NB
Directions Served	R	L	L	R
Maximum Queue (ft)	12	35	74	36
Average Queue (ft)	1	12	30	12
95th Queue (ft)	7	34	57	32
Link Distance (ft)			1388	
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	150	75		75
Storage Blk Time (%)			1	
Queuing Penalty (veh)			0	

Network Summary

Network wide Queuing Penalty: 117

Intersection: 1: NC 22 & Airport Road

Movement	EB	EB	B16	WB	WB	NB	SB	SB
Directions Served	ULT	R	T	LT	R	ULTR	LT	R
Maximum Queue (ft)	524	250	785	157	12	1090	481	250
Average Queue (ft)	430	204	400	61	0	909	180	58
95th Queue (ft)	639	361	1072	118	6	1346	395	230
Link Distance (ft)	425		1212	1452		1052	1141	
Upstream Blk Time (%)	66		3			61		
Queuing Penalty (veh)	0		0			0		
Storage Bay Dist (ft)		150			150			150
Storage Blk Time (%)	88			1			30	
Queuing Penalty (veh)	96			1			47	

Intersection: 2: Mill Creek Road & Airport Road

Movement	WB	NB	NB
Directions Served	L	L	R
Maximum Queue (ft)	36	76	59
Average Queue (ft)	15	29	25
95th Queue (ft)	37	62	49
Link Distance (ft)			1134
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)	125	175	
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 3: Ave of the Carolinas & Airport Road

Movement	WB	NB
Directions Served	LT	LR
Maximum Queue (ft)	51	63
Average Queue (ft)	9	26
95th Queue (ft)	36	54
Link Distance (ft)	1594	1228
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 4: Cardinal Drive/Hardee Lane & Airport Road

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	157	5	32	106
Average Queue (ft)	46	0	13	29
95th Queue (ft)	106	5	36	66
Link Distance (ft)	1544	1769	1044	1252
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 5: Niagara Carthage Road & Airport Road

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	99	65	61	63
Average Queue (ft)	51	34	33	31
95th Queue (ft)	81	57	53	51
Link Distance (ft)	1374	1340	1169	1240
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 6: Site Drive #1 & Airport Road

Movement	EB	WB	NB	NB
Directions Served	R	L	L	R
Maximum Queue (ft)	6	35	69	28
Average Queue (ft)	0	11	30	12
95th Queue (ft)	4	33	56	31
Link Distance (ft)			1388	
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	150	75		75
Storage Blk Time (%)			0	
Queuing Penalty (veh)			0	

Network Summary

Network wide Queuing Penalty: 144

Intersection: 1: NC 22 & Airport Road

Movement	EB	EB	WB	WB	NB	SB	SB
Directions Served	ULT	R	LT	R	ULTR	ULT	R
Maximum Queue (ft)	139	68	1433	250	532	1195	250
Average Queue (ft)	54	11	1090	230	232	1012	250
95th Queue (ft)	101	44	1745	342	501	1426	250
Link Distance (ft)	425		1452		1052	1141	
Upstream Blk Time (%)			9			64	
Queuing Penalty (veh)			53			0	
Storage Bay Dist (ft)		150		150			150
Storage Blk Time (%)	0		97			100	
Queuing Penalty (veh)	0		104			323	

Intersection: 2: Mill Creek Road & Airport Road

Movement	WB	WB	NB	NB
Directions Served	L	T	L	R
Maximum Queue (ft)	188	632	73	35
Average Queue (ft)	44	204	21	9
95th Queue (ft)	182	685	60	28
Link Distance (ft)		3698		1134
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	125		175	
Storage Blk Time (%)		33		
Queuing Penalty (veh)		9		

Intersection: 3: Ave of the Carolinas & Airport Road

Movement	WB	NB
Directions Served	LT	LR
Maximum Queue (ft)	20	66
Average Queue (ft)	1	33
95th Queue (ft)	8	55
Link Distance (ft)	1594	1228
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 4: Cardinal Drive/Hardee Lane & Airport Road

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	65	10	40	122
Average Queue (ft)	16	0	12	45
95th Queue (ft)	52	5	36	86
Link Distance (ft)	1544	1769	1044	1252
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 5: Niagara Carthage Road & Airport Road

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	128	91	58	98
Average Queue (ft)	57	42	28	44
95th Queue (ft)	98	74	46	75
Link Distance (ft)	1374	1340	1169	1240
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 6: Site Drive #1 & Airport Road

Movement	WB	NB	NB
Directions Served	L	L	R
Maximum Queue (ft)	27	77	47
Average Queue (ft)	4	35	16
95th Queue (ft)	18	65	39
Link Distance (ft)		1388	
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)	75		75
Storage Blk Time (%)		1	0
Queuing Penalty (veh)		0	0

Network Summary

Network wide Queuing Penalty: 489

Traffic Impact Analysis Airport Road Residential Southern Pines, NC



**RAMEY KEMP
&
ASSOCIATES**

PD-12-21 Transportation 100P Interim 2023 Town Council

**TRAFFIC IMPACT
ANALYSIS**

FOR

AIRPORT ROAD RESIDENTIAL

LOCATED

IN

SOUTHERN PINES, NORTH CAROLINA

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Appendix C:	Adjacent Development Information
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Appendix I:	Capacity Calculations – Airport Road and Site Drive #1

TRAFFIC IMPACT ANALYSIS
AIRPORT ROAD RESIDENTIAL
SOUTHERN PINES, NORTH CAROLINA

1. INTRODUCTION

The contents of this report present the findings of the Traffic Impact Analysis (TIA) conducted for the proposed Airport Road Residential development to be located south of Airport Road and west of Cardinal Drive in Southern Pines, North Carolina. The purpose of this study is to determine the potential impacts to the surrounding transportation system created by traffic generated by the proposed development, as well as recommend improvements to mitigate the impacts.

The proposed development, anticipated to be completed in 2028, is assumed to consist of the following uses:

- 350 single-family detached homes
- 105 townhomes
- 160 apartments

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- Existing (2018) Traffic Conditions
- Background (2028) Traffic Conditions
- Combined (2028) Traffic Conditions
- Future (2038) Traffic Conditions

Per the Town of Southern Pines (Town) TIA guidelines, a future (2038) analysis scenario is included. The Town would also require a future (2028) analysis scenario (10 years beyond existing); however, as this would be the same as the combined (2028) conditions (build-out year), the additional scenario was omitted.

1.1. Site Location and Study Area

The development is proposed to be located along Avenue of the Carolinas, south of Airport Road in Southern Pines, North Carolina. Refer to Figure 1 for the site location map.

The study area for the TIA was determined through coordination with the North Carolina Department of Transportation (NCDOT) and the Town of Southern Pines (Town) and consists of the following existing intersections:

- NC 22 and Airport Road
- Airport Road and Mill Creek Road
- Airport Road and Avenue of the Carolinas
- Airport Road and Hardee Lane / Cardinal Drive
- Airport Road and Niagara Carthage Road

Refer to Appendix A for the Memorandum of Understanding (MOU) approved by the Town and NCDOT.

1.2. Proposed Land Use and Site Access

The proposed development, anticipated to be completed in 2028, is assumed to consist of the following uses:

- 350 single-family detached homes
- 105 townhomes
- 160 apartments

Site access is proposed via one (1) proposed full movement intersection on Airport Road. Site access will also be provided through the existing Avenue of the Carolinas, which provides access to Airport Road. Refer to Figure 2 for a copy of the preliminary site plan.

1.3. Adjacent Land Uses

The proposed development is located in an area consisting primarily of undeveloped land, residential development, and the Moore County Airport.

1.4. Existing Roadways

Existing lane configurations (number of traffic lanes on each intersection approach), lane widths, storage capacities, and other intersection and roadway information was collected through field reconnaissance by Ramey Kemp & Associates, Inc. (RKA). Table 1 provides a summary of the field data collected. Refer to Figure 3 for an illustration of the existing lane configurations within the study area.

Table 1: Existing Roadway Inventory

Road Name	Route Number	Typical Cross Section	Speed Limit	Maintained By	2016 AADT (vpd)
NC 22	NC 22	2-lane undivided	45 mph	NCDOT	8,000
Airport Road	SR 1843	2-lane undivided	55 mph & 35 mph	NCDOT	5,400
Mill Creek Road	N/A	2-lane undivided	20 mph	Local	2,400**
Ave of the Carolinas	N/A	2-lane undivided	25 mph (assumed)	Local	500**
Hardee Lane	N/A	2-lane undivided	35 mph	Local	3,300**
Cardinal Drive	N/A	2-lane undivided	25 mph (assumed)	Local	200**
Niagara Carthage Road	SR 1802	2-lane undivided	55 mph	NCDOT	1,900*

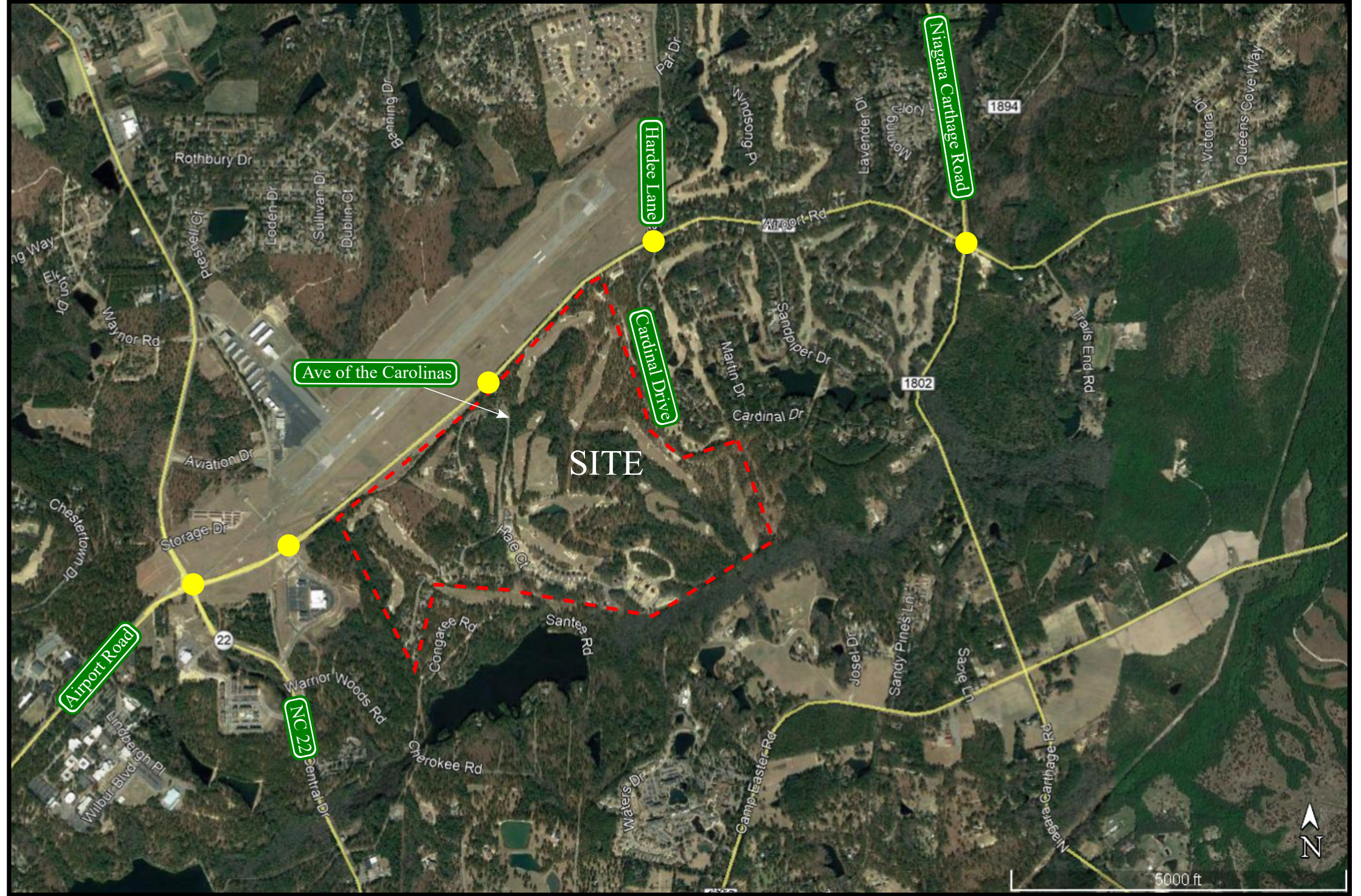
*2015 AADT Traffic volume.

**ADT based on the traffic counts from 2018 and assuming the weekday PM peak hour volume is 10% of the average daily traffic.



LEGEND

- Proposed Site Location
- Study Area
- Study Intersection

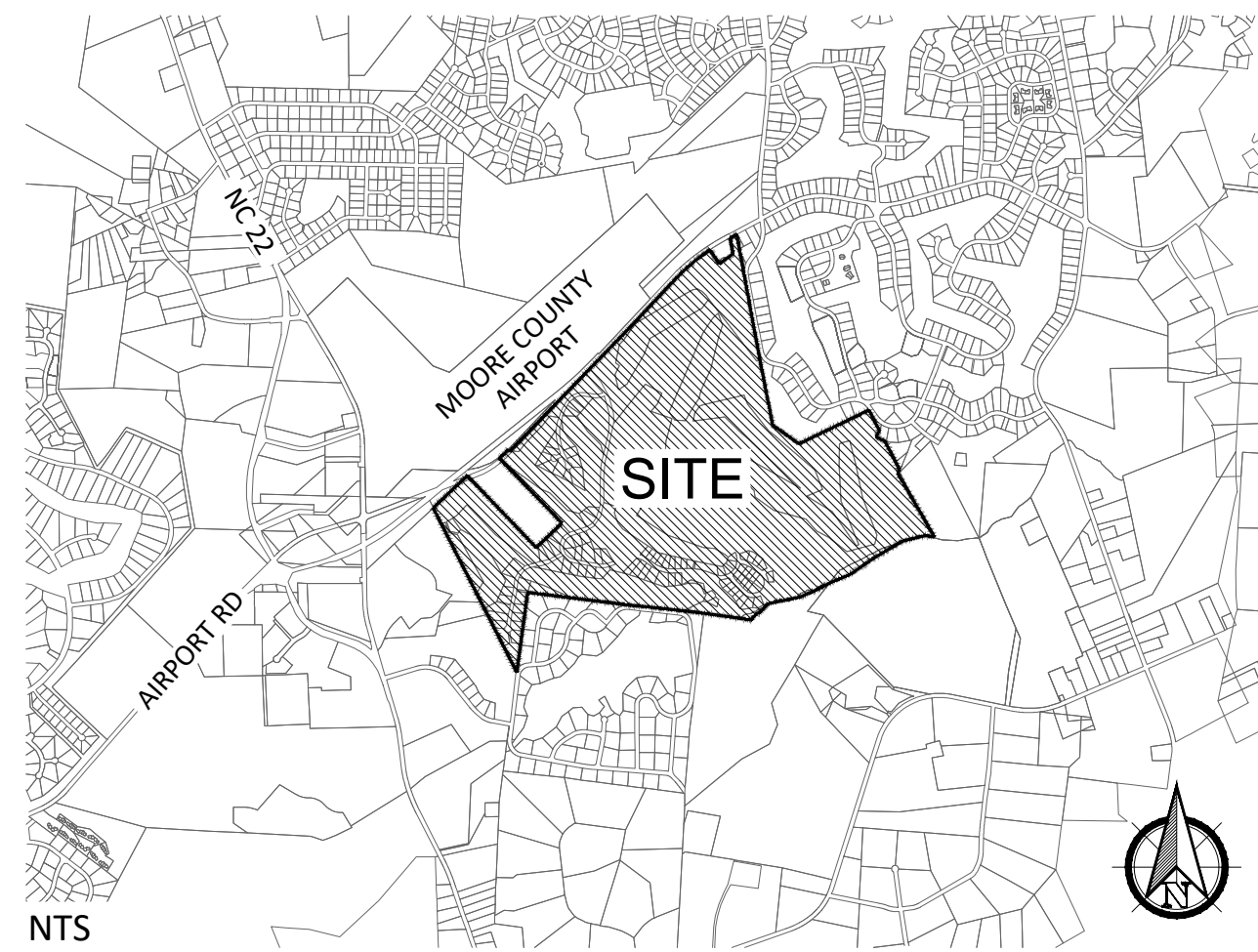


Airport Road Residential
Southern Pines, NC

Site Location Map

Scale: Not to Scale

Figure 1



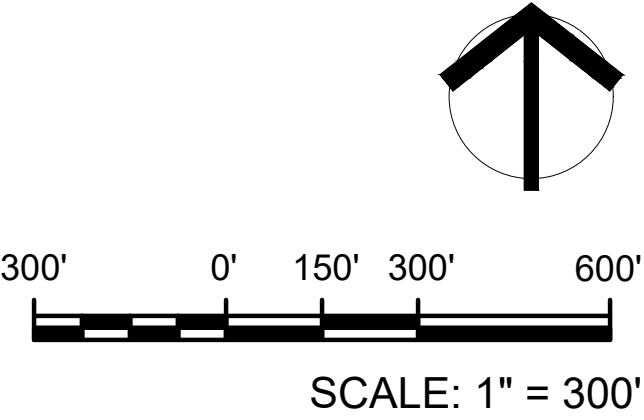
Caropines

Exhibit X - Conceptual Master Plan

Southern Pines, North Carolina



- LEGEND:
- PROPERTY BOUNDARY
 - MAJOR CONTOURS
 - MINOR CONTOURS
 - EXISTING PARCEL
 - EXISTING WETLANDS
 - EXISTING RCW TREE



KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

LEGEND

○

Unsignalized Intersection

⊙

Roundabout

➔

Existing Lane

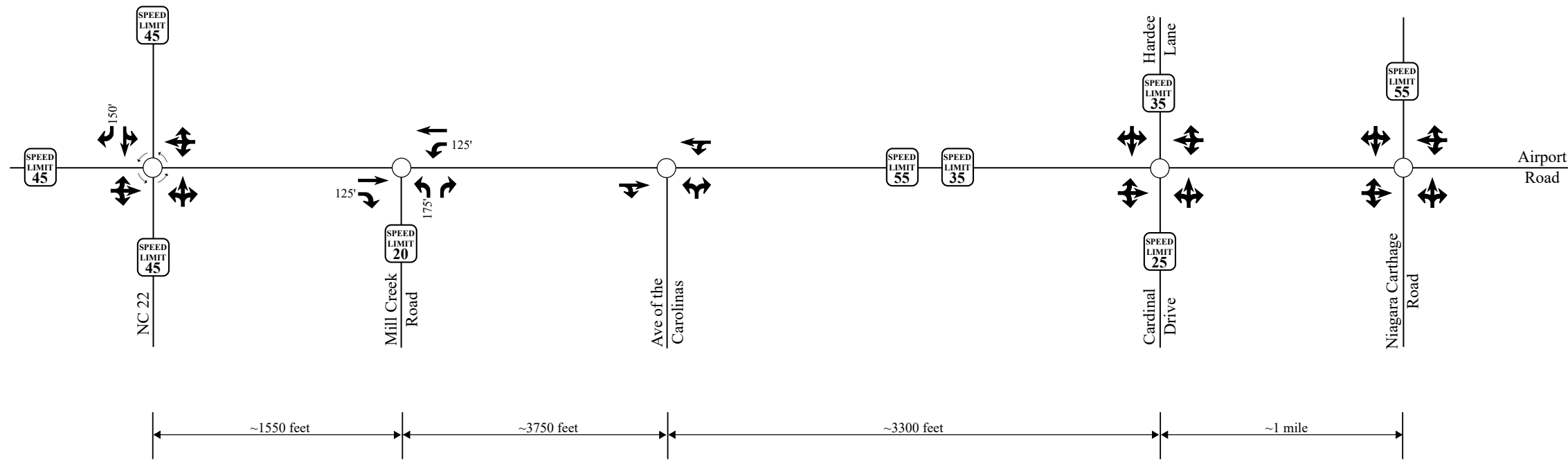
x'

Storage (In Feet)

SPEED LIMIT

XX

Posted Speed Limit



 RAMEY KEMP & ASSOCIATES TRANSPORTATION ENGINEERS	Airport Road Residential Southern Pines, NC	Existing (2018) Lane Configurations	
		Scale: Not to Scale	Figure 3

2. EXISTING (2018) PEAK HOUR CONDITIONS

2.1. Existing (2018) Peak Hour Traffic

Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed below, in March of 2018 by RKA during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods:

- Airport Road and Ave of the Carolinas
- Airport Road and Cardinal Drive / Hardees Lane
- Airport Road and Mill Creek Road
- Airport Road and Niagara Carthage Road

The following study intersection traffic counts were taken from the adjacent development TIA, Ravensbrook Residential. These counts were taken in June 2017 by J.M. Teague Engineering and Planning during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM - 6:00 PM) peak periods:

- NC 22 and Airport Road

The traffic volumes utilized from 2017 were grown at an annual rate of 2% to generate the existing (2018) weekday AM and PM peak hour traffic volumes. Additionally, traffic volumes were balanced between study intersections, where appropriate. Refer to Figure 4 for existing (2018) weekday AM and PM peak hour traffic volumes. A copy of the count data is located in Appendix B of this report.

2.2. Analysis of Existing (2018) Peak Hour Traffic

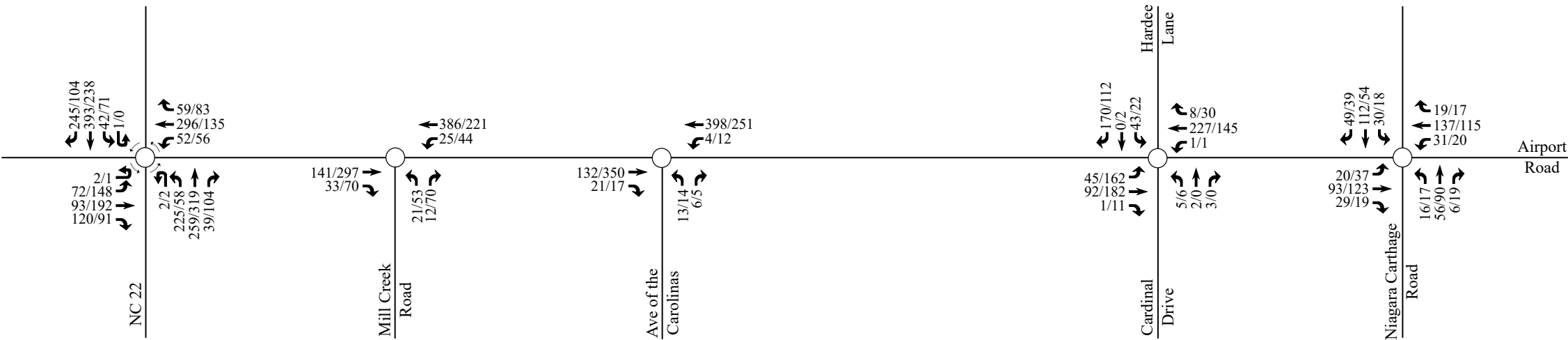
The existing (2018) weekday AM and PM peak hour traffic volumes were analyzed to determine the current levels of service at the study intersections under existing roadway conditions. The results of the analysis are presented in Section 8 of this report.

LEGEND

○ Unsignalized Intersection

⊙ Roundabout

X / Y ➡ Weekday AM / PM Peak Hour Traffic



Airport Road Residential
Southern Pines, NC

Existing (2018)
Peak Hour Traffic

Scale: Not to Scale

Figure 4

3. BACKGROUND (2028) PEAK HOUR CONDITIONS

In order to account for growth of traffic and subsequent traffic conditions at a future year, background traffic projections are needed. Background traffic is the component of traffic due to the growth of the community and surrounding area that is anticipated to occur regardless of whether or not the proposed development is constructed. Background traffic is comprised of existing traffic growth within the study area and additional traffic created as a result of adjacent approved developments.

3.1. Ambient Traffic Growth

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 2% would be used to generate projected (2028) weekday AM and PM peak hour traffic volumes for the build year analysis. An annual growth rate of 1% would be used to project the existing traffic volumes for the future (2038) analysis conditions. It should be noted that due to the extended buildout of the development and the different growth rates approved for use, the 2028 and 2038 traffic volumes do not offer a large difference between one another. This is expected to portray the conservative nature of the 2028 analysis. Refer to Figure 5 for projected (2028) peak hour traffic.

3.2. Adjacent Development Traffic

Through coordination with the Town, Ravensbrook Residential, Knollwood School, and Waterworks residential were identified as adjacent developments to be included in the background, combined, and future year analyses. It should be noted that these developments did not include the full study area for this project in their analysis. Due to this, engineering judgement was utilized to distribute these site trips throughout the Airport Road residential study area. Adjacent development trip are shown in Figure 6. Adjacent development information can be found in Appendix C.

3.3. Future Roadway Improvements

Based on coordination with the NCDOT and the Town, it was determined there were no future roadway improvements to consider with this study.

3.4. Background (2028) Peak Hour Traffic Volumes

The background (2028) traffic volumes were determined by projecting the existing (2018) peak hour traffic to the year 2028 and adding the adjacent development trips. Refer to Figure 7 for an illustration of the background (2028) peak hour traffic volumes at the study intersections.

3.5. Analysis of Background (2028) Peak Hour Traffic Conditions

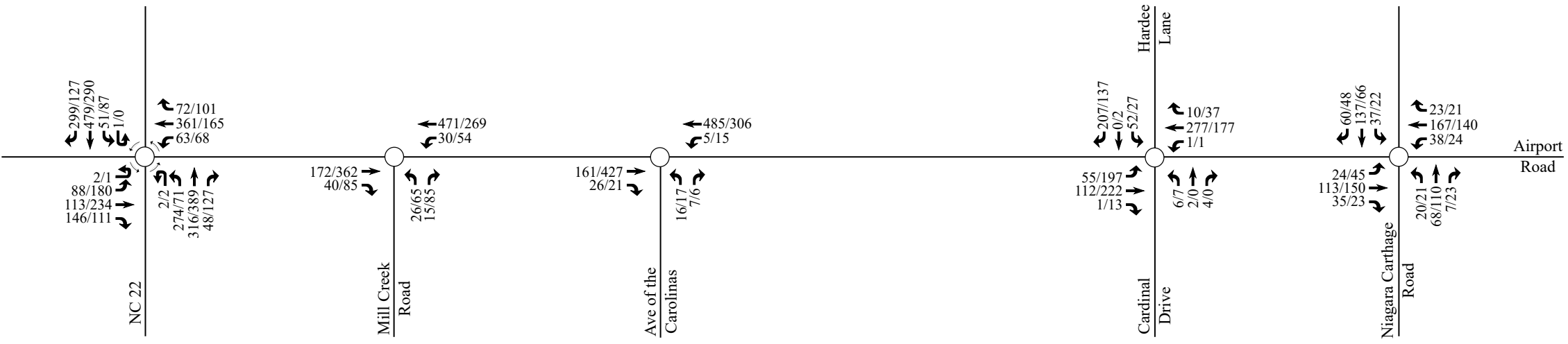
The background (2028) AM and PM peak hour traffic volumes at the study intersections were analyzed with future geometric roadway conditions and traffic control. The analysis results are presented in Section 8 of this report.

LEGEND

○ Unsignalized Intersection

⊙ Roundabout

X / Y ➡ Weekday AM / PM Peak Hour Traffic



Airport Road Residential
Southern Pines, NC

Projected (2028)
Peak Hour Traffic

Scale: Not to Scale

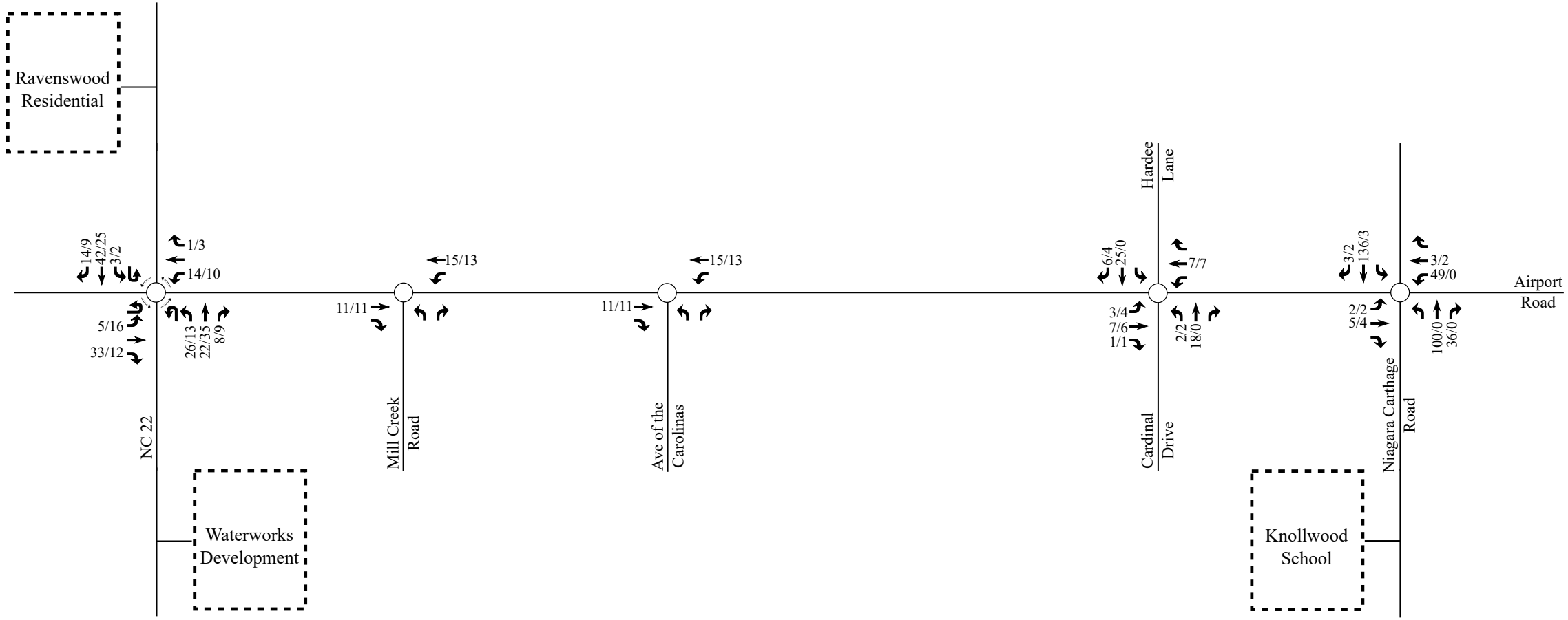
Figure 5

LEGEND

○ Unsignalized Intersection

⊙ Roundabout

X / Y ➔ Weekday AM / PM Peak Hour Traffic



Airport Road Residential
Southern Pines, NC

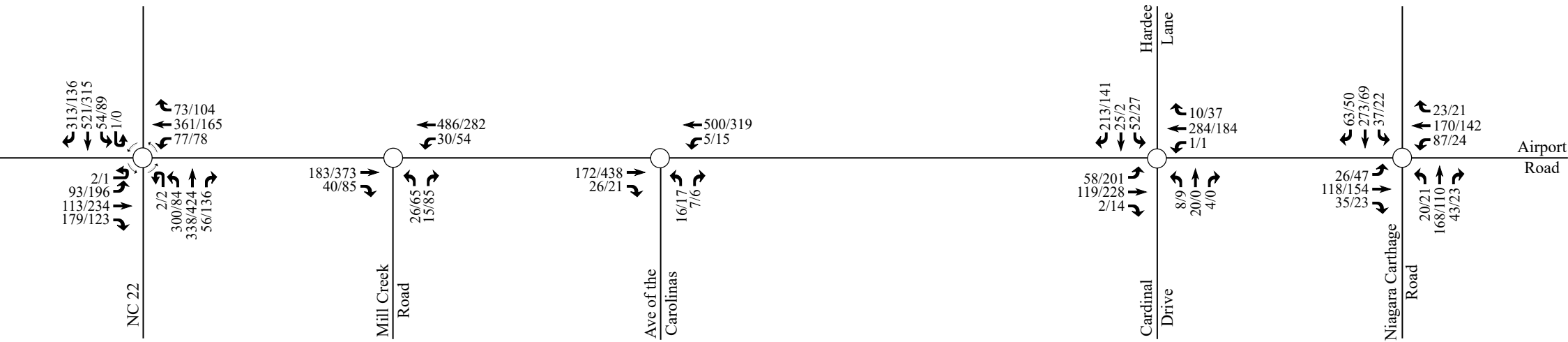
Peak Hour Adjacent
Development Trips

Scale: Not to Scale

Figure 6

LEGEND

- Unsignalized Intersection
- Roundabout
- X / Y ➡ Weekday AM / PM Peak Hour Traffic



Airport Road Residential
Southern Pines, NC

Background (2028)
Peak Hour Traffic

Scale: Not to Scale

Figure 7

4. SITE TRIP GENERATION AND DISTRIBUTION

4.1. Trip Generation

The proposed development is assumed to consist of approximately 350 single-family homes, 105 townhomes, and 160 apartments. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the *ITE Trip Generation Manual*, 9th Edition. Table 2 provides a summary of the trip generation potential for the site.

Table 2: Trip Generation Summary

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	AM Peak Hour Trips (vph)		PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single Family Detached Housing (210)	350 dwellings	3,300	66	197	221	129
Apartments (220)	160 dwellings	1,100	16	66	69	37
Townhomes (230)	105 dwellings	600	8	38	37	18
Total Trips		5,000	90	301	327	184

It is estimated that the proposed development will generate approximately 5,000 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 391 trips (90 entering and 301 exiting) will occur during the weekday AM peak hour and 511 (327 entering and 184 exiting) will occur during the weekday PM peak hour.

4.2. Site Trip Distribution and Assignment

Trip distribution percentages, which were approved as part of the MOU, were used in assigning site traffic for this development and were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment. It is estimated that trips will be distributed as follows:

- 30% to/from the west via Airport Road
- 25% to/from the south via NC 22

- 20% to/from the north via NC 22
- 10% to/from the east via Airport Road
- 10% to/from the south via Niagara Carthage Road
- 5% to/from the north via Niagara Carthage Road

The site trip distribution is shown in Figure 8. Refer to Figure 9 for the total site trip assignment.

LEGEND

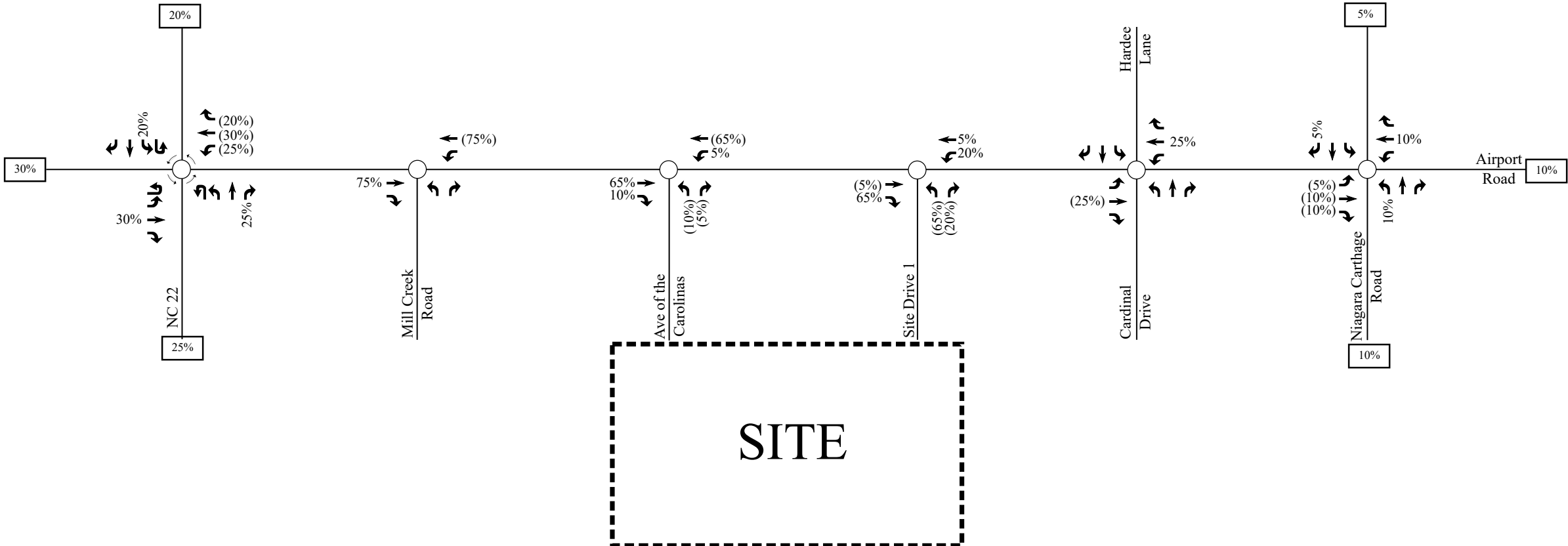
○ Unsignalized Intersection

⦿ Roundabout

x% ➡ Entering Trip Distribution

(Y%) ➡ Exiting Trip Distribution

XX% Regional Trip Distribution



Airport Road Residential
Southern Pines, NC

Site Trip
Distribution

Scale: Not to Scale

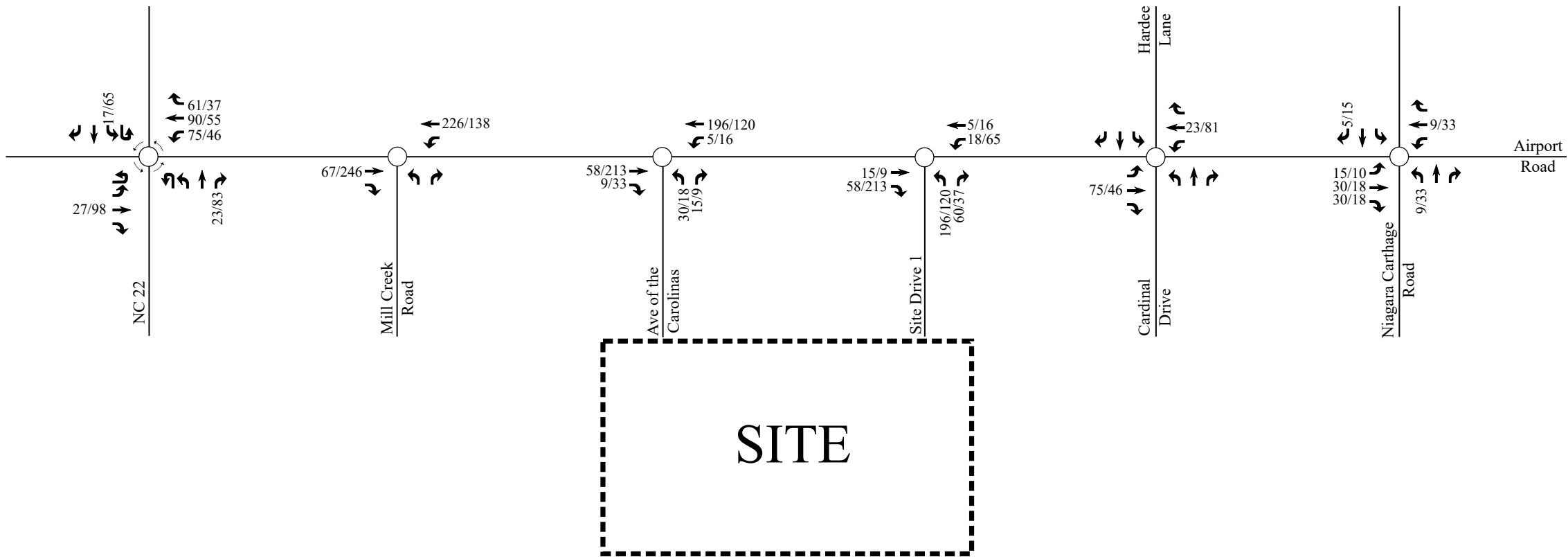
Figure 8

LEGEND

○ Unsignalized Intersection

⊙ Roundabout

X / Y ➔ Weekday AM / PM Peak Hour Site Trips



Airport Road Residential
Southern Pines, NC

Primary Site
Trip Assignment

Scale: Not to Scale

Figure 9

5. COMBINED (2028) TRAFFIC CONDITIONS

5.1. Combined (2028) Peak Hour Traffic Volumes

To estimate traffic conditions with the site fully built-out, the total site trips were added to the background (2028) traffic volumes to determine the combined (2028) traffic volumes. Refer to Figure 10 for an illustration of the combined (2028) peak hour traffic volumes with the proposed site fully developed.

5.2. Analysis of Combined (2028) Peak Hour Traffic

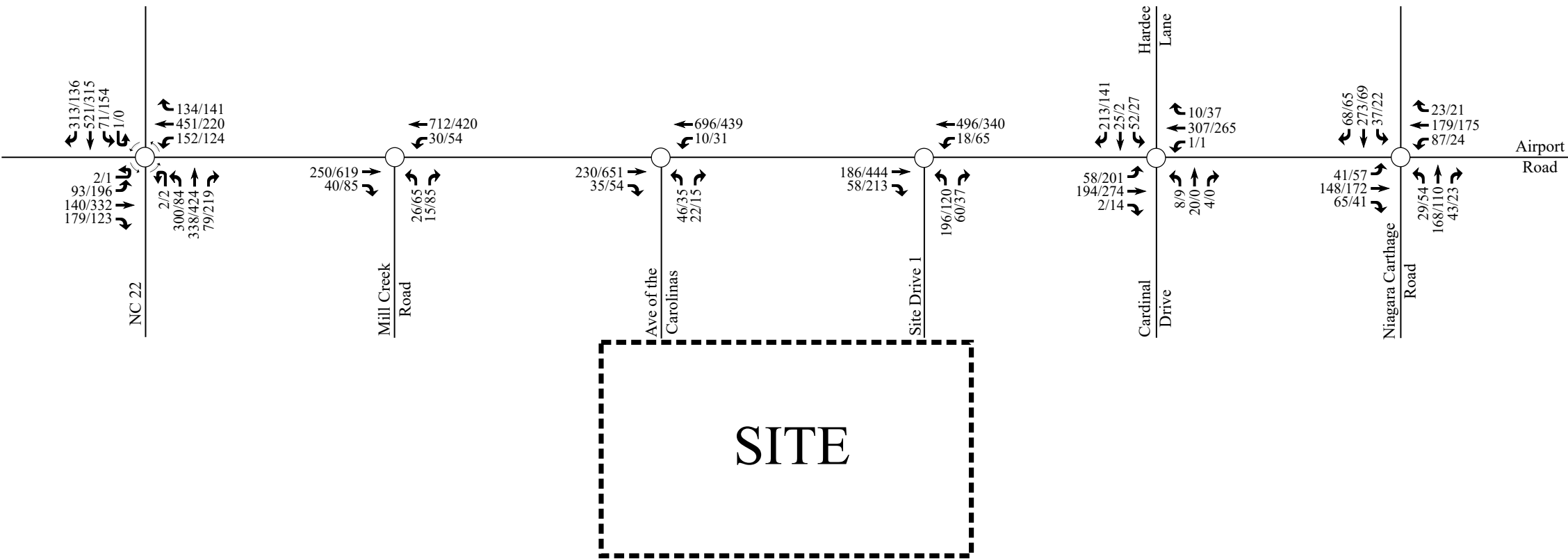
Study intersections were analyzed with the combined (2028) traffic volumes using the same methodology previously discussed for existing and background traffic conditions. Intersections were analyzed with improvements necessary to accommodate future traffic volumes. The results of the capacity analysis for each intersection are presented in Section 8 of this report.

LEGEND

○ Unsignalized Intersection

○ Roundabout

X / Y ➡ Weekday AM / PM Peak Hour Traffic



Airport Road Residential
Southern Pines, NC

Combined (2028)
Peak Hour Traffic

Scale: Not to Scale

Figure 10

6. FUTURE (2038) TRAFFIC CONDITIONS

6.1. Future (2038) Peak Hour Traffic Volumes

To estimate traffic conditions with the site fully built-out, the total site trips were added to the background (2038) traffic volumes to determine the future (2038) traffic volumes. Refer to Figure 11 for an illustration of the future (2038) peak hour traffic volumes with the proposed site fully developed.

6.2. Analysis of Future (2038) Peak Hour Traffic

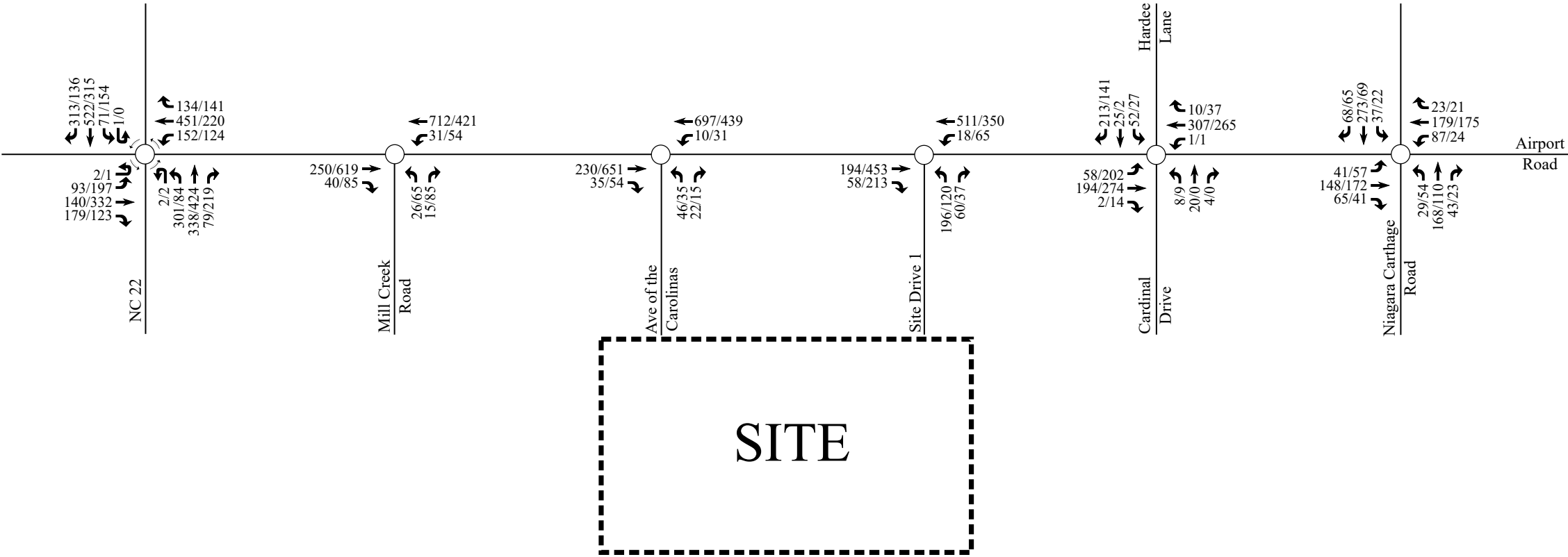
Study intersections were analyzed with the future (2038) traffic volumes using the same methodology previously discussed for existing and background traffic conditions. Intersections were analyzed with improvements necessary to accommodate future traffic volumes. The results of the capacity analysis for each intersection are presented in Section 8 of this report.

LEGEND

○ Unsignalized Intersection

○ Roundabout

X / Y ➡ Weekday AM / PM Peak Hour Traffic



Airport Road Residential
Southern Pines, NC

Future (2038)
Peak Hour Traffic

Scale: Not to Scale

Figure 11

7. TRAFFIC ANALYSIS PROCEDURE

Study intersections were analyzed using the methodology outlined in the *2010 Highway Capacity Manual* (HCM) published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. A computer software package, Synchro (Version 9.1), was used to complete the analyses for most of the study area intersections. Please note that the unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement.

The HCM defines capacity as “the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under prevailing roadway, traffic, and control conditions.” Level of service (LOS) is a term used to represent different driving conditions, and is defined as a “qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers.” Level of service varies from Level “A” representing free flow, to Level “F” where breakdown conditions are evident. Refer to Table 3 for HCM levels of service and related average control delay per vehicle for both signalized and unsignalized intersections. Control delay as defined by the HCM includes “initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay”. An average control delay of 50 seconds at a signalized intersection results in LOS “D” operation at the intersection.

Table 3: Highway Capacity Manual – Levels-of-Service and Delay

UNSIGNALIZED INTERSECTION		SIGNALIZED INTERSECTION	
LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)	LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)
A	0-10	A	0-10
B	10-15	B	10-20
C	15-25	C	20-35
D	25-35	D	35-55
E	35-50	E	55-80
F	>50	F	>80

7.1. Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the NCDOT Congestions Management Guidelines, with the exception of the following items:

- Per coordination with the Town and NCDOT it was decided that five (5) analysis scenarios would be included in this study [existing (2018), background (build year), combined (build year), future (2028), and future (2038)]. As the build year was later determined to be 2028, the future (2028) analysis was omitted due to the redundancy in this scenario.
- It should also be noted that this 2028 analysis scenario utilized the 2% annual growth rate as approved for the combined analysis scenario. Due to this larger growth rate for the 2028 scenario, it was noted that the combined (2028) traffic volumes were approximately the same as the future (2038) traffic volumes, which were approved to utilize a 1% annual growth rate to the grow the existing traffic volumes. This comparable traffic volumes demonstrates the conservative nature of the combined (2028) traffic analysis.

8. CAPACITY ANALYSIS

8.1. Airport Road and NC 22

The existing roundabout intersection of Airport Road and NC 22 was analyzed under existing (2018), background (2028), combined (2028), and future (2038) traffic conditions with the lane configurations and traffic control shown in Table 4. Refer to Table 4 for a summary of the analysis results. Refer to Appendix D for the Synchro capacity analysis reports.

Table 4: Analysis Summary of Airport Road and NC 22

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Existing (2018) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH, 1 RT	B B B B	B (13)	B B B A	B (12)
Background (2028) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH, 1 RT	C F C C	D (43)	C C E A	D (37)
Combined (2028) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH, 1 RT	D F C C	F (113)	F C F A	F (92)
Combined (2028) Conditions – with Improvements	EB WB NB SB	1 LT-TH-RT 1 LT-TH, 1 RT 1 LT-TH, 1 RT 1 LT-TH, 1 RT	C D B F	D (52)	F B B A	D (37)
Future (2038) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH, 1 RT 1 LT-TH, 1 RT 1 LT-TH, 1 RT	C D B F	D (53)	F B B A	D (37)

Capacity analysis of existing (2018) traffic conditions indicate the existing roundabout operates at an overall LOS B during the weekday AM and PM peak hour. Under background (2028) traffic conditions the intersection is expected to operate at an overall LOS D during the weekday AM and PM peak hours. Combined (2028) conditions indicate the intersection is expected to further degrade to an overall LOS F during the weekday AM and PM peak hours.

Due to the poor level of service expected at the intersection, improvements were considered to improve the intersection to an overall LOS D during the weekday AM and PM peak hours. With additional slip ramps for the northbound and westbound approach, this intersection is expected to operate at an overall LOS D during the weekday AM and PM peak hours under combined (2028) – with Improvements and future (2038) traffic conditions. It should be noted that these improvements are not currently needed at the intersection; therefore, phasing of the improvements is recommended. Due to the distant buildout year analyzed, it is also recommended that the intersection be re-analyzed prior to constructing improvements.

8.2. Airport Road and Mill Creek Road

The existing unsignalized intersection of Airport Road and Mill Creek Road was analyzed under existing (2018), background (2028), combined (2028), and future (2038) traffic conditions with existing lane configurations and traffic control. Refer to Table 5 for a summary of the analysis results. Refer to Appendix E for the Synchro capacity analysis reports.

Table 5: Analysis Summary of Airport Road and Mill Creek Road

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Existing (2018) Conditions	EB WB NB	1 TH, 1 RT 1 LT, 1 TH 1 LT, 1 RT	-- A ¹ B ²	N/A	-- A ¹ B ²	N/A
Background (2028) Conditions	EB WB NB	1 TH, 1 RT 1 LT, 1 TH 1 LT, 1 RT	-- A ¹ B ²	N/A	-- A ¹ C ²	N/A
Combined (2028) Conditions	EB WB NB	1 TH, 1 RT 1 LT, 1 TH 1 LT, 1 RT	-- A ¹ C ²	N/A	-- A ¹ D ²	N/A
Future (2038) Conditions	EB WB NB	1 TH, 1 RT 1 LT, 1 TH 1 LT, 1 RT	-- A ¹ C ²	N/A	-- A ¹ D ²	N/A

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

Capacity analysis of existing (2018), background (2028), combined (2028), and future (2038) indicates the minor-street approach and major-street left-turn movement at the intersection of Airport Road and Mill Creek Road are expected to operate at LOS D or better during the weekday AM and PM peak hours.

8.3. Airport Road and Ave of the Carolinas

The existing unsignalized intersection of Airport Road and Ave of the Carolinas was analyzed under existing (2018), background (2028), combined (2028) – with partial buildout and single driveway, combined (2028), and future (2038) traffic conditions with existing lane configurations and traffic control. Refer to Table 6 for a summary of the analysis results. Refer to Appendix F for the Synchro capacity analysis reports.

Table 6: Analysis Summary of Airport Road and Ave of the Carolinas

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Existing (2018) Conditions	EB WB NB	1 TH-RT 1 LT-TH 1 LT-RT	-- A ¹ B ²	N/A	-- A ¹ B ²	N/A
Background (2028) Conditions	EB WB NB	1 TH-RT 1 LT-TH 1 LT-RT	-- A ¹ B ²	N/A	-- A ¹ C ²	N/A
Combined (2028) Conditions	EB WB NB	1 TH, 1 RT 1 LT, 1 TH 1 LT-RT	-- A ¹ C ²	N/A	-- A ¹ D ²	N/A
Combined (2028) Conditions – with Partial Buildout and Single Driveway	EB WB NB	1 TH, 1 RT 1 LT, 1 TH 1 LT-RT	-- A ¹ C ²	N/A	-- A ¹ C ²	N/A
Future (2038) Conditions	EB WB NB	1 TH, 1 RT 1 LT, 1 TH 1 LT-RT	-- A ¹ C ²	N/A	-- A ¹ D ²	N/A

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

Capacity analysis of existing (2018), background (2028), combined (2028), and future (2038) indicates the minor-street approach and major-street left-turn movement at the intersection of Airport Road and Ave of the Carolinas are expected to operate at LOS D or better during the weekday AM and PM peak hours.

The proposed development will be provided access via Ave of the Carolinas and an additional

emergency vehicle access; therefore, Site Drive #1 is only expected to be needed to reduce the demand at the Ave of the Carolinas driveway. Due to this, an additional analysis scenario was included at this intersection demonstrating the level of service expected under a partial buildout of 150 single family homes and the single driveway (Ave of the Carolinas). Under this additional scenario, the minor street approaches and major-street left-turn approaches are expected to operate at LOS C during the weekday AM and PM peak hours.

It should also be noted that this driveway is expected to continue to operate at an acceptable level of service as the single driveway for the proposed development through 350 single family units, with only lengthening of the provided turn lanes necessary for those additional units. An additional phasing study can be prepared for this scenario, if necessary.

8.4. Airport Road and Hardee Lane / Cardinal Drive

The existing unsignalized intersection of Airport Road and Hardee Lane / Cardinal Drive was analyzed under existing (2018), background (2028), combined (2028), and future (2038) traffic conditions with existing lane configurations and traffic control. Refer to Table 7 for a summary of the analysis results. Refer to Appendix G for the Synchro capacity analysis reports.

Table 7: Analysis Summary of Airport Road and Hardee Lane / Cardinal Drive

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Existing (2018) Conditions	EB	1 LT-TH-RT	A ¹	N/A	A ¹	N/A
	WB	1 LT-TH-RT	A ¹		A ¹	
	NB	1 LT-TH-RT	B ²		C ²	
	SB	1 LT-TH-RT	B ²		B ²	
Background (2028) Conditions	EB	1 LT-TH-RT	A ¹	N/A	A ¹	N/A
	WB	1 LT-TH-RT	A ¹		A ¹	
	NB	1 LT-TH-RT	C ²		D ²	
	SB	1 LT-TH-RT	C ²		C ²	
Combined (2028) Conditions	EB	1 LT-TH-RT	A ¹	N/A	A ¹	N/A
	WB	1 LT-TH-RT	A ¹		A ¹	
	NB	1 LT-TH-RT	C ²		D ²	
	SB	1 LT-TH-RT	C ²		C ²	
Future (2038) Conditions	EB	1 LT-TH-RT	A ¹	N/A	A ¹	N/A
	WB	1 LT-TH-RT	A ¹		A ¹	
	NB	1 LT-TH-RT	C ²		D ²	
	SB	1 LT-TH-RT	C ²		C ²	

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

Capacity analysis of existing (2018), background (2028), combined (2028), and future (2038) indicates the minor-street approaches and major-street left-turn movements at the intersection of Airport Road and Hardee Lane / Cardinal Drive are expected to operate at LOS D or better during the weekday AM and PM peak hours.

8.5. Airport Road and Niagara Carthage Road

The existing unsignalized intersection of Airport Road and Niagara Carthage Road was analyzed under existing (2018), background (2028), combined (2028), and future (2038) traffic conditions with existing lane configurations and traffic control. Refer to Table 8 for a summary of the analysis results. Refer to Appendix H for the Synchro capacity analysis reports.

Table 8: Analysis Summary of Airport Road and Niagara Carthage Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Existing (2018) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	B ² C ² A ¹ A ¹	N/A	B ² B ² A ¹ A ¹	N/A
Background (2028) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	D ² F ² A ¹ A ¹	N/A	C ² C ² A ¹ A ¹	N/A
Combined (2028) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	F ² F ² A ¹ A ¹	N/A	D ² C ² A ¹ A ¹	N/A
Combined (2028) Conditions – with Improvements	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	C ³ C ³ C ³ D ³	N/A	B ³ B ³ B ³ B ³	N/A
Future (2038) Conditions	EB WB NB SB	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	C ³ C ³ C ³ D ³	N/A	B ³ B ³ B ³ B ³	N/A

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.
3. Level of service for approach under all-way stop-control.

Capacity analysis of existing (2018) indicates the minor-street approaches and major-street left-turn movements at the intersection of Airport Road and Hardee Lane / Cardinal Drive are expected to operate at LOS C or better during the weekday AM and PM peak hours. Under

background (2028) and combined (2028) conditions the minor-street approaches and major-street left-turn movements are expected to continue to operate at LOS C or better during the weekday PM peak hour. During the weekday AM peak hour the westbound minor-street approach is expected to degrade to LOS F under background (2028) conditions. Under combined (2028) conditions the minor street approaches are expected to further degrade to operate at LOS F on both the eastbound and westbound approaches during the weekday AM peak hour.

It is not uncommon for an unsignalized intersection to operate with a poor level of service on the minor street approach. Due to the poor level of service for these unsignalized movements all-way stop-control was considered. With this traffic control in place, all approaches are expected to operate at LOS D or better during the weekday AM and PM peak hours under combined (2028) and future (2038) conditions. It should be noted that all-way stop-control at this intersection would need to be approved by NCDOT as both Airport Road and Niagara-Carthage Road are state maintained roadways.

It should also be noted that the poor level of service expected at this intersection during the weekday AM peak hour without improvements is due to the traffic from the approved school to the south of the study area. Due to this, the poor level of service experienced at this intersection is expected during a distinct weekday AM and school PM peak hours, which would not traditionally meet the warrants for signalization. Due to the nature of the school traffic, these traffic volumes are traditionally condensed to a 30-minute window surrounding the start and dismissal of the school.

8.6. Airport Road and Site Drive #1

The proposed unsignalized intersection of Airport Road and Site Drive #1 was analyzed under combined (2028) and future (2038) traffic conditions with proposed lane configurations and traffic control. Refer to Table 9 for a summary of the analysis results. Refer to Appendix I for the Synchro capacity analysis reports.

Table 9: Analysis Summary of Airport Road and Site Drive #1

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Combined (2028) Conditions	EB WB NB	1 TH-RT 1 LT, 1 TH 1 LT, 1 RT	-- A ¹ D ²	N/A	-- A ¹ D ²	N/A
Future (2038) Conditions	EB WB NB	1 TH-RT 1 LT, 1 TH 1 LT-RT	-- A ¹ D ²	N/A	-- A ¹ D ²	N/A

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

Improvements to lane configurations are shown in bold.

Capacity analysis of combined (2028) traffic conditions indicate the minor-street approach and major-street left-turn movement at the intersection of Airport Road and Site Drive #1 is expected to operate at LOS D or better during the weekday AM and PM peak hours. Per coordination with the Town, it was asked that RKA provide recommendation of the timing of this driveway construction. The proposed development will be providing access via Ave of the Carolinas and an additional emergency vehicle access; therefore, this driveway is expected to only be needed to reduce the demand at the Ave of the Carolinas driveway. Due to this, it is recommended that this driveway is constructed at the 150 unit threshold. It should also be noted that up to 350 units are expected to be accommodated by the single Ave of the Carolinas driveway with additional turn lane lengths. Refer to section 8.3 for additional details regarding the operations at the Ave of the Carolinas driveway.

9. CONCLUSIONS

This Traffic Impact Analysis was conducted to determine the potential traffic impacts of the proposed Airport Road Residential development, located south of Airport Road along the existing Ave of the Carolinas in Southern Pines, North Carolina. The proposed development is expected to be a residential development and be built out in 2028. Site access is proposed via one full movement intersection on Airport Road. Site access will also be provided through roadway connections to the existing Ave of the Carolinas which is served by a full movement intersection on Airport Road.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- Existing (2018) Traffic Conditions
- Background (2028) Traffic Conditions
- Combined (2028) Traffic Conditions
- Future (2038) Traffic Conditions

Trip Generation

It is estimated that the proposed development will generate approximately 5,000 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 391 trips (90 entering and 301 exiting) will occur during the AM peak hour and 511 (327 entering and 184 exiting) will occur during the PM peak hour.

Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the Town's UDO and NCDOT Congestion Management Guidelines. Refer to section 7.1 of this report for a detailed description of any adjustments to these guidelines made throughout the analysis.

Intersection Capacity Analysis Summary

All the study area intersections (including the proposed site driveways) are expected to operate at acceptable levels-of-service under existing and future year conditions with the exception of

the intersections listed below. A summary of the study area intersections that are expected to need improvements are as follows:

Airport Road and NC 22

Due to the poor level-of-service observed at the existing intersection of Airport Road and NC 22 under combined (2028) conditions, improvements were recommended to improve the intersection to operate at an overall LOS D during the weekday AM and PM peak hours. These recommended improvements include a slip lane for the westbound and northbound approaches.

Airport Road and Ave of the Carolinas

Although not necessary from a level of service standpoint, turn lanes were recommended at this intersection according to the Warrant for Left and Right-Turn Lanes chart provided in the NCDOT Driveway Manual. The minor-street approach and major-street left-turn movements at this intersection are expected to operate at an overall LOS D or better during the weekday AM and PM peak hours under all analysis conditions.

Airport Road and Niagara Carthage Road

Under background (2028) and combined (2028) conditions the minor street approaches are expected to operate at LOS F during the weekday AM and PM peak hours. Although not uncommon for an unsignalized intersection to operate with a poor level of service when a high volume of through traffic is on the mainline, improvements were recommended to improve the approach to operate at an overall LOS D or better during the weekday AM and PM peak hours.

Airport Road and Site Drive #1

Turn lanes were recommended at this intersection according to the Warrant for Left and Right-Turn Lanes chart provided in the NCDOT Driveway Manual. The minor-street approach and major-street left-turn movements at this intersection are expected to operate at an overall LOS D or better during the weekday AM and PM peak hours under all analysis conditions.

10. RECOMMENDATIONS

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. See a more detailed description of the recommended improvements below. Refer to Figure 12 for an illustration of the recommended lane configuration for the proposed development.

Recommended Improvements by Developer

Airport Road and Site Drive #1

- Provide site access via a full movement intersection with one (1) ingress lane and two (2) egress lanes (a left-turn lane with full length storage and a right-turn lane with a minimum of 75 feet of storage and appropriate taper).
- Provide stop control for Site Drive.
- Construct an exclusive westbound left-turn lane on Airport Road with a minimum of 75 feet of storage and appropriate taper.
- Construct an exclusive eastbound right-turn lane on Airport Road with a minimum of 150 feet of storage and appropriate taper.

Airport Road and Ave of the Carolinas

- Construct an exclusive westbound left-turn lane on Airport Road with a minimum of 75 feet of storage and appropriate taper.
- Construct an exclusive eastbound right-turn lane on Airport Road with a minimum of 75 feet of storage and appropriate taper.

Airport Road and Niagara Carthage Road

- Provide all-way stop-control once warranted and approved by NCDOT.

Airport Road and NC 22

- Construct an exclusive westbound right-turn slip lane on Airport Road with a minimum of 150 feet of storage and appropriate taper. Provide yield control for the slip lane.

- Construct an exclusive northbound right-turn slip lane on NC 22 with a minimum of 150 feet of storage and appropriate taper. Provide yield control for the slip lane.

LEGEND

○

Unsignalized Intersection

⊙

Roundabout

→

Existing Lane

x'

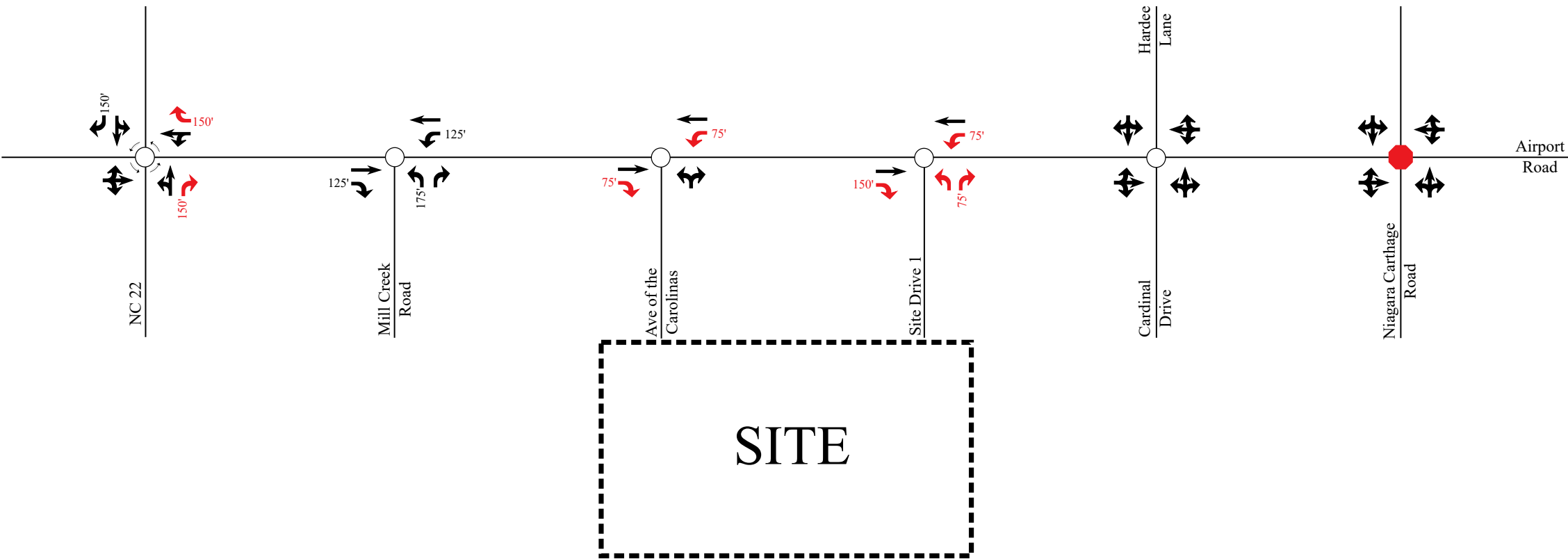
Storage (In Feet)

●

Developer Monitor for All-Way Stop-Control

→

Improvement by Developer



	Airport Road Residential Southern Pines, NC	Recommended Lane Configurations	
		Scale: Not to Scale	Figure 12



Charleston, SC - Charlotte, NC - Raleigh, NC - Richmond, VA - Winston-Salem, NC

PD-12-22 Caropines 3B & 4 PDP

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December 20, 2018

Bob Koontz, PLA
Koontz Jones Design
150 South Page Street
Southern Pines, NC 28837
P: 910.639.4058
bkoontz@koontzjones.com

Subject: **Traffic Impact Analysis Phasing Study – Caropines Residential**
Southern Pines, North Carolina

Dear Mr. Koontz:

This letter provides a phasing study associated with the previously submitted Traffic Impact Analysis (TIA) for the proposed Caropines Residential Development (formerly Airport Road Residential), to be located south of Airport Road and west of Cardinal Drive in Southern Pines, North Carolina. The original TIA report was submitted by Ramey Kemp & Associates (RKA) in June of 2018 and analyzed the proposed residential development with a total of 615 residential units (350 single family homes, 105 townhomes, and 160 apartments). During rezoning, the Town of Southern Pines (Town) restricted the development to a total of 550 residential units with the exact mix of single-family homes, townhomes, and condominiums not yet determined. Due to the unknown nature of these residential units, this phasing study assumed single family homes for each phase with the trip budget indicated, in order to provide a conservative analysis that can be applied to any other land use buildouts. All of the assumptions made in the original TIA report remain the same with the exception of the trip generation of the proposed development. The original TIA assumed a 10 year buildout of 2028 for the development. In order to provide a realistic perspective of each phase, a different buildout year of each phase was assumed. These assume a buildout of approximately 50 units per year.

Trip Generation

Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 10th Edition. Tables 2-5 provide a summary of the trip generation potential for the site in phases 1-4 of the development.

Table 1 – Trip Generation Summary – Phase 1

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	AM Peak Hour Trips (vph)		PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single Family Detached Housing (210)	50 dwellings	550	10	30	33	19

It is estimated that Phase 1 of the proposed development will generate approximately 550 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 40 trips (10 entering and 30 exiting) will occur during the weekday AM peak hour and 52 (33 entering and 19 exiting) will occur during the weekday PM peak hour.

Table 2 – Trip Generation Summary – Phase 2

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	AM Peak Hour Trips (vph)		PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single Family Detached Housing (210)	120 dwellings	1,230	23	67	76	45

It is estimated that the proposed development will generate approximately 1,230 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 90 trips (23 entering and 67 exiting) will occur during the weekday AM peak hour and 121 (76 entering and 45 exiting) will occur during the weekday PM peak hour.

Table 3 – Trip Generation Summary – Phase 3

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	AM Peak Hour Trips (vph)		PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single Family Detached Housing (210)	150 dwellings	1,510	28	83	95	55

It is estimated that the proposed development will generate approximately 1,510 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 111 trips (28 entering and 83 exiting) will occur during the weekday AM peak hour and 150 (95 entering and 55 exiting) will occur during the weekday PM peak hour.

Table 4 – Trip Generation Summary – Phase 4

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	AM Peak Hour Trips (vph)		PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single Family Detached Housing (210)	300 dwellings	2,860	55	163	184	108

It is estimated that the proposed development will generate approximately 2,860 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 218 trips (55 entering and 163 exiting) will occur during the weekday AM peak hour and 292 (184 entering and 108 exiting) will occur during the weekday PM peak hour.

Trip Distribution and Assignment

Trip distribution percentages, which were approved as part of the MOU, were used in assigning site traffic for this development and were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment. It is estimated that trips will be distributed as follows:

- 30% to/from the west via Airport Road
- 25% to/from the south via NC 22
- 20% to/from the north via NC 22
- 10% to/from the east via Airport Road
- 10% to/from the south via Niagara Carthage Road
- 5% to/from the north via Niagara Carthage Road

Combined (2019, 2021, 2022, and 2024) Peak Hour Traffic Volumes

In order to estimate traffic conditions under each buildout phase, the total site trips for each phase were added to the projected traffic volumes for the subject buildout year and all previously required adjacent development trips to determine combined (2019, 2021, 2022, and 2024) traffic conditions. Illustrations of the site trip distributions and assignments, and combined (2019, 2021, 2022, and 2024) traffic volumes are attached.

This study considers the phasing at each study intersection requiring improvements under full buildout conditions. Once a phasing threshold for all improvements at a study intersection are noted, no further analysis is provided.

Capacity Analysis

Study intersections were analyzed based on the NCDOT and Town analysis requirements to provide improvements necessary to achieve LOS D for the intersection and for each approach of the intersection. Capacity analyses were completed using Synchro (Version 9.2) based on the 2010 Highway Capacity Manual (HCM) published by the Transportation Research Board. Study intersections were analyzed during the weekday AM and PM peak hours. Refer to Table 5 for a summary of the average delay for the various levels-of-service for unsignalized and signalized intersections.

Table 5 – Highway Capacity Manual – Levels-of-Service and Delay

UNSIGNALIZED INTERSECTION		SIGNALIZED INTERSECTION	
LEVEL OF SERVICE	CONTROL DELAY PER VEHICLE (SECONDS)	LEVEL OF SERVICE	CONTROL DELAY PER VEHICLE (SECONDS)
A	0-10	A	0-10
B	10-15	B	10-20
C	15-25	C	20-35
D	25-35	D	35-55
E	35-50	E	55-80
F	>50	F	>80

Airport Road and NC 22

The existing roundabout intersection of Airport Road and NC 22 was analyzed under combined (2019) – Phase 1, combined (2021) – Phase 2, combined (2022) – Phase 3, and combined (2024) – Phase 4 traffic conditions with the lane configurations and traffic control shown in Table 6. Refer to Table 6 for a summary of the analysis results. Refer to the attachments for the Synchro capacity analysis reports.

Table 6: Analysis Summary of Airport Road and NC 22

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Combined (2019) Conditions – Phase 1	EB	1 LT-TH-RT	B	B (20)	B	B (15)
	WB	1 LT-TH-RT	C		B	
	NB	1 LT-TH-RT	B		C	
	SB	1 LT-TH, 1 RT	B		A	
Combined (2021) Conditions – Phase 2	EB	1 LT-TH-RT	B	C (25)	C	C (23)
	WB	1 LT-TH-RT	D		B	
	NB	1 LT-TH-RT	B		D	
	SB	1 LT-TH, 1 RT	B		A	
Combined (2022) Conditions – Phase 3	EB	1 LT-TH-RT	C	B (18)	C	C (26)
	WB	1 LT-TH, 1 RT	B		A	
	NB	1 LT-TH-RT	B		D	
	SB	1 LT-TH, 1 RT	C		A	
Combined (2024) Conditions – Phase 4	EB	1 LT-TH-RT	C	C (23)	D	B (18)
	WB	1 LT-TH, 1 RT	B		B	
	NB	1 LT-TH, 1 RT	A		B	
	SB	1 LT-TH, 1 RT	C		A	

Capacity analysis of combined (2019) – Phase 1, combined (2021) – Phase 2, combined (2022) – Phase 3, and combined (2024) – Phase 4 traffic conditions indicate the roundabout intersection at Airport Road and NC 22 is expected to operate at an overall LOS C or better with the proposed phased improvements. Additionally, all approaches are expected to operate at an overall LOS D or better under all analysis scenarios.

Airport Road and Ave of the Carolinas

The existing unsignalized intersection of Airport Road and Ave of the Carolinas was analyzed under combined (2019) – Phase 1, combined (2021) – Phase 2, and combined (2022) – Phase 3 traffic conditions with the lane configurations and traffic control shown in Table 7. Refer to Table 7 for a summary of the analysis results. Refer to the attachments for the Synchro capacity analysis reports.

Table 7: Analysis Summary of Airport Road and Ave of the Carolinas

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Combined (2019) Conditions – Phase 1	EB WB NB	1 TH-RT 1 LT-TH 1 LT-RT	-- A ¹ B ²	N/A	-- A ¹ C ²	N/A
Combined (2021) Conditions – Phase 2	EB WB NB	1 TH, 1 RT 1 LT-TH 1 LT-RT	-- A ¹ B ²	N/A	-- A ¹ C ²	N/A
Combined (2022) Conditions – Phase 3	EB WB NB	1 TH, 1 RT 1 LT-TH 1 LT-RT	-- A ¹ B ²	N/A	-- A ¹ C ²	N/A

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of combined (2019) – Phase 1, combined (2021) – Phase 2, and combined (2022) – Phase 3 indicates the minor-street approach and major-street left-turn movement at the intersection of Airport Road and Ave of the Carolinas are expected to operate at LOS C or better during the weekday AM and PM peak hours with the proposed phasing. Approximately 75% of the development traffic is expected to travel to/from the west on Airport Road. Due to this, the westbound left-turn lane is not recommended until a later buildout date when the westbound left-turn movement increases to warrant an additional turn-lane.

Airport Road and Niagara Carthage Road

The existing unsignalized intersection of Airport Road and Niagara Carthage Road was analyzed under combined (2019) – Phase 1 and combined (2021) – Phase 2 traffic conditions with the lane configurations and traffic control shown in Table 8. Refer to Table 8 for a summary of the analysis results. Refer to the attachments for the Synchro capacity analysis reports.

Table 8: Analysis Summary of Airport Road and Niagara Carthage Road

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
Combined (2019) Conditions – Phase 1 (Two-Way Stop)	EB	1 LT-TH-RT	C ²	N/A	B ²	N/A
	WB	1 LT-TH-RT	E ²		B ²	
	NB	1 LT-TH-RT	A ¹		A ¹	
	SB	1 LT-TH-RT	A ¹		A ¹	
Combined (2021) Conditions – Phase 2 (All-Way Stop)	EB	1 LT-TH-RT	B ³	N/A	B ³	N/A
	WB	1 LT-TH-RT	C ³		A ³	
	NB	1 LT-TH-RT	B ³		A ³	
	SB	1 LT-TH-RT	C ³		A ³	

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.
3. Level of service for approach under all-way stop-control.

Capacity analysis of combined (2019) – Phase 1 indicates the minor-street approaches and major-street left-turn movements at the intersection of Airport Road and Niagara Carthage Road are expected to operate at LOS C or better during the weekday AM and PM peak hours with the exception of the westbound approach. When analyzed as an all-way stop controlled intersection, all approaches are expected to operate at LOS C or better.

Findings and Summary

This phasing study provides the trip generation thresholds for all roadway improvements. Due to the unknown buildout and mix of units in the residential development, the trip budget is provided for each phase assuming all units are single-family homes. Refer to Table 9, below, for a summary of the thresholds after which each improvement is recommended.

Table 9: Phasing Sequence

Phase	Maximum Buildout Before Improvement	Improvement
Phase 1	50 Single Family Homes (40 AM Trips, 52 PM Trips)	- Construct an exclusive eastbound right-turn lane at the intersection of Airport Road and Ave of the Carolinas with a minimum of 75 feet of storage and appropriate taper. - Install all-way stop-control at the intersection of Airport Road and Niagara Carthage Road.
Phase 2	120 Single Family Homes (90 AM Trips, 121 PM Trips)	Construct an exclusive westbound right-turn slip lane on Airport Road at the NC 22 roundabout with a minimum of 150 feet of storage and appropriate taper. Provide yield control for the slip lane.
Phase 3	150 Single Family Homes (111 AM Trips, 150 PM Trips)	- Construct Site Drive #1 along Airport Road and provide one (1) ingress lane and two (2) egress lanes (a left-turn lane with full length storage a right-turn lane with a minimum of 75 feet of storage and appropriate taper). - Provide stop control for Site Drive #1. - Construct an exclusive westbound left-turn lane on Airport Road with a minimum of 75 feet of storage and appropriate taper at the proposed Site Drive #1. - Construct an exclusive eastbound right-turn lane on Airport Road with a minimum of 150 feet of storage and appropriate taper at the proposed Site Drive #1. - Construct an exclusive northbound right-turn slip lane on Airport Road at the NC 22 roundabout with a minimum of 150 feet of storage and appropriate taper. Provide yield control for the slip lane. - Construct an exclusive westbound left-turn lane at the intersection of Airport Road and Ave of the Carolinas with a minimum of 75 feet of storage and appropriate taper.
Phase 4	300 Single Family Homes (218 AM Trips, 292 PM Trips)	Re-evaluate the need for an exclusive southbound left-turn lane at the existing roundabout located at the existing intersection of NC 22 and Airport Road. Provide a minimum of 150 feet of storage and appropriate taper. Provide two inner circulatory lanes in the western quadrant of the roundabout.

The roundabout at NC 22 and Airport Road is a relatively new improvement for this intersection. Typically when a roundabout is planned and designed for an intersection, it should have capacity to accommodate 15-20 years of traffic growth. It would be unusual to have to modify a roundabout as soon as this study suggests it would be necessary. This indicates that the existing traffic and future traffic without the development are contributing most of the need for the improvements and not the development trips. Considering the number of site trips added to the intersection, which is relatively low in early phases, the site trips would not warrant turn lane based solely on the site trips. More site trips should be allowed at the intersection before the improvements are triggered by the development trip impacts.

With the proposed phasing, the all study intersections are expected to continue to operate at acceptable levels of service throughout buildout of the proposed development.

If you should have any questions, please feel free to contact me at (919) 872-5115.

Sincerely,



Rynal Stephenson, P.E.

Regional Manager

RAMEY KEMP & ASSOCIATES, INC.

NC Corporate License # C-0910

12-20-18

Attachments:

- Figures
- NCDOT TIA Review Comments
- Capacity Analysis Results

LEGEND

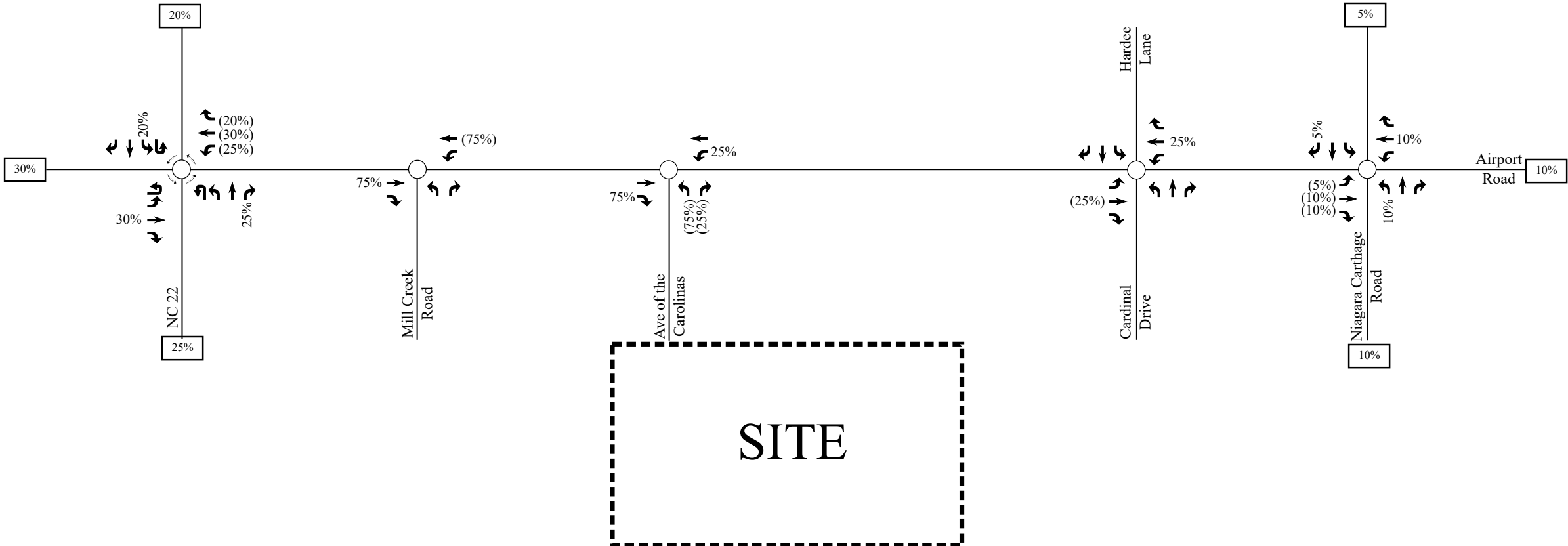
○ Unsignalized Intersection

⊙ Roundabout

x% ➡ Entering Trip Distribution

(Y%) ➡ Exiting Trip Distribution

XX% Regional Trip Distribution



Airport Road Residential
Phasing Study
Southern Pines, NC

Site Trip
Distribution
Phases 1-3

Scale: Not to Scale

Figure 1

LEGEND

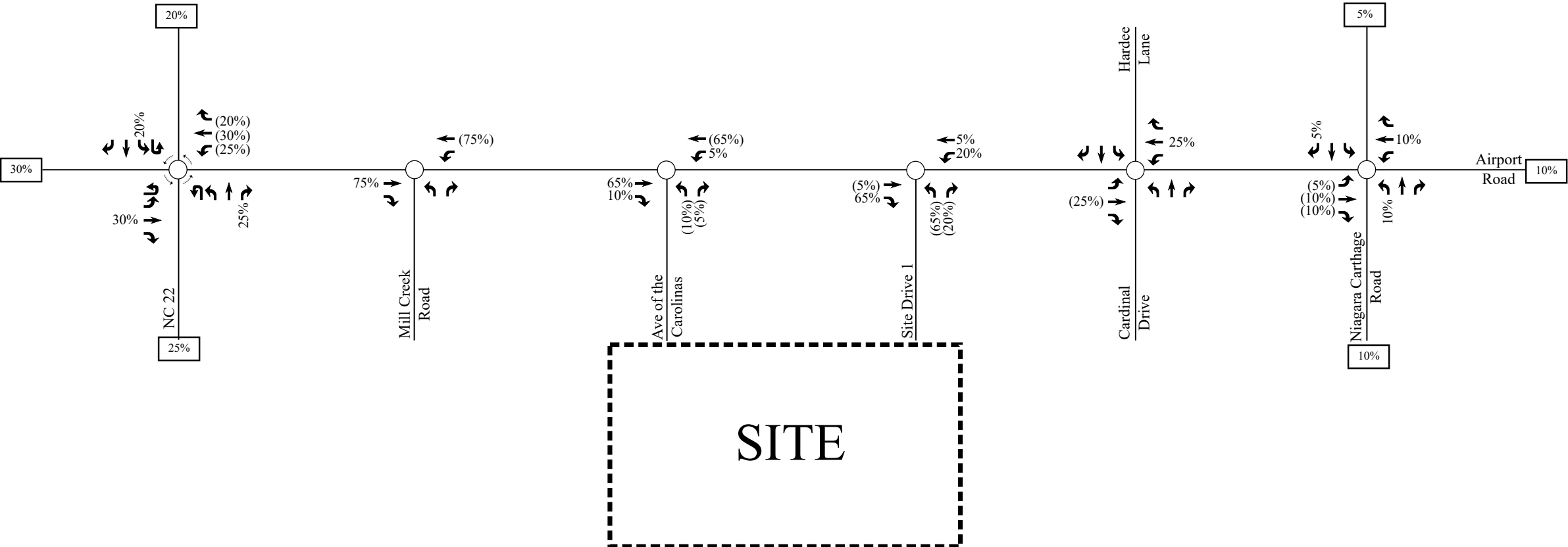
○ Unsignalized Intersection

⊙ Roundabout

x% ➡ Entering Trip Distribution

(Y%) ➡ Exiting Trip Distribution

XX% Regional Trip Distribution



Airport Road Residential
Phasing Study
Southern Pines, NC

Site Trip
Distribution
Phase 4

Scale: Not to Scale

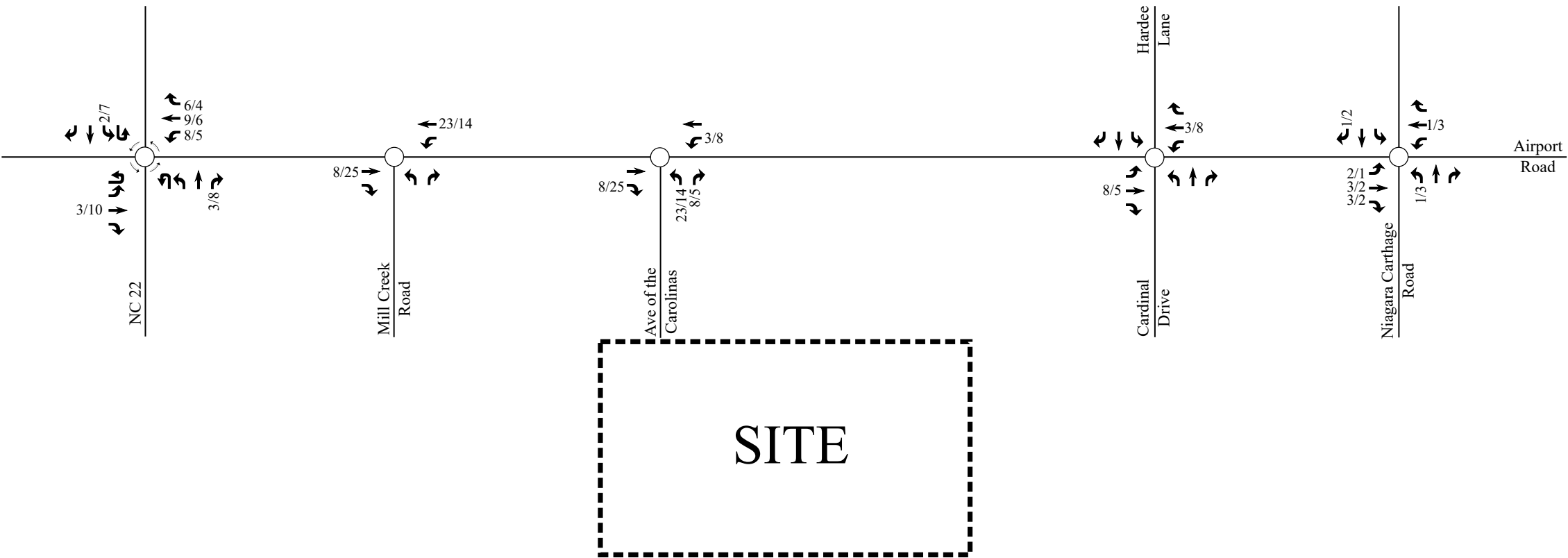
Figure 2

LEGEND

○ Unsignalized Intersection

⊙ Roundabout

X / Y ➡ Weekday AM / PM Peak Hour Site Trips



Airport Road Residential
Phasing Study
Southern Pines, NC

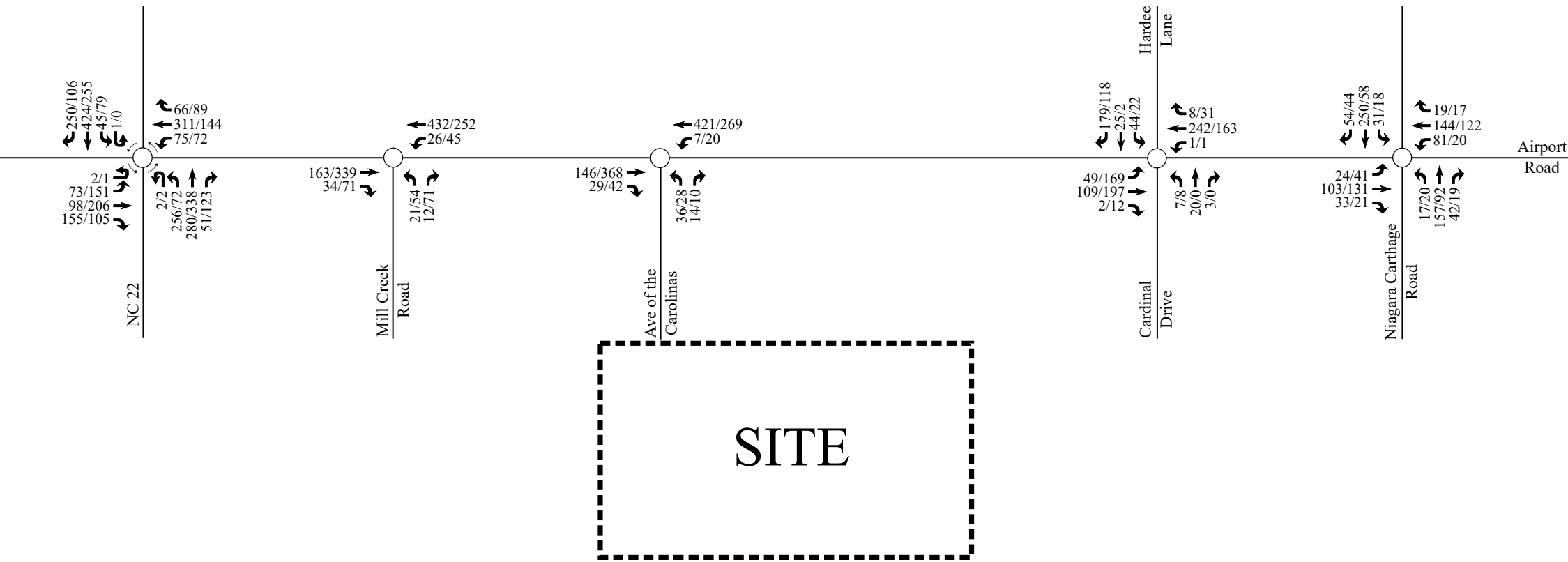
Primary Site
Trip Assignment - Phase 1

Scale: Not to Scale

Figure 3

LEGEND

- Unsignalized Intersection
- Roundabout
- X / Y ➡ Weekday AM / PM Peak Hour Traffic



Airport Road Residential
Phasing Study
Southern Pines, NC

Combined (2019)
Peak Hour Traffic - Phase 1

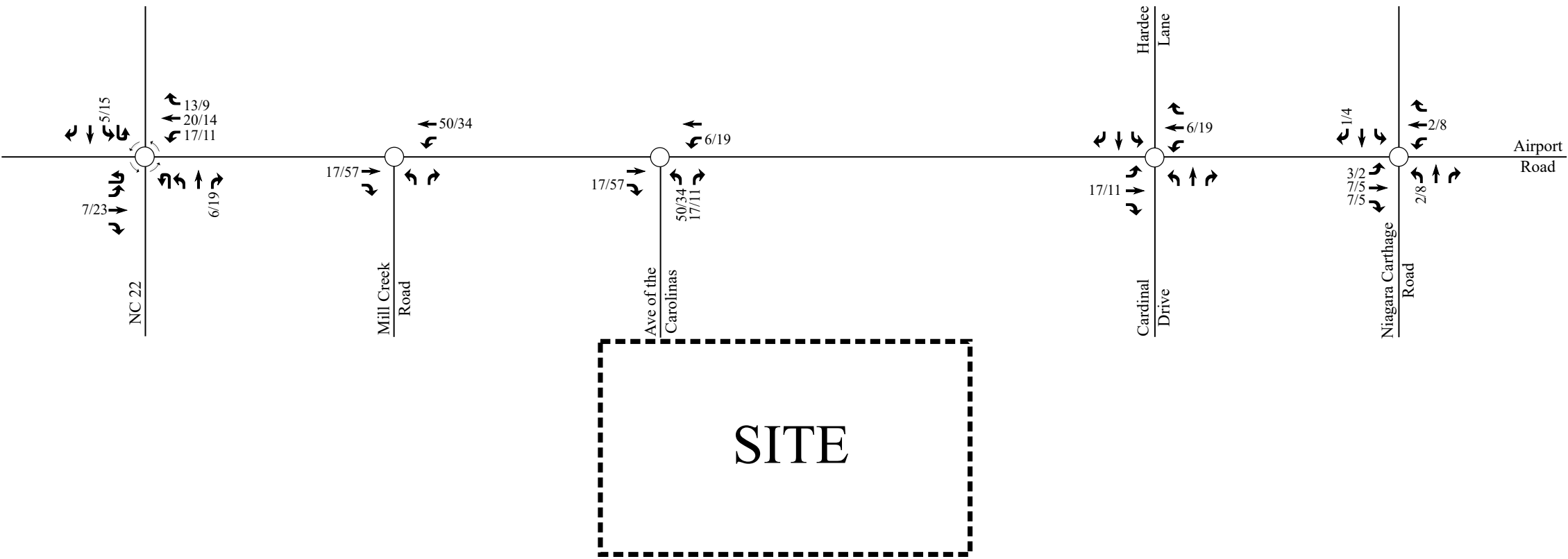
Scale: Not to Scale	Figure 4
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LEGEND

○ Unsignalized Intersection

⊙ Roundabout

X / Y ➡ Weekday AM / PM Peak Hour Site Trips



Airport Road Residential
Phasing Study
Southern Pines, NC

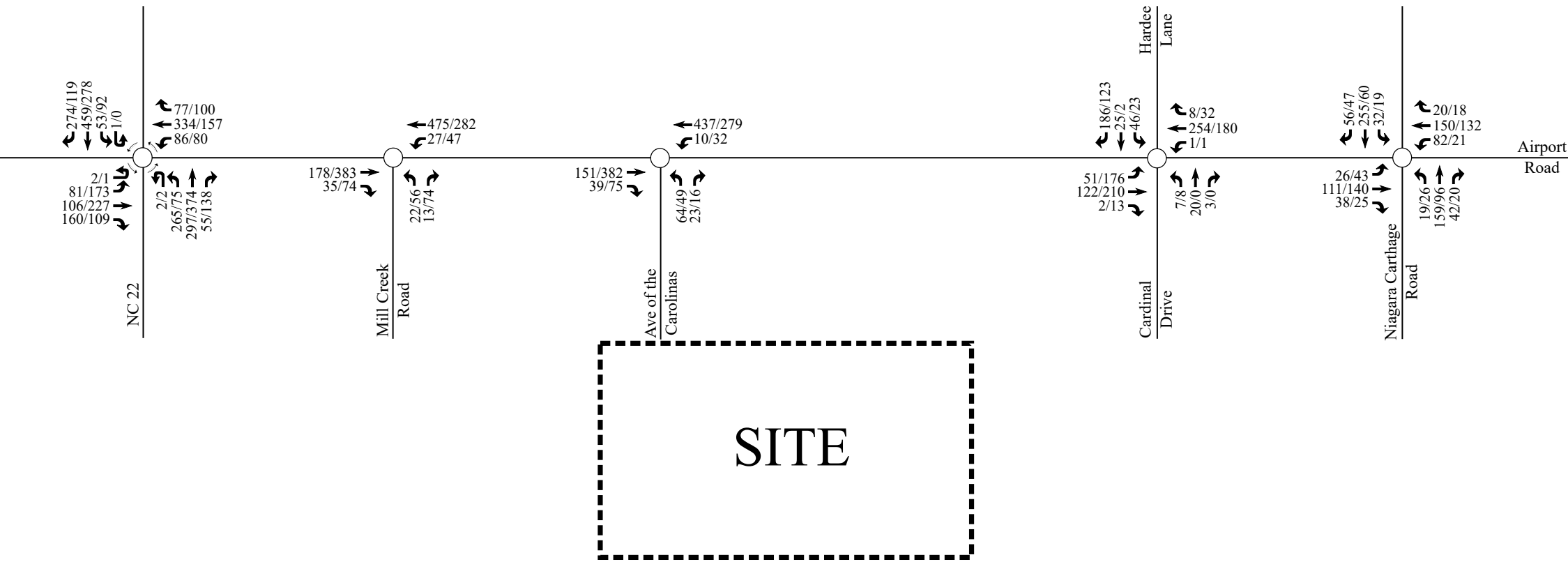
Primary Site
Trip Assignment - Phase 2

Scale: Not to Scale

Figure 5

LEGEND

- Unsignalized Intersection
- Roundabout
- X / Y ➡ Weekday AM / PM Peak Hour Traffic



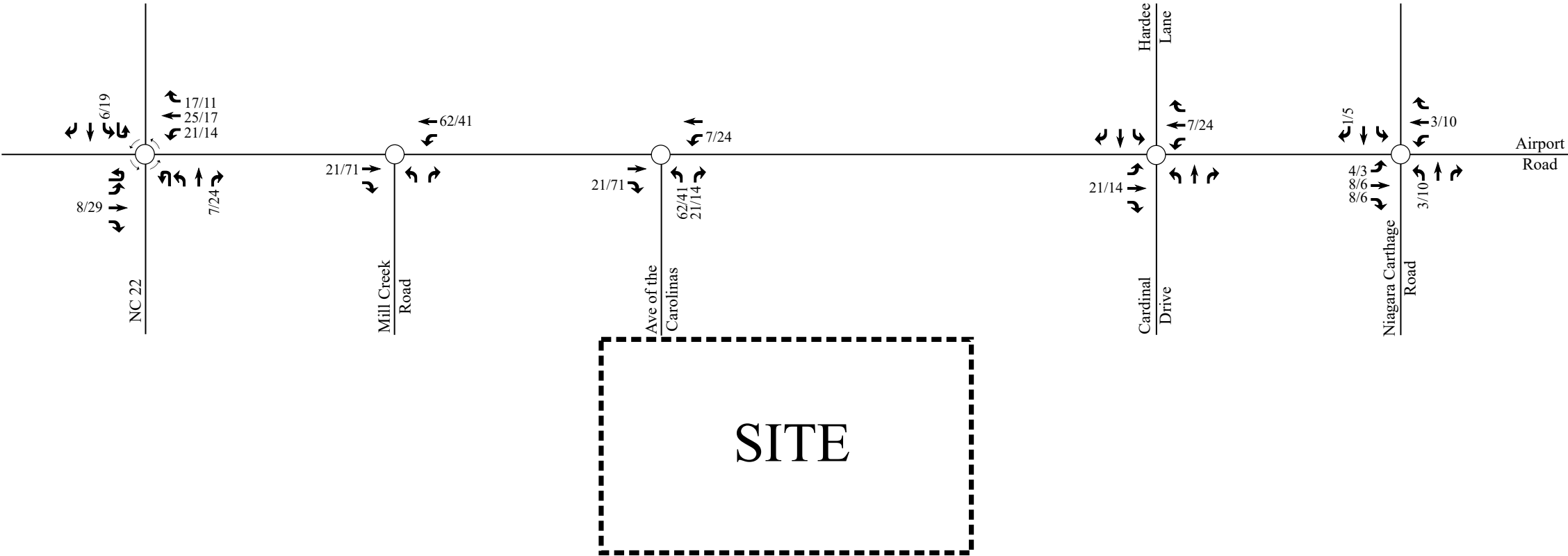
Airport Road Residential
Phasing Study
Southern Pines, NC

Combined (2021)
Peak Hour Traffic - Phase 2

Scale: Not to Scale	Figure 6
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LEGEND

- Unsignalized Intersection
- ⊙ Roundabout
- X / Y ➡ Weekday AM / PM Peak Hour Site Trips



Airport Road Residential
Phasing Study
Southern Pines, NC

Primary Site
Trip Assignment - Phase 3

Scale: Not to Scale

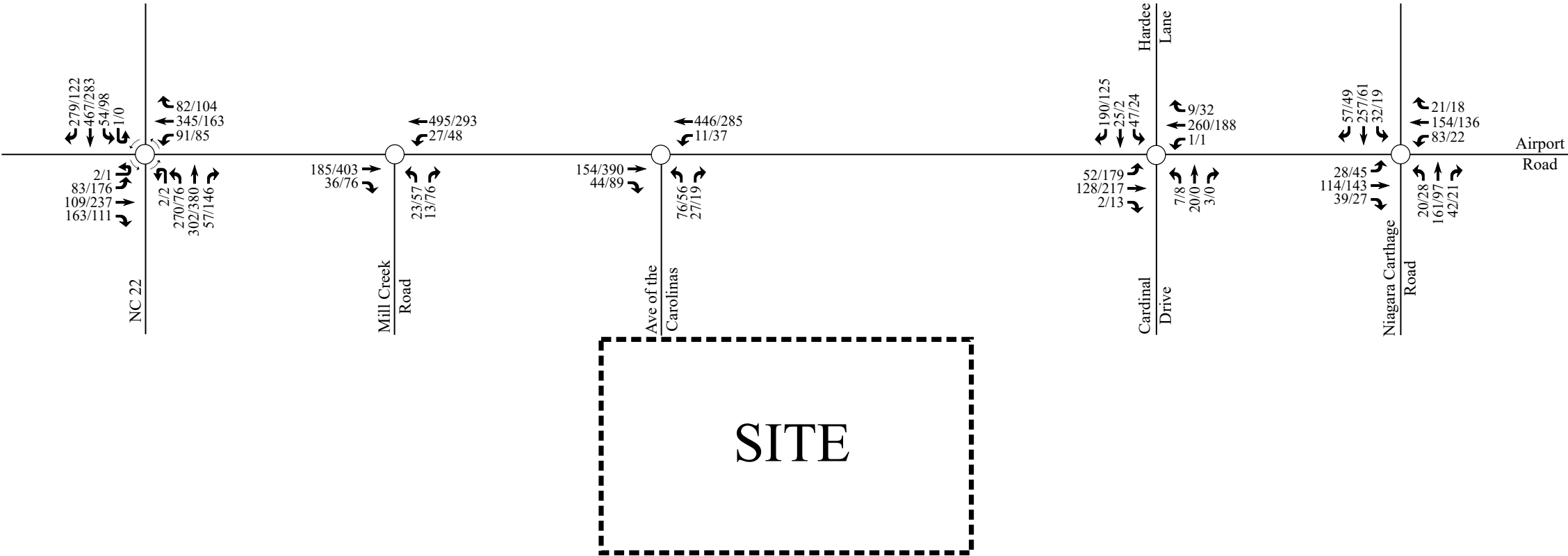
Figure 7

LEGEND

○ Unsignalized Intersection

⊙ Roundabout

X / Y ➡ Weekday AM / PM Peak Hour Traffic



Airport Road Residential
Phasing Study
Southern Pines, NC

Combined (2022)
Peak Hour Traffic - Phase 3

Scale: Not to Scale

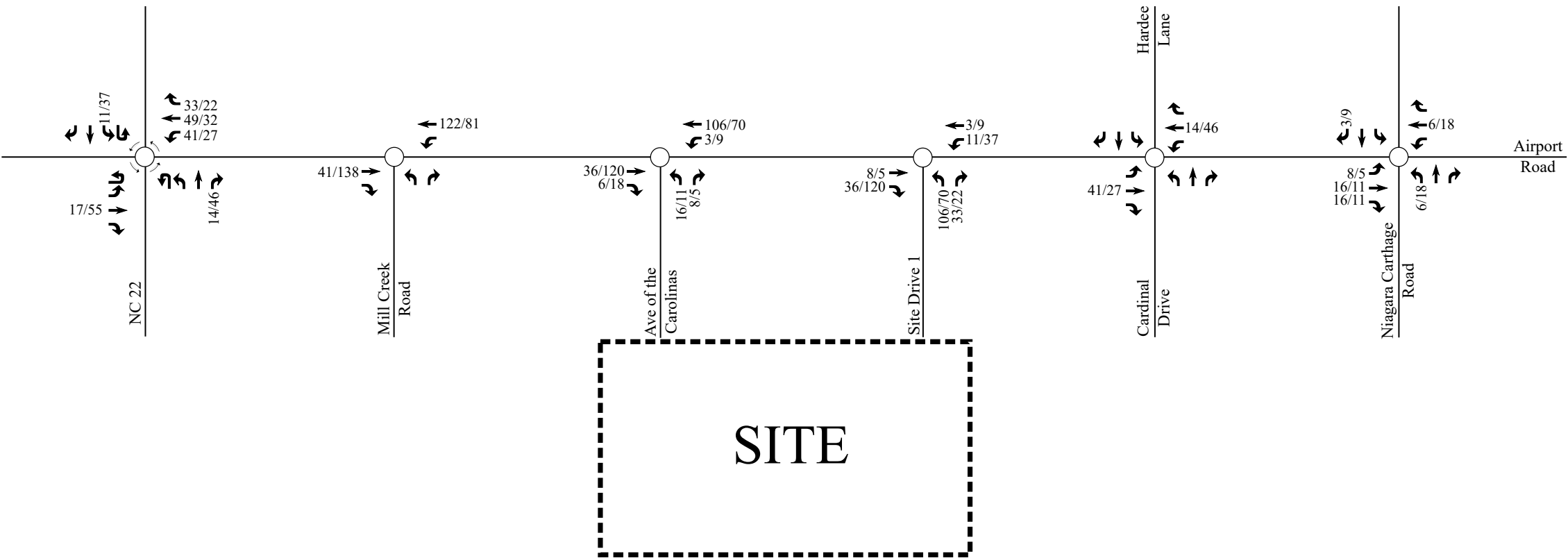
Figure 8

LEGEND

○ Unsignalized Intersection

⊙ Roundabout

X / Y ➡ Weekday AM / PM Peak Hour Site Trips



Airport Road Residential
Phasing Study
Southern Pines, NC

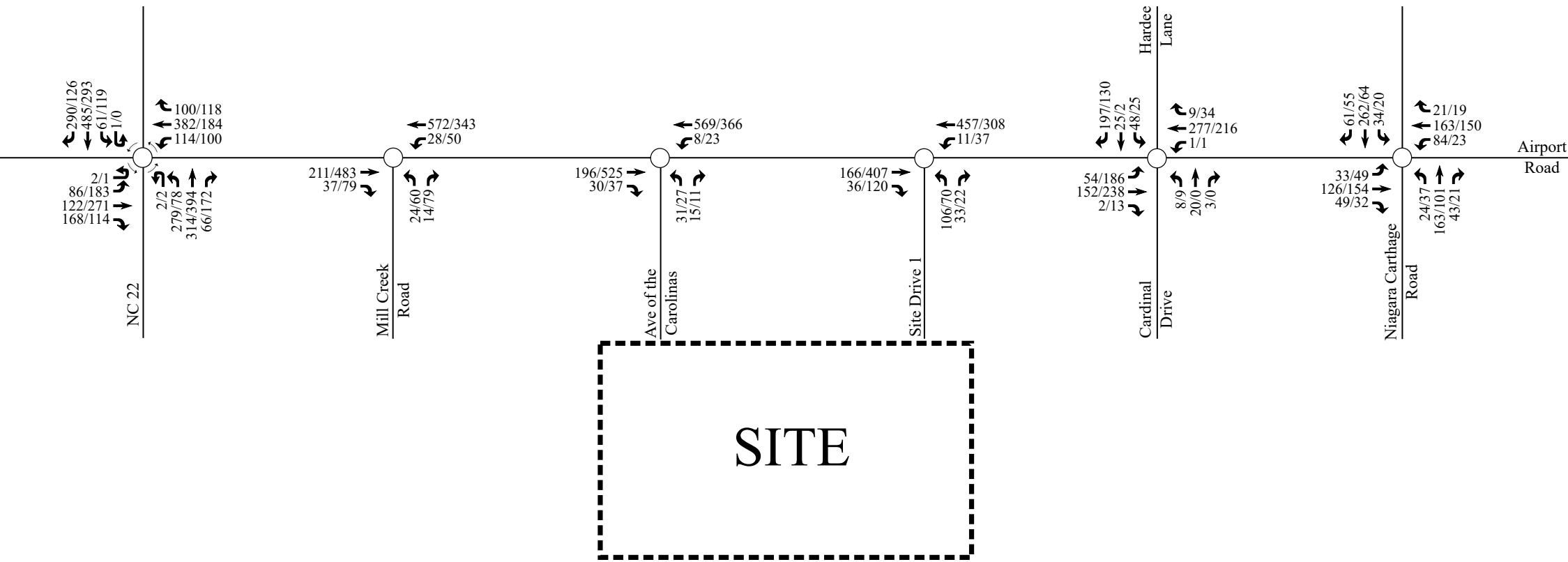
Primary Site
Trip Assignment - Phase 4

Scale: Not to Scale

Figure 9

LEGEND

- Unsignalized Intersection
- Roundabout
- X / Y ➡ Weekday AM / PM Peak Hour Traffic



Airport Road Residential
Phasing Study
Southern Pines, NC

Combined (2024)
Peak Hour Traffic - Phase 4

Scale: Not to Scale	Figure 10
---------------------	-----------

LEGEND

○

Unsignalized Intersection

⊙

Roundabout

➡

Existing Lane

x'

Storage (In Feet)

●

Monitor for All-Way Stop-Control

➡

Phase 1 Improvement

➡

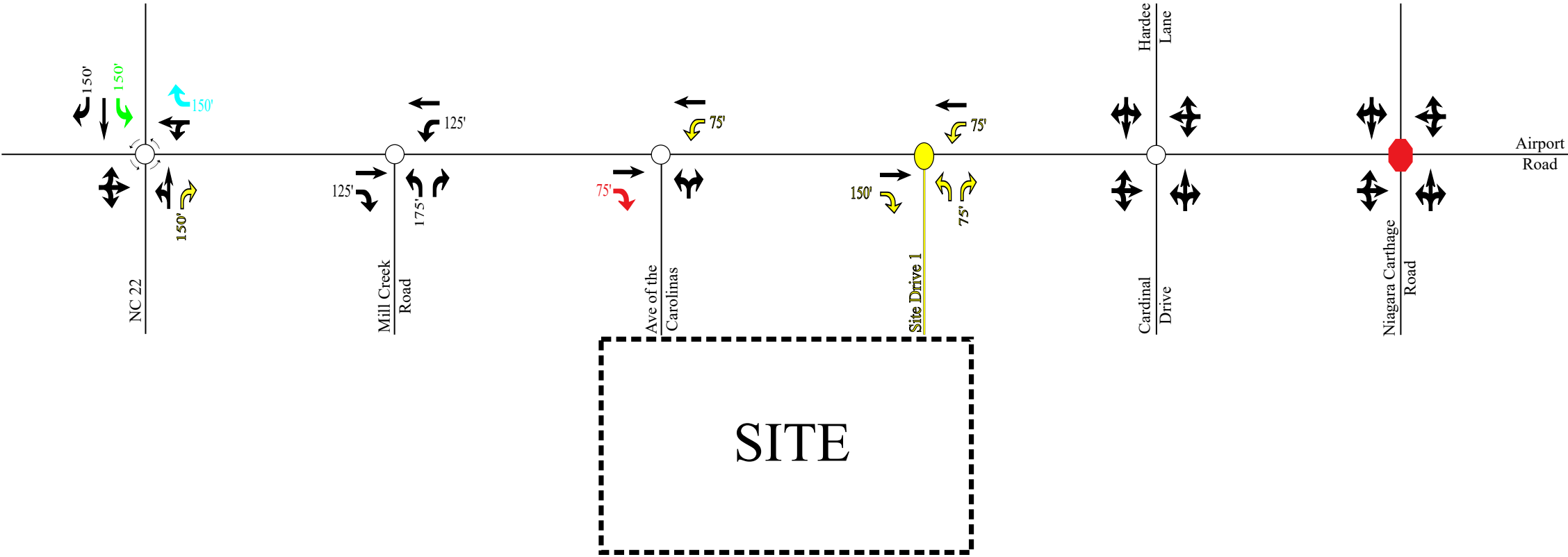
Phase 2 Improvement

➡

Phase 3 Improvement

➡

Phase 4 Improvement



 RAMEY KEMP & ASSOCIATES TRANSPORTATION ENGINEERS	Airport Road Residential Phasing Study Southern Pines, NC	Recommended Lane Configurations	
		Scale: Not to Scale	Figure 11



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

August 6, 2018

Josh Reinke, PE
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609

SUBJECT: Driveway Permit— Access to SR 1843 (Airport Road)
Airport Road Residential
Permit # Preliminary

Dear Mr. Reinke,

Thank you for submitting the Traffic Impact Analysis for the subject development. The preliminary site plan and traffic impact analysis have been reviewed by District Staff, Division Staff, and Congestion Management in accordance with the Policy on Street and Driveway Access to North Carolina Highways. We have the following comments for the subject access permit.

Site Drive 1 at SR 1843 (Airport Road)

- We agree with the TIA recommendation to provide site access via a full movement intersection with one (1) ingress lane and two (2) egress lanes (a left-turn lane with full length storage and a right-turn lane with a minimum of 75 feet of storage and appropriate taper).
- We agree with the TIA recommendation to provide stop control for Site Drive 1.
- We agree with the TIA recommendation to construct an exclusive westbound left-turn lane on Airport Road with a minimum of 75 feet of storage and appropriate taper.
- We agree with the TIA recommendation to construct an exclusive eastbound right-turn lane on Airport Road with a minimum of 150 feet of storage and appropriate taper.

Airport Road at Avenue of the Carolinas

- We agree with the TIA recommendation to construct an exclusive westbound left-turn lane on Airport Road with a minimum of 75 feet of storage and appropriate taper.

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION 8-DISTRICT 2
902 N. SANDHILLS BLVD, ABERDEEN, NC

Telephone: (910) 944-7621
Fax: (910) 944-5623
Customer Service: 1-877-368-4968
Website: www.ncdot.gov

Location:
902 N. SANDHILLS BLVD
ABERDEEN, NC 28315

- We agree with the TIA recommendation to construct an exclusive eastbound right-turn lane on Airport Road with a minimum of 75 feet of storage and appropriate taper.

Airport Road at Niagara Carthage Road

- We agree with the TIA recommendation to provide all-way stop control if it is warranted and approved by NCDOT.

Airport Road at NC 22

- We agree with the TIA recommendation to construct an exclusive westbound right-turn slip lane on Airport Road with a minimum of 150 feet of storage and appropriate taper. Provide yield control for the slip lane.
- We agree with the TIA recommendation to construct an exclusive northbound right-turn slip lane on NC 22 with a minimum of 150 feet of storage and appropriate taper. Provide yield control for the slip lane.
- Construct an exclusive southbound left-turn lane on NC 22 with a minimum of 150 feet of storage and appropriate taper. Provide two inner circulatory lanes in the western quadrant of the roundabout.

Please incorporate the above comments into your planning. When the above comments have been addressed please submit site plans along with a driveway permit and any necessary encroachment agreements to this office for review. Also, please be aware that future site expansion may result in further roadway improvements being required by the Department. If further information is needed, please advise.

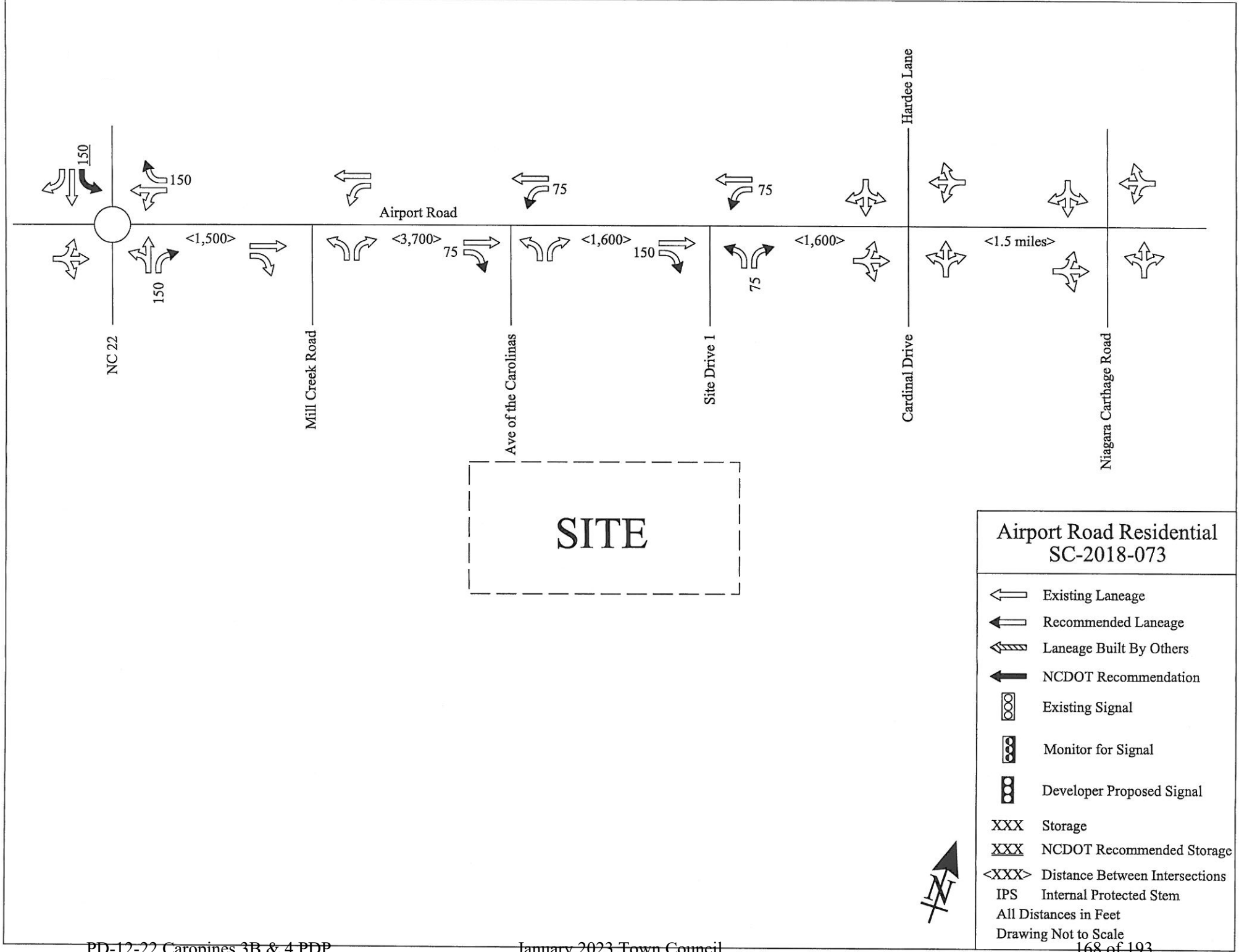
Sincerely,

DocuSigned by:

 BB40D57AAB92443...
 Travis L. Morgan, PE
 District Engineer

TLM:mer

CC: Brandon Jones, PE
 David Willett
 John H. Grant, PE
 Josh Brooks, PE
 Chris Kennedy
 File



MOVEMENT SUMMARY

 **Site: Combined (2019) AM - Phase 1 (50 units)**

Airport Road Residential
Roundabout

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance ft	Prop. Queued	Effective Stop Rate per veh	Average Speed mph
South: NC 22											
3u	U	2	2.0	0.638	12.7	LOS B	6.5	164.1	0.75	0.59	33.5
3	L2	284	2.0	0.638	12.7	LOS B	6.5	164.1	0.75	0.59	32.7
8	T1	311	2.0	0.638	12.7	LOS B	6.5	164.1	0.75	0.59	32.6
18	R2	57	2.0	0.638	12.7	LOS B	6.5	164.1	0.75	0.59	31.7
Approach		654	2.0	0.638	12.7	LOS B	6.5	164.1	0.75	0.59	32.6
East: Airport Road											
1u	U	1	2.0	0.815	30.5	LOS C	11.7	297.6	1.00	1.22	27.7
1	L2	83	2.0	0.815	30.5	LOS C	11.7	297.6	1.00	1.22	28.4
6	T1	346	2.0	0.815	30.5	LOS C	11.7	297.6	1.00	1.22	28.5
16	R2	73	2.0	0.815	30.5	LOS C	11.7	297.6	1.00	1.22	27.8
Approach		503	2.0	0.815	30.5	LOS C	11.7	297.6	1.00	1.22	28.4
North: NC 22											
7u	U	1	2.0	0.663	16.4	LOS B	7.8	197.4	0.98	1.06	32.6
7	L2	50	2.0	0.663	16.4	LOS B	7.8	197.4	0.98	1.06	31.9
4	T1	471	2.0	0.663	16.4	LOS B	7.8	197.4	0.98	1.06	31.8
14	R2	278	2.0	0.318	7.6	LOS A	2.3	57.3	0.78	0.67	35.4
Approach		800	2.0	0.663	13.4	LOS B	7.8	197.4	0.91	0.93	33.0
West: Airport Road											
5u	U	2	2.0	0.564	15.4	LOS B	5.1	129.4	0.91	0.95	32.7
5	L2	81	2.0	0.564	15.4	LOS B	5.1	129.4	0.91	0.95	31.9
2	T1	109	2.0	0.564	15.4	LOS B	5.1	129.4	0.91	0.95	31.9
12	R2	172	2.0	0.564	15.4	LOS B	5.1	129.4	0.91	0.95	31.0
Approach		364	2.0	0.564	15.4	LOS B	5.1	129.4	0.91	0.95	31.5
All Vehicles		2322	2.0	0.815	17.2	LOS B	11.7	297.6	0.88	0.90	31.5

Level of Service (LOS) Method: Delay (HCM 2000).

Roundabout LOS Method: Same as Signalised Intersections.

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Intersection

Int Delay, s/veh	1.1					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	146	29	7	421	36	14
Future Vol, veh/h	146	29	7	421	36	14
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	162	32	8	468	40	16

Major/Minor	Major1	Major2	Minor1
Conflicting Flow All	0	0	194
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	-	-	4.12
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	-	-	2.218
Pot Cap-1 Maneuver	-	-	1379
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	-	-	1379
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0.1	13.2
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	495	-	-	1379	-
HCM Lane V/C Ratio	0.112	-	-	0.006	-
HCM Control Delay (s)	13.2	-	-	7.6	0
HCM Lane LOS	B	-	-	A	A
HCM 95th %tile Q(veh)	0.4	-	-	0	-

HCM 2010 TWSC
5: Niagara Carthage Road & Airport Road

Combined (2019) AM - Phase 1

12/12/2018

Intersection

Int Delay, s/veh 16.8

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
----------	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	24	103	33	81	144	19	17	157	42	31	250	54
Future Vol, veh/h	24	103	33	81	144	19	17	157	42	31	250	54
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	27	114	37	90	160	21	19	174	47	34	278	60

Major/Minor	Minor2		Minor1		Major1		Major2	
Conflicting Flow All	703	636	308	688	643	198	338	0
Stage 1	377	377	-	236	236	-	-	-
Stage 2	326	259	-	452	407	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-
Pot Cap-1 Maneuver	352	395	732	360	392	843	1221	-
Stage 1	644	616	-	767	710	-	-	-
Stage 2	687	694	-	587	597	-	-	-
Platoon blocked, %								-
Mov Cap-1 Maneuver	220	376	732	252	373	843	1221	-
Mov Cap-2 Maneuver	220	376	-	252	373	-	-	-
Stage 1	632	597	-	753	697	-	-	-
Stage 2	507	682	-	437	578	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	23	49.1	0.6	0.7
HCM LOS	C	E		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1221	-	-	374	334	1348	-
HCM Lane V/C Ratio	0.015	-	-	0.475	0.812	0.026	-
HCM Control Delay (s)	8	0	-	23	49.1	7.7	0
HCM Lane LOS	A	A	-	C	E	A	A
HCM 95th %tile Q(veh)	0	-	-	2.5	6.9	0.1	-

MOVEMENT SUMMARY

 **Site: Combined (2019) PM - Phase 1 (50 units)**

Airport Road Residential
Roundabout

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance ft	Prop. Queued	Effective Stop Rate per veh	Average Speed mph
South: NC 22											
3u	U	2	2.0	0.777	23.0	LOS C	10.7	272.1	0.99	1.11	29.7
3	L2	80	2.0	0.777	23.0	LOS C	10.7	272.1	0.99	1.11	29.1
8	T1	376	2.0	0.777	23.0	LOS C	10.7	272.1	0.99	1.11	29.0
18	R2	137	2.0	0.777	23.0	LOS C	10.7	272.1	0.99	1.11	28.3
Approach		594	2.0	0.777	23.0	LOS C	10.7	272.1	0.99	1.11	28.9
East: Airport Road											
1u	U	1	2.0	0.524	14.1	LOS B	4.4	112.3	0.88	0.90	34.2
1	L2	80	2.0	0.524	14.1	LOS B	4.4	112.3	0.88	0.90	35.4
6	T1	160	2.0	0.524	14.1	LOS B	4.4	112.3	0.88	0.90	35.5
16	R2	99	2.0	0.524	14.1	LOS B	4.4	112.3	0.88	0.90	34.5
Approach		340	2.0	0.524	14.1	LOS B	4.4	112.3	0.88	0.90	35.2
North: NC 22											
7u	U	1	2.0	0.329	6.4	LOS A	2.3	58.1	0.59	0.43	36.7
7	L2	88	2.0	0.329	6.4	LOS A	2.3	58.1	0.59	0.43	36.5
4	T1	283	2.0	0.329	6.4	LOS A	2.3	58.1	0.59	0.43	36.4
14	R2	118	2.0	0.097	3.8	LOS A	0.6	14.0	0.43	0.26	37.7
Approach		490	2.0	0.329	5.7	LOS A	2.3	58.1	0.55	0.39	36.7
West: Airport Road											
5u	U	1	2.0	0.634	15.0	LOS B	6.4	161.4	0.85	0.85	32.6
5	L2	168	2.0	0.634	15.0	LOS B	6.4	161.4	0.85	0.85	31.9
2	T1	229	2.0	0.634	15.0	LOS B	6.4	161.4	0.85	0.85	31.8
12	R2	117	2.0	0.634	15.0	LOS B	6.4	161.4	0.85	0.85	31.0
Approach		514	2.0	0.634	15.0	LOS B	6.4	161.4	0.85	0.85	31.7
All Vehicles		1939	2.0	0.777	15.0	LOS B	10.7	272.1	0.82	0.82	32.4

Level of Service (LOS) Method: Delay (HCM 2000).

Roundabout LOS Method: Same as Signalised Intersections.

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Intersection

Int Delay, s/veh 1

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	368	42	20	269	28	10
Future Vol, veh/h	368	42	20	269	28	10
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	409	47	22	299	31	11

Major/Minor	Major1	Major2	Minor1
Conflicting Flow All	0	0	456
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	-	-	4.12
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	-	-	2.218
Pot Cap-1 Maneuver	-	-	1105
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	-	-	1105
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0.6	15
HCM LOS			C

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	402	-	-	1105	-
HCM Lane V/C Ratio	0.105	-	-	0.02	-
HCM Control Delay (s)	15	-	-	8.3	0
HCM Lane LOS	C	-	-	A	A
HCM 95th %tile Q(veh)	0.3	-	-	0.1	-

HCM 2010 TWSC
5: Niagara Carthage Road & Airport Road

Combined (2019) PM - Phase 1
12/12/2018

Intersection

Int Delay, s/veh 8.7

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	41	131	21	20	122	17	20	92	19	18	58	44
Future Vol, veh/h	41	131	21	20	122	17	20	92	19	18	58	44
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	46	146	23	22	136	19	22	102	21	20	64	49

Major/Minor	Minor2		Minor1		Major1		Major2					
Conflicting Flow All	363	297	89	370	310	113	113	0	0	123	0	0
Stage 1	129	129	-	157	157	-	-	-	-	-	-	-
Stage 2	234	168	-	213	153	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	593	615	969	587	605	940	1476	-	-	1464	-	-
Stage 1	875	789	-	845	768	-	-	-	-	-	-	-
Stage 2	769	759	-	789	771	-	-	-	-	-	-	-
Platoon blocked, %								-	-	-	-	-
Mov Cap-1 Maneuver	467	596	969	455	586	940	1476	-	-	1464	-	-
Mov Cap-2 Maneuver	467	596	-	455	586	-	-	-	-	-	-	-
Stage 1	861	777	-	831	756	-	-	-	-	-	-	-
Stage 2	609	747	-	616	759	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	14.6	13.7	1.1	1.1
HCM LOS	B	B		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1476	-	-	586	588	1464	-
HCM Lane V/C Ratio	0.015	-	-	0.366	0.3	0.014	-
HCM Control Delay (s)	7.5	0	-	14.6	13.7	7.5	0
HCM Lane LOS	A	A	-	B	B	A	A
HCM 95th %tile Q(veh)	0	-	-	1.7	1.3	0	-

Intersection

Intersection Delay, s/veh 15.5
Intersection LOS C

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	26	111	38	82	150	20	19	159	42	32	255	56
Future Vol, veh/h	26	111	38	82	150	20	19	159	42	32	255	56
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	29	123	42	91	167	22	21	177	47	36	283	62
Number of Lanes	0	1	0	0	1	0	0	1	0	0	1	0
Approach	EB			WB			NB			SB		
Opposing Approach	WB			EB			SB			NB		
Opposing Lanes	1			1			1			1		
Conflicting Approach Left	SB			NB			EB			WB		
Conflicting Lanes Left	1			1			1			1		
Conflicting Approach Right	NB			SB			WB			EB		
Conflicting Lanes Right	1			1			1			1		
HCM Control Delay	12.8			15.3			13.6			18.3		
HCM LOS	B			C			B			C		

Lane	NBLn1	EBLn1	WBLn1	SBLn1
Vol Left, %	9%	15%	33%	9%
Vol Thru, %	72%	63%	60%	74%
Vol Right, %	19%	22%	8%	16%
Sign Control	Stop	Stop	Stop	Stop
Traffic Vol by Lane	220	175	252	343
LT Vol	19	26	82	32
Through Vol	159	111	150	255
RT Vol	42	38	20	56
Lane Flow Rate	244	194	280	381
Geometry Grp	1	1	1	1
Degree of Util (X)	0.418	0.345	0.49	0.624
Departure Headway (Hd)	6.153	6.395	6.298	5.899
Convergence, Y/N	Yes	Yes	Yes	Yes
Cap	584	562	571	610
Service Time	4.203	4.447	4.345	3.942
HCM Lane V/C Ratio	0.418	0.345	0.49	0.625
HCM Control Delay	13.6	12.8	15.3	18.3
HCM Lane LOS	B	B	C	C
HCM 95th-tile Q	2.1	1.5	2.7	4.3

MOVEMENT SUMMARY

 **Site: Combined (2021) AM - Phase 2 (120 units)**

Airport Road Residential
Roundabout

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance ft	Prop. Queued	Effective Stop Rate per veh	Average Speed mph
South: NC 22											
3u	U	2	2.0	0.693	14.8	LOS B	8.2	207.0	0.83	0.70	32.5
3	L2	294	2.0	0.693	14.8	LOS B	8.2	207.0	0.83	0.70	31.7
8	T1	330	2.0	0.693	14.8	LOS B	8.2	207.0	0.83	0.70	31.7
18	R2	61	2.0	0.693	14.8	LOS B	8.2	207.0	0.83	0.70	30.8
Approach		688	2.0	0.693	14.8	LOS B	8.2	207.0	0.83	0.70	31.6
East: Airport Road											
1u	U	1	2.0	0.956	53.8	LOS D	20.9	529.8	1.00	1.47	21.6
1	L2	96	2.0	0.956	53.8	LOS D	20.9	529.8	1.00	1.47	22.0
6	T1	371	2.0	0.956	53.8	LOS D	20.9	529.8	1.00	1.47	22.1
16	R2	86	2.0	0.956	53.8	LOS D	20.9	529.8	1.00	1.47	21.7
Approach		553	2.0	0.956	53.8	LOS D	20.9	529.8	1.00	1.47	22.0
North: NC 22											
7u	U	1	2.0	0.767	22.7	LOS C	11.1	282.9	1.00	1.20	29.9
7	L2	59	2.0	0.767	22.7	LOS C	11.1	282.9	1.00	1.20	29.3
4	T1	510	2.0	0.767	22.7	LOS C	11.1	282.9	1.00	1.20	29.3
14	R2	304	2.0	0.362	8.5	LOS A	2.7	67.4	0.81	0.72	34.9
Approach		874	2.0	0.767	17.8	LOS B	11.1	282.9	0.94	1.03	31.0
West: Airport Road											
5u	U	2	2.0	0.651	19.8	LOS B	6.7	169.6	0.97	1.09	30.7
5	L2	90	2.0	0.651	19.8	LOS B	6.7	169.6	0.97	1.09	30.0
2	T1	118	2.0	0.651	19.8	LOS B	6.7	169.6	0.97	1.09	30.0
12	R2	178	2.0	0.651	19.8	LOS B	6.7	169.6	0.97	1.09	29.2
Approach		388	2.0	0.651	19.8	LOS B	6.7	169.6	0.97	1.09	29.6
All Vehicles		2503	2.0	0.956	25.2	LOS C	20.9	529.8	0.93	1.05	28.4

Level of Service (LOS) Method: Delay (HCM 2000).

Roundabout LOS Method: Same as Signalised Intersections.

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Intersection						
Int Delay, s/veh	1.9					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑	↑		↑	↑	
Traffic Vol, veh/h	151	39	10	437	64	23
Future Vol, veh/h	151	39	10	437	64	23
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	75	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	168	43	11	486	71	26

Major/Minor	Major1	Major2	Minor1			
Conflicting Flow All	0	0	168	0	676	168
Stage 1	-	-	-	-	168	-
Stage 2	-	-	-	-	508	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1410	-	419	876
Stage 1	-	-	-	-	862	-
Stage 2	-	-	-	-	604	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1410	-	414	876
Mov Cap-2 Maneuver	-	-	-	-	414	-
Stage 1	-	-	-	-	862	-
Stage 2	-	-	-	-	597	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0.2	14.4
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	481	-	-	1410	-
HCM Lane V/C Ratio	0.201	-	-	0.008	-
HCM Control Delay (s)	14.4	-	-	7.6	0
HCM Lane LOS	B	-	-	A	A
HCM 95th %tile Q(veh)	0.7	-	-	0	-

Intersection

Intersection Delay, s/veh 9.8
Intersection LOS A

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	43	140	25	21	132	18	26	96	20	19	60	47
Future Vol, veh/h	43	140	25	21	132	18	26	96	20	19	60	47
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	48	156	28	23	147	20	29	107	22	21	67	52
Number of Lanes	0	1	0	0	1	0	0	1	0	0	1	0
Approach	EB			WB			NB			SB		
Opposing Approach	WB			EB			SB			NB		
Opposing Lanes	1			1			1			1		
Conflicting Approach Left	SB			NB			EB			WB		
Conflicting Lanes Left	1			1			1			1		
Conflicting Approach Right	NB			SB			WB			EB		
Conflicting Lanes Right	1			1			1			1		
HCM Control Delay	10.2			9.8			9.7			9.3		
HCM LOS	B			A			A			A		

Lane	NBLn1	EBLn1	WBLn1	SBLn1
Vol Left, %	18%	21%	12%	15%
Vol Thru, %	68%	67%	77%	48%
Vol Right, %	14%	12%	11%	37%
Sign Control	Stop	Stop	Stop	Stop
Traffic Vol by Lane	142	208	171	126
LT Vol	26	43	21	19
Through Vol	96	140	132	60
RT Vol	20	25	18	47
Lane Flow Rate	158	231	190	140
Geometry Grp	1	1	1	1
Degree of Util (X)	0.223	0.314	0.26	0.194
Departure Headway (Hd)	5.092	4.886	4.931	4.977
Convergence, Y/N	Yes	Yes	Yes	Yes
Cap	697	728	720	713
Service Time	3.18	2.965	3.014	3.066
HCM Lane V/C Ratio	0.227	0.317	0.264	0.196
HCM Control Delay	9.7	10.2	9.8	9.3
HCM Lane LOS	A	B	A	A
HCM 95th-tile Q	0.9	1.3	1	0.7

MOVEMENT SUMMARY

 **Site: Combined (2021) PM - Phase 2 (120 units)**

Airport Road Residential
Roundabout

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance ft	Prop. Queued	Effective Stop Rate per veh	Average Speed mph
South: NC 22											
3u	U	2	2.0	0.929	42.6	LOS D	20.0	507.5	1.00	1.42	23.7
3	L2	83	2.0	0.929	42.6	LOS D	20.0	507.5	1.00	1.42	23.3
8	T1	416	2.0	0.929	42.6	LOS D	20.0	507.5	1.00	1.42	23.3
18	R2	153	2.0	0.929	42.6	LOS D	20.0	507.5	1.00	1.42	22.8
Approach		654	2.0	0.929	42.6	LOS D	20.0	507.5	1.00	1.42	23.2
East: Airport Road											
1u	U	1	2.0	0.629	18.9	LOS B	6.2	158.0	0.96	1.05	32.0
1	L2	89	2.0	0.629	18.9	LOS B	6.2	158.0	0.96	1.05	33.0
6	T1	174	2.0	0.629	18.9	LOS B	6.2	158.0	0.96	1.05	33.1
16	R2	111	2.0	0.629	18.9	LOS B	6.2	158.0	0.96	1.05	32.2
Approach		376	2.0	0.629	18.9	LOS B	6.2	158.0	0.96	1.05	32.8
North: NC 22											
7u	U	1	2.0	0.375	7.1	LOS A	2.7	69.5	0.64	0.49	36.3
7	L2	102	2.0	0.375	7.1	LOS A	2.7	69.5	0.64	0.49	36.1
4	T1	309	2.0	0.375	7.1	LOS A	2.7	69.5	0.64	0.49	36.0
14	R2	132	2.0	0.111	3.9	LOS A	0.6	16.4	0.45	0.28	37.6
Approach		544	2.0	0.375	6.3	LOS A	2.7	69.5	0.60	0.44	36.4
West: Airport Road											
5u	U	1	2.0	0.737	20.3	LOS C	9.2	232.8	0.95	1.05	30.3
5	L2	192	2.0	0.737	20.3	LOS C	9.2	232.8	0.95	1.05	29.7
2	T1	252	2.0	0.737	20.3	LOS C	9.2	232.8	0.95	1.05	29.6
12	R2	121	2.0	0.737	20.3	LOS C	9.2	232.8	0.95	1.05	28.9
Approach		567	2.0	0.737	20.3	LOS C	9.2	232.8	0.95	1.05	29.5
All Vehicles		2141	2.0	0.929	23.3	LOS C	20.0	507.5	0.88	1.01	29.0

Level of Service (LOS) Method: Delay (HCM 2000).

Roundabout LOS Method: Same as Signalised Intersections.

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Intersection

Int Delay, s/veh 1.6

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑	↑		↑	↑	
Traffic Vol, veh/h	382	75	32	279	49	16
Future Vol, veh/h	382	75	32	279	49	16
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	75	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	424	83	36	310	54	18

Major/Minor	Major1	Major2	Minor1
Conflicting Flow All	0	0	424
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	-	-	4.12
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	-	-	2.218
Pot Cap-1 Maneuver	-	-	1135
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	-	-	1135
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0.9	16.6
HCM LOS			C

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	382	-	-	1135	-
HCM Lane V/C Ratio	0.189	-	-	0.031	-
HCM Control Delay (s)	16.6	-	-	8.3	0
HCM Lane LOS	C	-	-	A	A
HCM 95th %tile Q(veh)	0.7	-	-	0.1	-

MOVEMENT SUMMARY

 **Site: Combined (2022) AM - Phase 3 (150 units)**

Airport Road Residential
Roundabout

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance ft	Prop. Queued	Effective Stop Rate per veh	Average Speed mph
South: NC 22											
3u	U	2	2.0	0.712	15.7	LOS B	8.8	223.8	0.85	0.74	32.1
3	L2	300	2.0	0.712	15.7	LOS B	8.8	223.8	0.85	0.74	31.4
8	T1	336	2.0	0.712	15.7	LOS B	8.8	223.8	0.85	0.74	31.3
18	R2	63	2.0	0.712	15.7	LOS B	8.8	223.8	0.85	0.74	30.5
Approach		701	2.0	0.712	15.7	LOS B	8.8	223.8	0.85	0.74	31.2
East: Airport Road											
1u	U	1	2.0	0.654	16.8	LOS B	7.6	192.0	1.00	1.06	33.0
1	L2	101	2.0	0.654	16.8	LOS B	7.6	192.0	1.00	1.06	34.1
6	T1	383	2.0	0.654	16.8	LOS B	7.6	192.0	1.00	1.06	34.2
16	R2	91	2.0	0.088	4.3	LOS A	0.5	13.5	0.58	0.40	41.8
Approach		577	2.0	0.654	14.8	LOS B	7.6	192.0	0.93	0.95	35.2
North: NC 22											
7u	U	1	2.0	0.803	26.0	LOS C	12.7	322.9	1.00	1.26	28.7
7	L2	60	2.0	0.803	26.0	LOS C	12.7	322.9	1.00	1.26	28.1
4	T1	519	2.0	0.803	26.0	LOS C	12.7	322.9	1.00	1.26	28.1
14	R2	310	2.0	0.376	8.8	LOS A	2.8	70.8	0.83	0.74	34.7
Approach		890	2.0	0.803	20.0	LOS C	12.7	322.9	0.94	1.08	30.0
West: Airport Road											
5u	U	2	2.0	0.679	21.6	LOS C	7.3	184.8	0.99	1.12	30.0
5	L2	92	2.0	0.679	21.6	LOS C	7.3	184.8	0.99	1.12	29.4
2	T1	121	2.0	0.679	21.6	LOS C	7.3	184.8	0.99	1.12	29.3
12	R2	181	2.0	0.679	21.6	LOS C	7.3	184.8	0.99	1.12	28.6
Approach		397	2.0	0.679	21.6	LOS C	7.3	184.8	0.99	1.12	29.0
All Vehicles		2564	2.0	0.803	17.9	LOS B	12.7	322.9	0.92	0.96	31.2

Level of Service (LOS) Method: Delay (HCM 2000).

Roundabout LOS Method: Same as Signalised Intersections.

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Intersection

Int Delay, s/veh	1.9					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑	↑		↑	↑	
Traffic Vol, veh/h	151	39	10	437	64	23
Future Vol, veh/h	151	39	10	437	64	23
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	75	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	168	43	11	486	71	26

Major/Minor	Major1	Major2	Minor1
Conflicting Flow All	0	0	168
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	-	4.12	-
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	-	2.218	-
Pot Cap-1 Maneuver	-	1410	-
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	-	1410	-
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0.2	14.4
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	481	-	-	1410	-
HCM Lane V/C Ratio	0.201	-	-	0.008	-
HCM Control Delay (s)	14.4	-	-	7.6	0
HCM Lane LOS	B	-	-	A	A
HCM 95th %tile Q(veh)	0.7	-	-	0	-

MOVEMENT SUMMARY

 **Site: Combined (2022) PM - Phase 3 (150 units)**

Airport Road Residential
Roundabout

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance ft	Prop. Queued	Effective Stop Rate per veh	Average Speed mph
South: NC 22											
3u	U	2	2.0	0.981	54.2	LOS D	25.5	648.6	1.00	1.59	21.2
3	L2	84	2.0	0.981	54.2	LOS D	25.5	648.6	1.00	1.59	20.8
8	T1	422	2.0	0.981	54.2	LOS D	25.5	648.6	1.00	1.59	20.8
18	R2	162	2.0	0.981	54.2	LOS D	25.5	648.6	1.00	1.59	20.4
Approach		671	2.0	0.981	54.2	LOS D	25.5	648.6	1.00	1.59	20.7
East: Airport Road											
1u	U	1	2.0	0.418	10.1	LOS B	3.3	83.5	0.88	0.80	36.3
1	L2	94	2.0	0.418	10.1	LOS B	3.3	83.5	0.88	0.80	37.6
6	T1	181	2.0	0.418	10.1	LOS B	3.3	83.5	0.88	0.80	37.7
16	R2	116	2.0	0.418	7.1	LOS A	3.3	83.5	0.79	0.65	39.2
Approach		392	2.0	0.418	9.2	LOS A	3.3	83.5	0.85	0.76	38.1
North: NC 22											
7u	U	1	2.0	0.389	7.3	LOS A	2.8	72.2	0.65	0.50	36.1
7	L2	109	2.0	0.389	7.3	LOS A	2.8	72.2	0.65	0.50	35.9
4	T1	314	2.0	0.389	7.3	LOS A	2.8	72.2	0.65	0.50	35.8
14	R2	136	2.0	0.114	4.0	LOS A	0.7	16.8	0.46	0.29	37.6
Approach		560	2.0	0.389	6.5	LOS A	2.8	72.2	0.61	0.45	36.3
West: Airport Road											
5u	U	1	2.0	0.773	22.9	LOS C	10.4	265.2	0.98	1.12	29.3
5	L2	196	2.0	0.773	22.9	LOS C	10.4	265.2	0.98	1.12	28.7
2	T1	263	2.0	0.773	22.9	LOS C	10.4	265.2	0.98	1.12	28.7
12	R2	123	2.0	0.773	22.9	LOS C	10.4	265.2	0.98	1.12	28.0
Approach		583	2.0	0.773	22.9	LOS C	10.4	265.2	0.98	1.12	28.6
All Vehicles		2207	2.0	0.981	25.8	LOS C	25.5	648.6	0.87	1.03	28.1

Level of Service (LOS) Method: Delay (HCM 2000).

Roundabout LOS Method: Same as Signalised Intersections.

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Intersection

Int Delay, s/veh 2.6

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑	↑	↑	↑	↑	↑
Traffic Vol, veh/h	403	76	48	293	57	76
Future Vol, veh/h	403	76	48	293	57	76
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	125	125	-	175	0
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	448	84	53	326	63	84

Major/Minor	Major1	Major2	Minor1
Conflicting Flow All	0	0	448
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	-	4.12	-
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	-	2.218	-
Pot Cap-1 Maneuver	-	1112	-
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	-	1112	-
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	EB	WB	NB
HCM Control Delay, s	0	1.2	15.3
HCM LOS			C

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBL	WBT
Capacity (veh/h)	303	611	-	-	1112	-
HCM Lane V/C Ratio	0.209	0.138	-	-	0.048	-
HCM Control Delay (s)	20	11.8	-	-	8.4	-
HCM Lane LOS	C	B	-	-	A	-
HCM 95th %tile Q(veh)	0.8	0.5	-	-	0.2	-

Intersection						
Int Delay, s/veh	1.9					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑	↑		↑	↑	
Traffic Vol, veh/h	390	89	37	285	56	19
Future Vol, veh/h	390	89	37	285	56	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	75	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	433	99	41	317	62	21

Major/Minor	Major1	Major2	Minor1			
Conflicting Flow All	0	0	433	0	832	433
Stage 1	-	-	-	-	433	-
Stage 2	-	-	-	-	399	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1127	-	339	623
Stage 1	-	-	-	-	654	-
Stage 2	-	-	-	-	678	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1127	-	324	623
Mov Cap-2 Maneuver	-	-	-	-	324	-
Stage 1	-	-	-	-	654	-
Stage 2	-	-	-	-	648	-

Approach	EB	WB	NB
HCM Control Delay, s	0	1	17.6
HCM LOS			C

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	369	-	-	1127	-
HCM Lane V/C Ratio	0.226	-	-	0.036	-
HCM Control Delay (s)	17.6	-	-	8.3	0
HCM Lane LOS	C	-	-	A	A
HCM 95th %tile Q(veh)	0.9	-	-	0.1	-

Intersection

Int Delay, s/veh	5											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔			↔			↔			↔	
Traffic Vol, veh/h	179	217	13	1	188	32	8	4	4	24	2	125
Future Vol, veh/h	179	217	13	1	188	32	8	4	4	24	2	125
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	199	241	14	1	209	36	9	4	4	27	2	139

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	244	0	0	256	0	0	945	893	248	880	882	227
Stage 1	-	-	-	-	-	-	646	646	-	229	229	-
Stage 2	-	-	-	-	-	-	299	247	-	651	653	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1322	-	-	1309	-	-	242	281	791	268	285	812
Stage 1	-	-	-	-	-	-	460	467	-	774	715	-
Stage 2	-	-	-	-	-	-	710	702	-	457	464	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1322	-	-	1309	-	-	172	231	791	227	235	812
Mov Cap-2 Maneuver	-	-	-	-	-	-	172	231	-	227	235	-
Stage 1	-	-	-	-	-	-	379	385	-	638	714	-
Stage 2	-	-	-	-	-	-	586	701	-	370	382	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	3.6	0	21.8	14.1
HCM LOS			C	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	232	1322	-	-	1309	-	-	563
HCM Lane V/C Ratio	0.077	0.15	-	-	0.001	-	-	0.298
HCM Control Delay (s)	21.8	8.2	0	-	7.8	0	-	14.1
HCM Lane LOS	C	A	A	-	A	A	-	B
HCM 95th %tile Q(veh)	0.2	0.5	-	-	0	-	-	1.2

Intersection												
Int Delay, s/veh	9.8											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	45	143	27	22	136	18	28	97	21	19	61	49
Future Vol, veh/h	45	143	27	22	136	18	28	97	21	19	61	49
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	50	159	30	24	151	20	31	108	23	21	68	54
Major/Minor	Minor2		Minor1		Major1		Major2					
Conflicting Flow All	404	330	95	414	346	119	122	0	0	131	0	0
Stage 1	137	137	-	182	182	-	-	-	-	-	-	-
Stage 2	267	193	-	232	164	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	557	589	962	549	577	933	1465	-	-	1454	-	-
Stage 1	866	783	-	820	749	-	-	-	-	-	-	-
Stage 2	738	741	-	771	762	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	418	566	962	405	555	933	1465	-	-	1454	-	-
Mov Cap-2 Maneuver	418	566	-	405	555	-	-	-	-	-	-	-
Stage 1	846	770	-	801	732	-	-	-	-	-	-	-
Stage 2	560	724	-	583	750	-	-	-	-	-	-	-
Approach	EB		WB		NB		SB					
HCM Control Delay, s	16.3		15.1		1.4		1.1					
HCM LOS	C		C									
Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR				
Capacity (veh/h)	1465	-	-	554	552	1454	-	-				
HCM Lane V/C Ratio	0.021	-	-	0.431	0.354	0.015	-	-				
HCM Control Delay (s)	7.5	0	-	16.3	15.1	7.5	0	-				
HCM Lane LOS	A	A	-	C	C	A	A	-				
HCM 95th %tile Q(veh)	0.1	-	-	2.2	1.6	0	-	-				

MOVEMENT SUMMARY

 **Site: Combined (2024) AM - Phase 4 (300 units)**

Airport Road Residential
Roundabout

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance ft	Prop. Queued	Effective Stop Rate per veh	Average Speed mph
South: NC 22											
3u	U	2	2.0	0.567	9.9	LOS A	5.0	128.0	0.72	0.54	34.7
3	L2	310	2.0	0.567	9.9	LOS A	5.0	128.0	0.72	0.54	33.9
8	T1	349	2.0	0.567	9.9	LOS A	5.0	128.0	0.72	0.54	33.8
18	R2	73	2.0	0.059	3.4	LOS A	0.3	8.4	0.39	0.21	38.0
Approach		734	2.0	0.567	9.2	LOS A	5.0	128.0	0.69	0.51	34.2
East: Airport Road											
1u	U	1	2.0	0.741	21.0	LOS C	10.2	258.1	1.00	1.14	31.1
1	L2	127	2.0	0.741	21.0	LOS C	10.2	258.1	1.00	1.14	32.0
6	T1	424	2.0	0.741	21.0	LOS C	10.2	258.1	1.00	1.14	32.1
16	R2	111	2.0	0.108	4.4	LOS A	0.6	16.4	0.58	0.42	41.7
Approach		663	2.0	0.741	18.2	LOS B	10.2	258.1	0.93	1.02	33.4
North: NC 22											
7u	U	1	2.0	0.932	45.5	LOS D	21.5	546.1	1.00	1.56	23.1
7	L2	68	2.0	0.932	45.5	LOS D	21.5	546.1	1.00	1.56	22.7
4	T1	539	2.0	0.932	45.5	LOS D	21.5	546.1	1.00	1.56	22.7
14	R2	322	2.0	0.415	9.9	LOS A	3.2	81.2	0.87	0.80	34.1
Approach		930	2.0	0.932	33.2	LOS C	21.5	546.1	0.96	1.30	25.6
West: Airport Road											
5u	U	2	2.0	0.768	28.9	LOS C	9.6	243.6	1.00	1.21	27.4
5	L2	96	2.0	0.768	28.9	LOS C	9.6	243.6	1.00	1.21	26.8
2	T1	136	2.0	0.768	28.9	LOS C	9.6	243.6	1.00	1.21	26.8
12	R2	187	2.0	0.768	28.9	LOS C	9.6	243.6	1.00	1.21	26.2
Approach		420	2.0	0.768	28.9	LOS C	9.6	243.6	1.00	1.21	26.5
All Vehicles		2748	2.0	0.932	22.5	LOS C	21.5	546.1	0.89	1.01	29.4

Level of Service (LOS) Method: Delay (HCM 2000).

Roundabout LOS Method: Same as Signalised Intersections.

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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MOVEMENT SUMMARY

 **Site: Combined (2024) PM - Phase 4 (300 units)**

Airport Road Residential
Roundabout

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance ft	Prop. Queued	Effective Stop Rate per veh	Average Speed mph
South: NC 22											
3u	U	2	2.0	0.705	17.7	LOS B	8.9	226.8	1.00	1.07	31.9
3	L2	87	2.0	0.705	17.7	LOS B	8.9	226.8	1.00	1.07	31.2
8	T1	438	2.0	0.705	17.7	LOS B	8.9	226.8	1.00	1.07	31.1
18	R2	191	2.0	0.705	8.3	LOS A	8.9	226.8	0.72	0.62	34.9
Approach		718	2.0	0.705	15.2	LOS B	8.9	226.8	0.93	0.95	32.0
East: Airport Road											
1u	U	1	2.0	0.492	11.8	LOS B	4.4	111.2	0.93	0.89	35.3
1	L2	111	2.0	0.492	11.8	LOS B	4.4	111.2	0.93	0.89	36.5
6	T1	204	2.0	0.492	11.8	LOS B	4.4	111.2	0.93	0.89	36.6
16	R2	131	2.0	0.492	7.9	LOS A	4.4	111.2	0.81	0.70	38.6
Approach		448	2.0	0.492	10.7	LOS B	4.4	111.2	0.89	0.83	37.1
North: NC 22											
7u	U	1	2.0	0.438	8.3	LOS A	3.4	85.3	0.71	0.57	35.5
7	L2	132	2.0	0.438	8.3	LOS A	3.4	85.3	0.71	0.57	35.3
4	T1	326	2.0	0.438	8.3	LOS A	3.4	85.3	0.71	0.57	35.2
14	R2	140	2.0	0.120	4.1	LOS A	0.7	18.1	0.49	0.31	37.5
Approach		599	2.0	0.438	7.3	LOS A	3.4	85.3	0.66	0.51	35.7
West: Airport Road											
5u	U	1	2.0	0.889	36.0	LOS D	16.6	422.3	1.00	1.35	25.2
5	L2	203	2.0	0.889	36.0	LOS D	16.6	422.3	1.00	1.35	24.7
2	T1	301	2.0	0.889	36.0	LOS D	16.6	422.3	1.00	1.35	24.7
12	R2	127	2.0	0.889	36.0	LOS D	16.6	422.3	1.00	1.35	24.2
Approach		632	2.0	0.889	36.0	LOS D	16.6	422.3	1.00	1.35	24.6
All Vehicles		2397	2.0	0.889	17.9	LOS B	16.6	422.3	0.87	0.93	31.1

Level of Service (LOS) Method: Delay (HCM 2000).

Roundabout LOS Method: Same as Signalised Intersections.

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

HCM Delay Formula option is used. Control Delay does not include Geometric Delay since Exclude Geometric Delay option applies.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

February 6, 2019

Rynal Stephenson, PE
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609

SUBJECT: Caropines Residential (Airport Road Residential)
Phasing for Roadway Improvements

Dear Mr. Stephenson,

Thank you for providing the additional analysis and phasing recommendations for the proposed Caropines Residential Development to be located on SR 1843 (Airport Road). We have reviewed the additional information as well as the original TIA review letter and offer the following comments regarding phasing of the roadway improvements.

Phase 1 – 50 Single Family Homes (40 AM Trips, 52 PM Trips)

- Construct an exclusive eastbound right-turn lane at the intersection of Airport Road and Avenue of the Carolinas with a minimum of 75 feet of storage and appropriate taper.
- Install all-way stop control at the intersection of Airport Road and Niagara Carthage Road if it is warranted and approved by NCDOT.

Phase 2 – 150 Single Family Homes (111 AM Trips, 150 PM Trips)

- Construct an exclusive westbound left-turn lane at the intersection of Airport Road and Avenue of the Carolinas with a minimum of 75 feet of storage and appropriate taper. The developer has the option of constructing this improvement during Phase 1.
- Construct Site Drive #1 along Airport Road and provide one (1) ingress lane and two (2) egress lanes (a left-turn lane with full length storage and a right-turn lane with a minimum of 75 feet of storage and appropriate taper).

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION 8-DISTRICT 2
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902 N. SANDHILLS BLVD
ABERDEEN, NC 28315

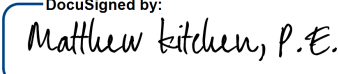
- Provide stop control for Site Drive #1.
- Construct an exclusive westbound left-turn lane on Airport Road with a minimum of 75 feet of storage and appropriate taper at the proposed Site Drive #1.
- Construct an exclusive eastbound right-turn lane on Airport Road with a minimum of 150 feet of storage and appropriate taper at the proposed Site Drive #1.
- Construct an exclusive northbound right-turn slip lane on Airport Road at the NC 22 roundabout with a minimum of 150 feet of storage and appropriate taper. Provide yield control for the slip lane.
- Construct an exclusive westbound right-turn slip lane on Airport Road at the NC 22 roundabout with a minimum of 150 feet of storage and appropriate taper. Provide yield control for the slip lane.

Phase 3 – 300 Single Family Homes (218 AM Trips, 292 PM Trips)

- Construct an exclusive southbound left-turn lane at the existing roundabout located at the intersection of NC 22 and Airport Road. Provide a minimum of 150 feet of storage and appropriate taper. Provide two inner circulatory lanes in the western quadrant of the roundabout.
- Additional analysis may be provided by the developer for review by NCDOT at this time to re-evaluate the need for this improvement.

The roadway improvements listed above will be triggered by the number of single-family homes associated with each phase or the equivalent number of trips generated by other development combinations. The specified number of homes and/or trips for each phase will be the maximum buildout of the development before the improvements must be constructed. Please be aware that any future site expansion beyond the original scope may result in further roadway improvements being required by the Department. If further information is needed, please advise.

Sincerely,

DocuSigned by:

 DE44C69F4BC74D9...
 Matthew W. Kitchen, PE
 District Engineer

MWK: mer

CC: Brandon Jones, PE
 David Willett
 John Grant, PE
 Josh Brooks, PE
 Chris Kennedy
 Bob Koontz
 File



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

November 17, 2022

Mr. Perry Shelley
C&S Management, LLC
2709 Thorngrove Ct., Suite 1
Fayetteville, NC 28303

SUBJECT: Caropines Phasing

Dear Mr. Shelley,

This letter shall serve to summarize the review of the current Caropines development process and the NCDOT's position on further development regarding required NCDOT roadway improvements. At the time of the meeting, it was our understanding that the current buildout of the development was approximately 168 homes which included 34 homes platted and approved for construction, 8 of which were remaining as part of Phase 9. Based on these projections the following progression of future build beyond the 168 was agreed upon and amenable to NCDOT:

1. The developer can build the new access road and construct up to 50 additional homes which would utilize the newly constructed east drive (Site Drive #1) before the turn lanes need to be installed (75' LT and 150' RT).
2. No new homes shall be added to the existing Avenue of the Carolinas until the associated turn lanes are installed (75' RT and 75' LT).
3. Once the turn lanes have been constructed the developer can build up to a total of 225 homes (combined using both entrances) without the added slip lane at roundabout. 225 homes include current homes plus any new homes
4. The required WB slip lane at the roundabout will need to be constructed before the occupancy of the 226th home within the total development.
5. The remaining requirements for the additional turn lanes, per the 2/6/2019 Phasing Letter shall be re-evaluated prior to the 250th total home threshold.

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DISTRICT 2, DIVISION 8
902 NORTH SANDHILLS BLVD.
ABERDEEN, NC 28315

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Location:
902 NORTH SANDHILLS BLVD.
ABERDEEN, NC 28315

Should you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Matthew Kitchen', with a stylized, flowing script.

Matthew Kitchen, PE
District Engineer

Agenda Item

To: Planning Board

From: BJ Grieve, Planning Director

Subject: OA-04-22: Text Amendments to the Unified Development Ordinance (UDO); Petitioner: Town of Southern Pines Planning Staff

Date: January 10, 2023

I. SUMMARY OF AMENDMENT REQUEST:

Various members of the Town of Southern Pines professional staff are proposing to amend the Unified Development Ordinance (UDO) and are requesting Town Council review and approval per UDO §2.17.3 and §2.17.8. The proposed amendments, arranged by topic for convenience and clarity, are as follows:

1. Delete the general zoning exemption process in UDO §2.11 and delete some of the subsections of UDO §8.5.2 that relate to certain types of zoning exemptions because there is no “exemption” process set forth in North Carolina General Statute. Move UDO §8.5.2(H) related to town-initiated development approval requests to UDO §2.5.8, subsection (C) because it makes more sense there.
2. Amend UDO 2.18.3(C) to clarify that amendments to a Conceptual Development Plan (CDP) require the signature of all landowners within the Planned Development (PD) district because Planned Developments are development projects with many common design elements that developers should not be able to change as the project progresses without the knowledge of those who previously bought into the project. Amend UDO 2.18.4(I)(4) to clarify that approval of a CDP does, in fact, provide a vesting of certain development rights because it does under North Carolina laws governing vested rights. Amend UDO 2.18.7 by creating a new section 2.18.8 that addresses minor vs. major amendments to approved Conceptual Development Plans and Preliminary Development Plans. Amend UDO 4.7 to clarify that unique fencing standards may be included in a Planned Development because fences are one element of design that may be unique in a Planned Development project.
3. Remove a vestige reference to “Sketch Plats” remaining in UDO §2.20.4(G)(1) because the Sketch Plat process was previously removed in Ordinance #1919 on July 1, 2021.
4. Clarify requirements for establishing sign standards and creating Unified Sign Plans in Planned Development districts in UDO §3.5.14(I) & (J) because this section has always been confusing to applicants and extraordinarily difficult for planning staff to administer and enforce because of the manner in which it is presently written.

5. Amend UDO §4.10.4(E)(3) to allow the use of metal awnings in districts other than the CB and DTO districts because in most zones other than CB and DTO districts the distances from which awnings on commercial structures are viewed make metal an aesthetically acceptable and more durable alternative to canvas or other flexible materials.
6. Remove the requirement in UDO §5.9.3 for zoning permits for operators of food trucks when those food trucks are operating in an approved Food Truck Campus because the operator of the Food Truck Campus is responsible for ensuring all food trucks within the campus follow the operating requirements of the campus and requiring a Special Use Permit and a site plan review to verify compliance with operating requirements then also requiring up to six additional zoning permits for each food truck within the campus is just a lot for everyone and doesn't result in making anything better.
7. Amend UDO §8.14.6(D) to clarify that when hearing appeals of "questions involving interpretations," the Board of Adjustment does not render recommendations in writing to the Town Council, they just make a quasi-judicial decision per state statute.
8. Amend UDO §8.16.1(B) and (F) to be consistent with state statute regarding membership eligibility for the Historic District Commission because presently (F) can be interpreted to allow those who move outside Southern Pines to continue serving until a replacement is appointed. Add the actual requirement from state statute to subsection (B) where it is a logical fit.
9. Add a definition of the word "Neighborhood" to UDO §9.3 because a lot of sections of the UDO (such as §1.2.2(A) & (B), §1.8.4(B), §2.15, §2.17.9, §2.17.10, §2.18.4, §2.18.5, §2.21.6, §2.22.6, etc.) reference the word "neighborhoods" but there is presently no definition and this has been quite a topic of discussion lately.

The specific text of each proposed amendment, as well as margin comments by planning staff regarding each proposed amendment, may be found in a copy of the UDO attached to this staff report.

II. PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on the proposed text amendments on December 15, 2022. Planning staff presented a brief summary of the proposed text amendments and answered questions from the Planning Board. After a brief discussion, the Planning Board voted unanimously to adopt a Resolution regarding the consistency of the proposed text amendments with the Comprehensive Long Range Plan, and to forward the Resolution to the Town Council with a recommendation to approve the proposed amendments. As part of the Planning Board's recommendation of approval, the Board also resolved that language creating a clear distinction between signage and murals created as public art projects should be created and brought before the Planning Board for consideration, based on the removal of UDO §2.11. A copy of the Planning Board's Resolution is attached to this staff report.

III. 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 a UDO text amendment, the hearing bodies (Planning Board and Town Council) shall consider and be guided by the following criteria, as set forth in UDO §2.17.10:

2.17.10. Criteria for UDO Text Amendments

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

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

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

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

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

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

C. Staff Comments:

The proposed amendments represent portions of a collection that planning staff has accumulated in a file over time. When various issues come up during the normal course of administering and enforcing the town's UDO, planning staff adds those issues to a file. The purpose of the file is to have the issues available to research and propose a "fix" for consideration when there is staff capacity to do so.

All of the proposed amendments to the UDO are depicted in red (using ~~strikeout~~ for proposed deletions and underline for proposed additions) on a copy of the UDO that is attached to this staff report. In addition to the proposed new text, each proposed amendment also has one or more margin comments providing a brief explanation and/or justification for the proposed amendment(s). Planning staff is available during regular business hours prior to the Town Council public hearing

on January 10, 2023 for questions and/or to discuss any of the proposed amendments. Each topic will be presented in detail to the Town Council and public at the January 10, 2023 Town Council Regular meeting.

D. Outside Agency Comments:

A request for comment was emailed to representatives from the Regional Land Use Advisory Commission (RLUAC), North Carolina Department of Transportation (NCDOT), Moore County Airport, the U.S. Fish and Wildlife Service and representatives of the Town of Southern Pines on December 5, 2022.

- As of the completion of the Planning Board staff report on December 8, 2022, no responses were received. Any comments received prior to the January 10, 2022 Town Council public hearing will be provided to the Town Council.

IV. ATTACHMENTS:

1. Planning Board Resolution
2. Southern Pines Unified Development Ordinance (UDO), showing edits in red text.

V. TOWN COUNCIL ACTION:

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

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

1. The proposed text amendments are consistent with the Comprehensive Long-Range Plan and are a reasonable way to implement the Comprehensive Long Range Plan for the reasons set forth in the Planning Board's recommendation, and therefore the Town Council adopts the Planning Board resolution that is included as an attachment to the staff report for OA-04-22;

-or-

2. The proposed text amendments are consistent with the Comprehensive Long-Range Plan and are a reasonable way to implement the Comprehensive Long Range Plan for the reasons set forth in the Planning Board's recommendation, and therefore the Town Council adopts the Planning Board resolution that is included as an attachment to the staff report for OA-04-22, but with the following edits or additions to Attachment A...

-or-

3. The proposed text amendments are inconsistent with the Comprehensive Long-Range Plan and/or are unreasonable for the following reasons...

And, therefore, I move to:

1. Approve OA-04-22 as attached to the staff report (*if desired, the Town Council may state any additional reasons you support the proposed amendments, besides those already listed in Attachment A*).
2. Approve OA-04-22 as attached to the staff report, but with the following changes... (*if any changes were made to the proposed revisions, list the changes and reason(s) the text was changed*);
3. Deny OA-04-22 (*the Town Council state any reasons for denial of the proposed amendments*).
4. Other...



ATTACHMENT A

PLANNING BOARD RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION FOR ORDINANCE AMENDMENT APPLICATION OA-04-22

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

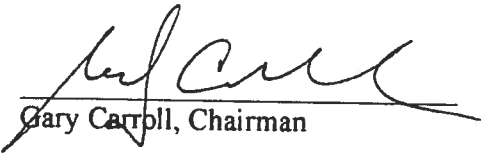
WHEREAS, the Planning Board conducted a duly-noticed public hearing during a meeting held on December 15, 2022 to listen to public comments, ask questions of the Town's Planning staff and to consider ordinance amendment application OA-04-22.

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 for consideration by the Planning Board are reasonable, in the public interest and are generally consistent with the Town of Southern Pines Comprehensive Long-Range Plan (CLRP). The amendment to delete certain references to zoning exemptions comes at the request of the Town Attorney to enhance the legal defensibility of the UDO which is certainly in the public interest. The amendment to clarify land ownership requirements, vesting rights, amendment procedures and requirements and design standards for Planned Developments allows for greater clarity in administration and legal defensibility of Planned Developments and this is both reasonable and in the public interest. The amendment to remove a vestige reference to Sketch Plat requirements that were removed in 2021 is good maintenance of ordinances which is in the public interest. The amendment to provide greater understanding of the purpose and role of Unified Sign Plans and the manner in which they are used will lead to signage design in commercial service areas that is more consistent with multiple goals and policies in Chapter 2 of the CLRP. Similarly, the amendment to allow the use of metal awnings in commercial zones outside the downtown area allows more flexibility in design and greater durability of architectural elements in a manner that makes the town's standards less burdensome to commercial building developers and owners and increases compliance. The amendment to remove redundant permit requirements for food truck

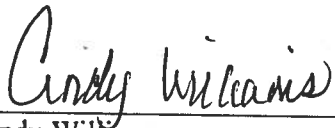
operators is reasonable and consistent with goals in the CLRP to support local entrepreneurship, such as Policy P-11. The amendments to clarify that appeals of Board of Adjustment decisions are made to Superior Court rather than the Town Council and to clarify that members of the Historic District Commission must reside in the planning and zoning jurisdiction are both reasonable and in the public interest because they are increasing compliance with North Carolina laws. The amendment to add a definition of "neighborhood" to the UDO is reasonable and in the public interest because the CLRP uses the word no less than 17 times in the Goals and Policies section and the UDO uses the word many times in a regulatory document to implement the CLRP but no definition of just the word "neighborhood" is given in either document. Adding a definition to the UDO is in the public interest to help decision makers understand the geographical context when the term is used.

FURTHERMORE, BE IT ALSO RESOLVED that the Planning Board recommends that due to the removal of the zoning exemption provision in the UDO, the planning staff work to develop language in the UDO that provides a distinction between signage and murals as public art and a process for review and permitting of murals.

ADOPTED this the 15th day of December, 2022.


Gary Carroll, Chairman

ATTEST:


Cindy Williams
Secretary to the Planning Board

Southern Pines Unified Development Ordinance

Adopted October 8, 2013
Edits through November 15, 2022
Includes G.S. 160D Revisions

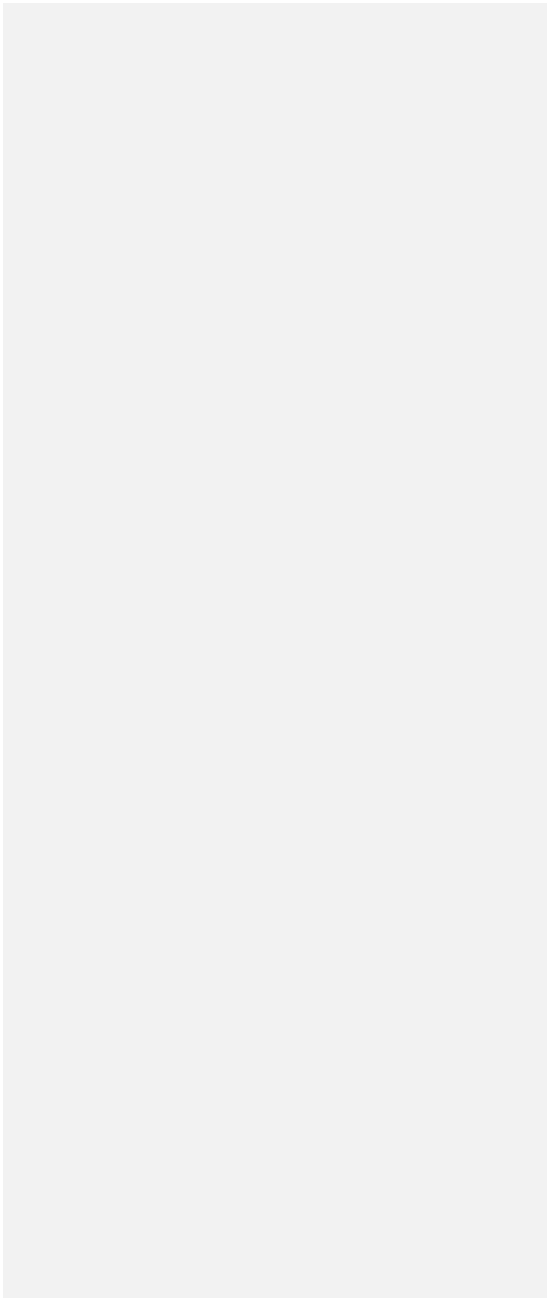


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Amended

11-15-22

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Southern Pines Unified Development Ordinance

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Chapter 1. Administration

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1.1. TITLE

This Code shall be known as the "Unified Development Ordinance of Southern Pines" ("UDO") and may be so cited.

1.2. PURPOSE AND INTENT

1.2.1. Compliance with this Ordinance Required

The UDO intends that no Development shall occur on any public or private property within the jurisdiction of the Town of Southern Pines (Town) until and unless all applicable Development Approvals for the Development have been granted.

1.2.2. UDO to Implement the Comprehensive Plan

The UDO and all Development Approvals issued pursuant to the UDO are designed to implement and be consistent with the goals, objectives, policies, and strategies of the Comprehensive Plan through consistent and effective land Development regulation. The UDO shall implement goals as established by the Town Council, including but not limited to:

- (A) Protect and enhance the commercial and civic vitality of Downtown, including its residential neighborhoods;
- (B) Protect and enhance the civic vitality and function and aesthetic characteristics of Southern Pines' neighborhoods;
- (C) Protect and enhance the aesthetic and functional characteristics of Horse Country throughout the extra-territorial jurisdiction (ETJ) of Southern Pines;
- (D) Protect and enhance public parks, open-space areas and cultural landscapes;
- (E) Contribute to a sustainable, balanced economy, providing community prosperity and fiscal health, improving the Town's economic resilience and self-reliance;
- (F) Improve Southern Pines' interconnectivity with the regional and national transportation network, including rail, highways, and air-travel;
- (G) Protect and enhance Southern Pines' natural environment for present and future generations;
- (H) Maintain the Town's fiscal and physical health and quality of life as defined in the Comprehensive Plan through proactive, long-range planning and implementation;
- (I) Maintain fiscal solvency while providing adequate levels of public services;
- (J) Identify and provide for sufficient land area for future community needs;
- (K) Involve the community in local government planning and decision-making; and
- (L) Retain golf as an essential part of Southern Pines' economy, physical character and culture.

(Ord. #1714)

1.3. CONSISTENCY WITH COMPREHENSIVE PLAN

The Town Council intends this UDO to implement the planning policies adopted by the Council for the Town and its extra-territorial planning area, as reflected in the Comprehensive Plan and all other area or corridor plans if it complies

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with the goals, objectives and policies contained therein. While the Council reaffirms its commitment that this UDO and any amendment to it be in conformity with adopted planning policies, the Council hereby expresses its intent that neither this UDO nor any amendment to it may be challenged on the basis of any alleged non-conformity with any planning document. Any amendments to the UDO, including but not limited to Development approvals, shall be consistent with the adopted Comprehensive Plan, as it may be amended from time to time, in effect at the time of the request for amendment; an adopted area or corridor plans; and the Capital Improvement Plan (CIP).

1.4. ORGANIZATION

This UDO consists of nine Chapters, which are listed below. The appendices include a variety of documents necessary to carry out the provisions of this UDO and are referred to as appendices throughout this document.

Chapter 1 establishes the purposes and applicability of the UDO, as well as providing guidance on its organization and interpretation.

Chapter 2 establishes procedures and criteria for approval of Development applications, as well as changes to this UDO and the Comprehensive Plan.

Chapter 3 establishes zoning districts, creates the official zoning district map and lists the uses allowed in each zoning district.

Chapter 4 establishes Development and design requirements for buildings, sites and subdivisions, which includes rules for infrastructure Development and environmental factors.

Chapter 5 establishes supplemental conditions for specific land uses.

Chapter 6 establishes a variety of Development Patterns that may be established in appropriate areas of the Town's jurisdiction.

Chapter 7 establishes the rules for non-conforming situations and vested rights.

Chapter 8 establishes the rules for administering the UDO, which includes the jurisdiction of the UDO, responsibilities for UDO administration and penalties for violations of the UDO.

Chapter 9 defines the terms used in this UDO

Appendices are administrative rules for the application and enforcement of the UDO that include applications, submittal requirements, landscape planting standards and design standards for infrastructure improvements.

1.5. INTERPRETING THE CODE

This UDO is intended to be administered with the flexibility to respond to unique circumstances of individual properties in ways that best achieve its purposes.

- (A) This UDO establishes many, but not all, of the standards and procedures for Development. Other portions of the Municipal Code, as well as other standards, shall apply to Development, including, but not limited to, building codes, fire codes, utility, street and drainage design and construction standards.
- (B) The issuance of any Development approval pursuant to this UDO shall not relieve the recipient from the responsibility to comply with all other Town, County, State or federal laws, ordinances, rules or regulations.
- (C) References to other regulations or provisions of the UDO are for the convenience of the reader. The lack of a cross-reference does not exempt a land, building, structure, or use from other regulations.
- (D) The UDO contains numerous graphics, pictures, illustrations, and drawings to assist the reader in understanding and applying the UDO. However, to the extent that there is any inconsistency between the text of the UDO and any such graphic, picture, illustration, or drawing, the text controls unless otherwise provided in the specific section.
- (E) Additional rules for interpreting language and the provisions are included in Chapter 9 of this UDO

1.6. APPLICABILITY

1.6.1. Generally

- (A) The use of buildings and land within the Town of Southern Pines is subject to all other regulations, as well as the UDO, whether or not such other provisions are specifically referenced in the UDO.

- (B) Subject to provisions of this UDO regulating non-conformities, no person may use, occupy or subdivide any land or buildings or authorize or permit the use, occupancy or sale of land or buildings under his control except in accordance with all of the applicable provisions of this UDO.
- (C) For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on or in a building or land.
- (D) Agricultural Exemption
 - (1) Agricultural land uses in the Town's ETJ are exempt from the Town land use regulations when the property is used for bona fide farm purposes and those uses are an integral part of the agricultural use.
 - (2) If bona fide agricultural uses occupy a portion of the property, then the agricultural uses on that portion of the property are exempt from the Town's land use regulations.
 - (3) If the primary use is for non-agricultural purposes, then the property is not exempt.
 - (4) If the property is subdivided so that all or portions of the property is no longer a bona fide farm, then such portions are not exempt.
 - (5) For purposes of this section, a bona fide farm use shall be established by the following evidence:
 - (a) A farm sales tax exemption issued by the State Department of Revenue.
 - (b) A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3
 - (c) A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
 - (d) A forest management plan.

(Ord. #1919)

- (E) This UDO does not apply to activities that are exempted by State or Federal law.

1.6.2. Use of Land

Except as herein specifically provided, no building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except under the following circumstances:

- (A) The use shall be permitted in the district in which the use is located, pursuant to chapter 3 of this UDO.
- (B) No more than one Principal Building may be located on one Lot, unless otherwise authorized.
- (C) No mobile home, camper, bus, tractor trailer, or other structure not specifically designed as a permanent residence may be used as an Accessory Structure in a residential district.
- (D) No structure or land shall be occupied or used without first obtaining a Certificate of Occupancy.
- (E) All uses shall comply with all applicable building, life, safety, fire and health codes adopted by the Town and all applicable regulations adopted by the County, State or federal governments.

1.6.3. Subdivision of Land

No land shall be divided or subdivided, except in conformance with this UDO and subject to the following conditions:

- (A) All divisions or subdivisions of land into two (2) or more Tracts, Parcels or Lots that are located within the jurisdiction of the Town shall be subject to the procedures and requirements established herein.
- (B) No subdivision plat shall be filed for record, recorded, or modified until approved in conformance with this UDO.
- (C) No grading, clearing, and grubbing, shall occur prior to the issuance of Engineering Plan, Land Disturbance Permit or Building Permit approval, except for Development of a Single-Family residence on a Lot that is not a part of a larger Common Plan of Development of 30,000 square feet or less in size, in which case an Erosion Compliance Permit shall be required. Minimal clearing of brush or sight lines for purpose of surveying sites shall be allowed.

(Ord. #1919)

1.6.4. Transfer of Land; Permits

No Parcel of land in a subdivision created after the adoption date of this UDO shall be transferred or sold; nor shall a Building Permit or Certificate of Occupancy be issued for any use or structure thereon, until a final plat has been recorded with the Register of Deeds.

(Ord. #1714; Ord. #1919)

1.6.5. Fees

Any action on an application for Development shall be subject to payment of the required fee in the amount established by resolution of the Council. All required fees shall accompany an application, shall be made payable to the Town, and shall be submitted to the Planning Director. All fees are non-refundable.

1.7. UDO TO PROTECT AND PROMOTE HEALTH, SAFETY AND WELFARE

The UDO is designed to protect and promote the health, safety and general welfare of the present and future residents of the Town. The UDO is a police power, public nuisance, environmental and land use regulation designed to establish standards and procedures to promote positive impacts and prevent or mitigate negative impacts from Development on the quality of life in the Town.

1.8. COORDINATION WITH OTHER REGULATIONS

1.8.1. Higher Standards Prevail

Where a regulation contained within the UDO imposes higher standards than those required under another statute, ordinance or regulation, the regulation adopted under the UDO controls. If the other statute, ordinance or regulation imposes higher standards, that statute, ordinance, or regulation controls so long as it is consistent with the purposes, findings and intent of the UDO and with the goals, objectives, policies and strategies of the Comprehensive Plan.

(Ord. #1919)

1.8.2. Issuance of Rules and Regulations for Public Improvements

The Town may promulgate reasonable rules and regulations regarding the design and installation of improvements required pursuant to this UDO. The Planning Director shall prepare such rules for review and approval by the Town Council consistent with application and process requirements for a UDO Text Amendment.

- (A) **Minimum Standard.** Any rule and regulation established shall meet the minimum Town and State standards, but nothing in this section shall prevent the Town from requiring compliance with higher requirements than the State regulations.
- (B) **When Effective.** Rules and regulations issued by the Town shall be effective after approval by the Town Council.

1.8.3. Relationship to Private Agreements

This UDO is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of this UDO are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement, the regulations of this UDO shall govern.

1.8.4. Minimum Requirements

The requirements of this UDO are considered to be the minimum requirements for the promotion of the public health, safety and general welfare. The UDO also shall require that new Development:

- (A) Express and reflect the unique sense of place and the desirable qualities of Southern Pines through innovative and sustainable design and architectural standards for Development;
- (B) Promote the use of the best available technology at reasonable cost, using local, state and federal grants, loans, tax credits and deductions, for installation of energy and resource conservation measures, including green and sustainable building and neighborhood requirements for all public and private buildings, structures and land uses;
- (C) Ensure that building projects are planned, designed, constructed, and managed to minimize adverse environmental impacts; to conserve natural

- resources; to promote sustainable Development; and to enhance the quality of life in Southern Pines;
- (D) Respect historical patterns, precedents, and boundaries in the Development approval process for new Development and reDevelopment;
 - (E) Reflect the transportation network of the region and provide within each Development a framework of transportation alternatives and inter-connectivity, including transit, pedestrian, and bicycle systems to maximize access and mobility throughout the region while reducing dependence upon the automobile; and
 - (F) Place high regard for the protection of individual property rights in appropriate balance with the community's need to implement the goals, objectives, policies and strategies of the Comprehensive Plan.

1.9. ADMINISTERING THIS UDO

This UDO is intended to be administered in an efficient manner that provides appropriate opportunities for public involvement and an efficient Development review process. The roles of the Town Council, Planning Board, Board of Adjustment, other boards and Town staff are established in chapter 8.

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Chapter 2. Development Processes

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PART I - GENERAL PROCEDURES

2.1. PURPOSE

The purpose of this chapter is to establish procedures for filing and processing applications for Development approval. The format is designed to allow users to conveniently determine the steps involved to obtain Development approval.

2.2. PROCEDURAL REQUIREMENTS

No Development is permitted unless all applicable approvals are issued in accordance with this chapter. Development approvals are required for all Development, unless otherwise exempted, to ensure compliance with adopted codes, standards, and laws, and to ensure consistency with the Comprehensive Plan. This part describes procedural elements common to all applications. The

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specific procedures followed in reviewing various applications for Development approval differ. Subsequent sections of this chapter address the procedures and requirements for particular applications. Generally, the procedures for all applications have five common elements:

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

2.3. APPROVALS REQUIRED

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

2.4. AUTHORITY TO CONDITION DEVELOPMENT APPROVALS

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

2.5. CATEGORIES OF DEVELOPMENT APPROVALS

There are three basic categories of Development approvals pursuant to this chapter: legislative, quasi-judicial, and administrative approvals. These are classified in Exhibit 2-1.

Chapter 2. Development Processes

(Ord. #1919)

2.5.1. Legislative Development Approval

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

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

2.5.2. Quasi-Judicial Development Approval

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

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

2.5.3. Administrative Development Approval

- (A) Administrative Development Approvals involve the application of the standards of the UDO to an application by an administrative official or agency (typically the Planning Director, Town Engineer or Town Manager). A public hearing is not required. Administrative approvals may be referred to as administrative decisions. Applications for administrative Development approvals must be made by a person with an interest in the property, such as a landowner, lessee, a person holding an option or contract to purchase or lease or an authorized agent of the landowner. Administrative Development approvals shall be in writing, in print or electronic form.
- (B) No administrative official shall make an administrative decision when a conflict of interest exists, per G.S. 160D-109(c).

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

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Chapter 2. Development Processes

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

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

2.5.5. Authorizing Use or Occupancy before Completion of Development

(A) Subject to TRC comments, Planning Director may authorize the use or the occupancy of Developments prior to completion if:

- (1) The Applicant provides security satisfactory to the Planning Director that is sufficient to ensure that all approval requirements will be fulfilled by a specified date not to exceed twelve (12) months as determined by the Planning Director; and

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

(Ord. #1919)

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

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

Exhibit 2-1: Review Process Overview

Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
Approvals Requiring a Public Hearing:					
Comprehensive Plan Amendment	Legislative Hearing	Planning Board	Town Council	Superior Court	2.16
UDO Text Amendment	Legislative Hearing	Planning Board	Town Council	Superior Court	2.17
UDO Map Amendment	Legislative Hearing	Planning Board	Town Council	Superior Court	2.17
Planned Development District:					2.18
Pre-Application Conference (required)	---	---	---	---	2.5.7 / Advisory
Neighborhood Meeting (required)	---	---	---	---	2.15 / Applicant responsibility
Conceptual Development Plan	Legislative Hearing	Planning Board	Town Council	Superior Court	2.18.4
Preliminary Development Plan (includes contingent zoning approval, preliminary plat approval is a quasi-judicial decision)	Evidentiary Hearing	Planning Board	Town Council	Superior Court	2.18.5

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Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
Development Agreement (optional)	Legislative Hearing	Town Manager	Town Council		2.20.7
Final Development Plan (includes final zoning approval and may include Final Plat approval)		Planning Director/TRC	Planning Director	Town Council	2.18.7
Major Subdivision:					2.20
Pre-Application Conference (required)	---	---	---	---	2.20.2 / Advisory
Neighborhood Meeting (recommended)	---	---	---	---	2.20.3 / Applicant responsibility
Preliminary Plat (includes SUP approval)	Evidentiary Hearing	Planning Board	Town Council	Superior Court	2.20.4
Development Agreement (optional)	Legislative Hearing	Town Manager	Town Council		2.20.7
Final Plat (includes final SUP approval)	---	Planning Director/TRC	Planning Director	Town Council	2.20.8
Special Use Permit	Evidentiary Hearing	Planning Board	Town Council	Superior Court	2.21
Variance	Evidentiary Hearing	Planning Director	Board of Adjustment	Superior Court	2.22
Appeals	Evidentiary Hearing	Planning Director	Board of Adjustment	Superior Court	2.23
Vested Rights Determination	Evidentiary Hearing	Planning Director	Town Council	Superior Court	2.24
Development Approval Revocation	Evidentiary Hearing	Planning Director	Planning Board	Town Council	2.25
Architectural Compliance Permit (greater than 3,500 square feet)	---	Planning Director	Town Council/ Planning Director	Superior Court	2.26 / Mixed-use and non-residential only
Certificate of Appropriateness – Major Work	Evidentiary Hearing	Planning Director	Historic District Commission	Board of Adjustment	2.28
Vacations of Streets and Alleys	Legislative Hearing	Planning Director/TRC	City Council	Superior Court	2.29
Approvals NOT Requiring a Public Hearing:					
Minor Subdivision (includes lot splits, lot consolidation, dedications, and conveyances to the public)	---	TRC	Planning Director	Town Council	2.32
Vacations of, Easements or Plats	---	Planning Director/TRC	Town Council	District Court	2.33
Plats, Amending	---	TRC	Planning Director	Town Council	2.34
Zoning Permit / Change of Use	---	TRC	Planning Director	Board of Adjustment	2.35

Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
Land Disturbance Permit (Grading and Erosion Control Plan)	---	TRC	Planning Director	Board of Adjustment	2.36
Building Permit	---	TRC	Planning Director	Board of Adjustment	2.37 / TRC review not required for detached single-family dwellings
Certificates of Occupancy	---	TRC	Planning Director	Board of Adjustment	2.39
Floodplain Development Permit	---	TRC	Planning Director	Board of Adjustment	2.40
Sign Permit	---	TRC	Planning Director	Board of Adjustment	2.41
Driveway Permit / Right-of-Way Permit	---	TRC	Planning Director	Board of Adjustment	2.42
Home Occupation Permit	---	TRC	Planning Director	Board of Adjustment	2.43
Temporary Use Permit	---	TRC	Planning Director	Town Council	2.44
Certificate of Appropriateness – Minor Work	---	Planning Director	Planning Director	Historic District Commission	2.45
Administrative Relief	---	TRC	Planning Director	Board of Adjustment	2.46
Watershed Protection Permit (inside of CB zoning district)	---	TRC	Planning Director	Town Council	2.47
Watershed Protection Permit (outside of CB zoning district)		Planning Director	Town Council	Superior Court	2.47
Site Plan (Engineering and Construction Plans)	---	Planning Director Town Engineer Fire Marshal	TRC	---	2.20.5 / 2.48
Improvement Guarantees (optional)	---	TRC	Town Manager	---	2.20.6

(Ord. #1714; Ord. #1716; Ord. #1703; Ord #1890; Ord. #1919)

2.5.6. Burden of Persuasion Regarding Approval

- (A) The Applicant has the burden of producing sufficient substantial, competent and material evidence for the Hearing Body to conclude that the requirements of the applicable ordinance(s) have been met. If the Applicant shows they meet all the requirements of this UDO, the Applicant is entitled to approval. If the Applicant fails to produce sufficient evidence

to show they meet all the criteria, then the Hearing Body may deny the application or impose conditions to ensure compliance with this UDO.

- (B) Regarding appeals, neither party has the burden of proof or any right to any affirmative decision. An appeal of an administrative decision presents a question of law, which the Hearing Body considers de novo, meaning the Hearing Body is not bound by the ordinance interpretation of Town staff. Instead, the Hearing Body must interpret the ordinance to reflect the Town Council's intent when it adopted the ordinance. The Hearing Body shall not

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reverse or modify an administrative decision unless it finds that the administrative officer erred in the application or interpretation of the terms of this UDO or related policies adopted by the Town.

2.5.7. Pre-Application Conference

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

2.5.8. Application Requirements

- (A) Appendix A of this UDO lists the detailed submittal requirements for each application listed in this chapter. Requests for any Development approval required by this UDO shall be made on applications provided by the Planning Department, which may include submittal requirements, instructions for completing forms, internal procedures for filing of applications, and provisions for waiver by establishing administrative guidelines. All Applicants shall complete a written application containing the information established in Appendix A of this UDO.
- (B) Applications for Development approvals will be accepted only from the owners or lessees of property, persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this chapter, or the agents of such persons. The Planning Director shall require evidence of the Applicant's authority to submit the application when there is a reasonable basis for questioning this authority.

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

2.5.9. Official Filing Date

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

2.5.10. Application Processing

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

2.5.11. Computation of Time

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

2.5.12. Streamlining the Review and Approval Process

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

2.5.13. Applications to be Processed Expeditiously

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

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Southern Pines Unified Development Ordinance

2.5.14. Continuance

- (A) Nothing in this section precludes an Applicant and the Planning Director from mutually agreeing to a continuance or extension of any time limit provided by this section.
- (B) If the Planning Director receives the written request for a continuance at least seven (7) days prior to the public hearing at which the application is scheduled to be heard, the Applicant's request for a continuance will be automatically granted. An Applicant is not entitled to more than two (2) automatic continuances.
- (C) If the Planning Director receives the written request for a continuance less than seven (7) days prior to the public hearing at which the application is scheduled to be heard, the Applicant is not entitled to an automatic continuance. The Hearing Body will consider the request for a continuance and shall only grant such request upon a demonstration by the Applicant of good cause for a continuance.
- (D) If an Applicant receives a continuance, the Applicant shall reimburse the Town for all advertising costs associated with rescheduling the public hearing for the application. If the Applicant does not reimburse the Town for such costs by ten (10) days prior to the rescheduled hearing, the hearing will be cancelled and the application will be deemed withdrawn.

(Ord. # 1716; Ord. #1919)

2.5.15. Staff Consultation after Application Submitted

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

2.5.16. Withdrawal of Pending Applications

- (A) An Applicant may withdraw an application at any time prior to issuance of a Development Approval. The Applicant shall provide written notice of the withdrawal to the Planning Director.

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

2.6. COMPLETENESS REVIEW

2.6.1. Applications to Be Complete

- (A) No application is considered to have been submitted under this ordinance unless it is complete, all the information required herein is included, and all filing fees have been paid. The Planning Director shall determine whether an application has been submitted by conducting a completeness review pursuant to this section.
(Ord. #1919)
- (B) Additional information may be required by the Permit Issuing Authority to decide whether or not the Development, if completed as proposed, will comply with all of the requirements of this chapter. Failure to provide additional required information may result in application denial. The presumption established by this UDO is that all required application information is necessary.
- (C) Review for completeness of application forms is solely for the purpose of determining whether preliminary information required for submission with the application is sufficient to allow further processing, and shall not constitute a decision as to whether application complies with the provisions of the UDO.
- (D) The Planning Director may agree to process an application without all required information at the risk to the Applicant that the decision-making body may later require the information prior to acting on the application.

2.6.2. Time Limits for Completeness Determination

- (A) Not later than five (5) business days after the Planning Director has received an application, the Planning Director shall determine in writing whether the application is complete and shall immediately transmit the determination to the Applicant.
- (B) If the application requires review by any other local or special district, or regional, state, or federal agency or entity, the Planning Director shall within five (5) business days transmit the application to such agency or entity requesting written comments within thirty (30) days. In such case, the Planning Director shall have forty-five (45) days to render a decision.
- (C) If the written determination is not made within the five (5) or forty-five (45) day period, whichever is applicable, after receipt of the application, the application shall be deemed complete for purposes of this chapter. Upon receipt of any re-submittal of the application, a new five (5) day period shall begin, during which period the Planning Director shall determine the completeness of the application.
- (D) If the application, together with the submitted materials, is determined not to be complete:
 - (1) The Planning Director shall specify in writing the information required.
 - (2) The Applicant may resubmit the application with the information required by the Planning Director or may appeal that decision in writing to the Planning Board.
 - (3) The Planning Board shall render a final written determination on the appeal not later than the next available meeting after receipt of the Applicant's written appeal.

2.7. FAILURE TO ACT

If a Reviewing Body has failed to convene a quorum or to make a recommendation approving or denying such action at two (2) consecutive meetings, such action, at the option of the Applicant, shall be deemed to be a negative recommendation. The Planning Director shall then submit the application to the Town Council for its consideration.

Amended

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2.8. DEVELOPMENT APPROVALS**2.8.1. Expiration of Development Approval**

- (A) Unless otherwise identified in this chapter or specified in the approval, a valid Development approval shall not expire if work on the project has substantially commenced within twenty-four (24) months of the date of issuance of the approval. Substantial commencement of work shall be determined by the Planning Director to have occurred when there is substantial construction, erection, alteration, excavation, demolition or similar work authorized by such permits.
- (B) Even if work has substantially commenced, a Development approval expires if Development work is intentionally and voluntarily discontinued for a period of not less than twenty-four (24) consecutive months, as calculated and tolled pursuant to G.S. 160D-108.

*(Ord. #1919)***2.8.2. Extension of Development Approval**

- (A) Except as specifically provided in this chapter, the Permit Issuing Authority may extend the approval for a period of up to twelve (12) months if it concludes:
 - (1) The approval has not yet expired;
 - (2) The approval recipient has proceeded with due diligence and in good faith; and
 - (3) Conditions have not changed so substantially as to warrant a new application.
- (B) Successive extensions may be granted for periods up to twelve (12) months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.

*(Ord. #1714; Ord. #1919)***2.8.3. Effect on Successors and Assigns**

Development approvals are transferable if the use of land or structures or any portion thereof subject to the approval continues to comply with all the terms and requirements of that approval.

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2.8.4. Amendments to Development Approvals

- (A) The Planning Director may authorize Minor Amendments to Development Approvals upon finding that the amendment has no discernible impact on neighboring properties, the general public or those intended to occupy or use the proposed Development.
- (B) All other requests for changes in approved plans will be processed as a modification to the original application, and new conditions may be imposed only on the specific site or area requested to be modified. The Applicant retains the right to withdraw the request for an amendment and may then proceed in accordance with the previously issued permit.
- (C) A vested right established in accordance with this UDO shall not be extended by any amendments or modifications to a Development Approval unless expressly provided for by the Town Council.

2.8.5. Permit Choice

If this ordinance is amended between the time a complete Development permit application is submitted and a Development permit decision is made, the Development permit applicant may choose which adopted version of the ordinance will apply to the Development permit.

- (A) If the applicant chooses the version of the ordinance applicable at the time of the complete application, the applicant shall not be required to await the outcome of the amendment to the ordinance prior to acting on the Development permit.
- (B) If a Development permit application is placed on hold at the request of the applicant for a period of six (6) consecutive months or more, or the applicant fails to respond to comments or provide additional information reasonably requested by the Town or State government for a period of six (6) consecutive months or more, the application review is discontinued and the Development regulations in effect at the time permit processing is resumed apply to the application.
- (C) When multiple Development permits are required to complete a Development project, the Development permit applicant may choose the version of each of the local land Development regulations applicable to the

project upon submittal of the application for the initial Development permit. This provision is applicable only for those subsequent Development permit applications filed within eighteen (18) months of the date following the approval of an initial permit.

(Ord. #1919)

2.8.6. Vested Rights

A vested right is a period of time within which amendments to this ordinance or other local Development regulations are not applicable or enforceable to a valid Development approval. Once established, vested rights as described herein run with the land. An applicant may seek an administrative determination of vested rights pursuant to section 2.24. Types and durations of vested rights are as follows:

(A) Development Permit:

- (1) A Development permit is any Development approval that does not otherwise qualify for a longer period of vested rights as described below.
- (2) A Development permit is vested for so long as the permit remains valid pursuant to this ordinance.

(B) Site-Specific Vesting Plans:

- (1) Planned Developments, Special Use Permits, Major Subdivision Preliminary Plats and Conditional Zoning Districts are types of Development permits that may include a site-specific vesting plan.
- (2) A site-specific vesting plan shall, at a minimum, contain the information required for the type of application as established in Appendix A of this UDO.
- (3) An applicant must specifically include a document identified as a site-specific vesting plan with an application for Development approval, and the Town Council shall specify the document that constitutes the approved site-specific vesting plan at the time of approval.
- (4) A site-specific vesting plan is valid for twenty-four (24) months from the date of issuance of the Development permit.

(C) **Multi-Phased Development:**

- (1) A multi-phased Development is any Development containing 25 acres or more that is both submitted for Development permit approval to occur in more than one phase and is subject to a master Development plan with committed elements showing the type and intensity of use of each phase.
- (2) A multi-phased Development is vested for the entire Development in the land Development regulations in place at the time a site plan approval is granted for the initial phase of the multi-phased Development.
- (3) A multi-phased Development is valid for seven (7) years from the date a site plan approval is granted for the initial phase of the multi-phased Development.

(D) **Development Agreement:** A Development agreement vests the Development project in the manner, and for the duration, specified in the agreement.

(E) **Common Law:** Common law vested rights may exist within a reasonable time and may be established following such time as determined pursuant to the criteria and process described in section 2.24.

(Ord. #1919)

2.9. PHASED DEVELOPMENT

An Applicant may submit plans that show multiple phases provided that:

- (A) The requirements of this UDO will be satisfied with respect to each phase.
- (B) A phasing plan shall be approved by the Town that designates a date or event by which substantial work on each phase will begin and be completed.
- (C) If a Development that is to be built in phases includes improvements that benefit the entire Development, then the Applicant shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases.

- (D) Once a schedule has been approved and made part of the approval by the Permit Issuing Authority, no land may be used, buildings occupied or subdivision Lots sold except in accordance with the approved schedule unless otherwise provided in this chapter.

2.10. NOTICE

2.10.1. Generally

- (A) The notice requirements for each type of application are established in Exhibit 2-2 and as prescribed in the individual subsections of this chapter and/or the state statute. For any inconsistency between the provisions of this chapter and state statute, the state statute governs.
- (B) Any defective notification of a required Town procedure, not otherwise required by State or Federal law, shall not invalidate the proceedings if the defect is determined to be harmless by the Decision-Making Authority.
- (C) The Planning Director shall make every reasonable effort to comply with the notice provisions set forth in this chapter and shall document such notice.

2.10.2. Content

- (A) Posted notices shall indicate the following information:
 - (1) The Development approval requested; and
 - (2) Contact information for persons seeking additional information about the application.
- (B) Published, mailed and internet notice shall include:
 - (1) A description of the property subject to the application that includes the street address or if the street address is unavailable the legal description and the real property tax assessment roll Parcel number;
 - (2) A brief description of the proposed Development, including, current and revised zoning classification (if any); and
 - (3) Notice that the full permit request application can be reviewed at the office of the Planning Director.

2.10.3. Format and Timing

- (A) **Published Notice.** Notice shall be given once a week for two consecutive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten (10) days nor more than twenty-five (25) days before the date set for the Town Council hearing.
- (B) **Mailed Notice.** Notice shall be mailed to the owners of all properties involved in the permit request as well as to the owners of all properties any portion of which is within two hundred (200) feet (not counting streets, railroads, or other transportation corridors) of the outermost boundaries of the property owned by the applicant. Not fewer than the ten (10) closest property owners shall be notified by mail. Notice must be mailed at least ten (10) but not more than twenty-five (25) days prior to the hearing date
- (C) **Posted Notice.** At least one (1) sign shall be posted at least ten (10) but not more than twenty-five (25) days prior to the hearing in conspicuous places visible from each street along the frontage of the subject property. Signs shall be in a form approved by the Planning Director with words clearly describing the Development approval (zoning decision or subdivision decision) in six (6) inch tall lettering and the planning department phone number clearly legible from the street.
- (D) **Internet Notice.** A copy of the notice shall be posted on the Town's website from at least ten (10) days prior to the initial hearing until the proceeding has been completed.

(Ord. #1746; Ord. #1919)

2.11. EXEMPTION FROM THE UDO (RESERVED FOR FUTURE CODIFICATION PURPOSES)

- (A) ~~In considering an exemption from the requirements of this UDO, the Town Council may approve the exemption, provided that it makes findings,~~

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~~based on the evidence presented, regarding at least one of the following criteria:~~

- ~~(1) The exemption is in the public interest and is not contrary to health, safety, and welfare considerations;~~
- ~~(2) The exemption is necessary for the petitioner or the Town to comply with or conform to federal or state law; or~~
- ~~(3) The exemption is necessary to avoid or resolve any alleged violation of rights afforded to any person under federal or state law caused by the enforcement of any regulation of the UDO.~~

~~(B) The Town Council shall either grant or deny the exemption within thirty (30) days of the conclusion of the public hearing at which it considers the exemption. The Town Council may request additional information from the petitioner, may continue the hearing from time to time to consider the petition and all pertinent information. The Council may grant the exemption in full or in part subject to conditions that are related to public health, safety and welfare.~~

~~(C) If the Town Council grants the exemption in full or in part, it shall prepare a written order that approves the exemption. If appropriate, the order may contain conditions relating to the exemption. If the Town Council denies the exemption, it shall issue a written decision that identifies the reasons for the denial and shall provide a copy of the decision to the Applicant.~~

~~(D) Temporary Certificate of Compliance. The petitioner may file a written request with the Town Council for a temporary certificate of compliance to allow the use or activity pending a final order of the exemption request.~~

~~(E) The Council may approve deviations from the provisions of this UDO through Planned Development (section 2.18) and Special Use Permit (section 2.21) approvals.~~

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

Commented [BG2]: Per comments from Town Attorney, the variance process is the method that is authorized for granting "exemptions" to the provisions of adopted local zoning.

Also, "reserving" this Section 2.11 rather than deleting entirely because otherwise all sections after this get re-numbered and all cross references elsewhere (in application forms, reports, etc.) all have to be changed and this historically creates a LOT of unnecessary confusion.

Exhibit 2-2: Notice Requirements

Development Application	Review Process	Publication	Mail	Signage	Internet
Comprehensive Plan Amendment	Legislative Hearing	✓			✓
UDO Text Amendment	Legislative Hearing	✓*			✓
UDO Map Amendment	Legislative Hearing	✓*	✓	✓	✓
Planned Development District					
Conceptual PD Plan	Legislative Hearing	✓	✓	✓	✓
Preliminary PD Plan	Evidentiary Hearing	✓	✓	✓	✓
Final PD Plan	Administrative				
Major Subdivision					
Preliminary Plat	Evidentiary Hearing		✓	✓	✓
Final Plat	Administrative				
Development Agreement	Legislative Hearing	✓	✓	✓	✓
Special Use Permit	Evidentiary Hearing		✓	✓	✓
Variances	Evidentiary Hearing		✓	✓	✓
Appeals	Evidentiary Hearing		✓	✓	✓
Vested Rights Determination	Evidentiary Hearing		✓	✓	✓
Development Approval Revocation	Evidentiary Hearing	✓	✓	✓	✓
Certificate of Appropriateness – Major Work	Evidentiary Hearing		✓	✓	✓
Vacations of Streets or Alleys	Legislative Hearing	✓*	✓	✓	✓
Vacations of Easements or Plats	Legislative Hearing	✓*			✓

* Additional notification requirements in applicable procedures section
 (Ord. #1714; Ord. #1716; Ord. #1703; Ord. #1919)

PART II – APPROVALS REQUIRING A PUBLIC HEARING

2.12. GENERALLY

The following requirements apply to all public hearings:

2.12.1. Continuances and Deferrals

The Hearing Body shall consider requests for continuances and may grant continuances in its sole discretion. If, in the opinion of the Hearing Body, any testimony or documentary evidence or information presented at the hearing justifies allowing additional research or review to evaluate the issue presented, then the Hearing Body may continue the matter to a date and time certain to allow for such research or review.

2.12.2. Modification of Application at Hearing

- (A) In response to questions or comments by person appearing at the hearing or to suggestions or recommendations by the Hearing Body, the Applicant may agree to modify the application, including the plans and specifications submitted.
- (B) Unless such modifications are so substantial or extensive that the Hearing Body cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the Hearing Body may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the planning staff.
- (C) No modification may allow a more intensive zoning district or use than advertised for the public hearing.
(Ord. #1714)

2.12.3. Record of Proceedings

The Hearing Body shall record the minutes of the proceedings by any appropriate means as prescribed by rule and consistent with statute and case law. Such record shall be provided at the request of any person upon application to the Planning Director and payment of a fee set by the Town Council to cover the cost of duplication of the transcribed record.

2.13. LEGISLATIVE HEARING PROCEDURES

2.13.1. Purpose

The purposes of legislative public hearings are to:

- (A) Obtain public input on decisions on matters of policy. Legislative public hearings are generally less formal than evidentiary public hearings. They typically affect numerous properties or the entire jurisdiction.
- (B) To provide the public with an opportunity to be heard consistent with procedures provided by statute.
- (C) To secure citizens' comments on a specific policy proposal.
(Ord. #1919)

2.13.2. Conduct of Hearing

- (A) Any party may appear at any legislative hearing, in person, or by agent or attorney.
- (B) Public hearings on legislative zoning decisions must be conducted in a fair and impartial manner, but the formalities of an evidentiary hearing (oaths, exhibits, cross-examinations, avoiding gathering evidence outside of the hearing, and the like) need not be observed.
- (C) The deliberations of the Hearing Body shall be guided by Robert's Rules of Order (most current edition). The Town may adopt reasonable rules governing the conduct of the public hearing, including but not limited to rules:
 - (1) Fixing the maximum time allotted to each speaker;
 - (2) Providing for the designation of spokesmen for groups of persons supporting or opposing the same positions;
 - (3) Providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall; and
 - (4) Providing for the maintenance of order and decorum in the conduct of the hearing.

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- (D) The Hearing Body may question the Applicant, other parties, witnesses and Town staff at any time during the hearing.
- (E) The Hearing Body may receive petitions, hear personal opinions or talk to members of the public about the issue prior to the hearing.
- (F) Although no written findings of fact or explanation of the decision is required, the Chair may decide that the Hearing Body should make findings of fact and conclusions as to applicable standards and any conditions. The Chair may direct the Planning Director or Town Attorney to draft a written decision for approval by the Hearing Body at its next regularly scheduled meeting, which approval may be on a consent agenda.
- (G) Members of the Hearing Body shall not vote on any legislative decision regarding a Development regulation where the outcome on the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member, nor where the applicant is a person with whom the member has a close familial, business, or other associational relationship. If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

(Ord. #1919)

2.14. EVIDENTIARY HEARING PROCEDURES

2.14.1. Purpose

Quasi-judicial decisions made at evidentiary public hearings must be based upon and supported by the "record" developed at the hearing. Evidentiary hearings are subject to stricter procedural requirements than legislative hearings. Evidentiary hearings are a formal means of gathering evidence before a decision is made in the application of the UDO to an individual situation. These hearings are much like a court proceeding--witnesses present testimony, exhibits are submitted, detailed minutes are kept, and a formal written decision is rendered. In making quasi-judicial decisions, decision makers must investigate facts or ascertain the existence of facts; hold hearings; weigh evidence; and draw conclusions from them as a basis for their official action; and exercise discretion of a judicial nature. In the land use context, these quasi-judicial decisions involve the application of land-use policies to individual

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properties as opposed to the creation of policy. These decisions involve two key elements:

- (A) The finding of facts regarding the specific proposal; and
- (B) The exercise of discretion in applying the standards of the ordinance.
(Ord. #1919)

2.14.2. Due Process Required

Due process requirements for quasi-judicial decisions mandate that all fair trial standards be observed when these decisions are made. This includes an evidentiary hearing with the right of the parties to offer evidence; cross-examine adverse witnesses; inspect documents; have sworn testimony; and have written findings of fact supported by competent, substantial, and material evidence.

2.14.3. Responsibilities of the Chairperson

- (A) The Chair shall:
 - (1) Preside over the hearing.
 - (2) Recognize speakers and members of the Hearing Body before they may be heard.
 - (3) Rule on any objections or requests from participants in the hearing regarding the procedure of the hearing, evidence presented, or jurisdictional issues. The chair's rulings may be appealed to the full board.
- (B) The Chair may:
 - (1) Rule on the competence (i.e. the admissibility) of evidence with or without an objection from a participant.
 - (2) Place reasonable and equitable limitations on the presentation of evidence, arguments, and cross-examination of witnesses so that the matter at hand is heard without undue delay. Adequate time shall be provided for presentation of all evidence as provided in section 2.14.7.

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- (3) Impose additional requirements and take actions as may be necessary or desirable to facilitate the fair and efficient conduct of the hearing and other agenda items. Additional requirements or actions may include requiring witnesses to sign up in advance of the hearing allocating reasonable time for each side to present their testimony and evidence, limiting the overall time for the hearing, and delaying a hearing to a later point in the agenda or continuing the hearing to a later meeting.

(Ord. #1919)

2.14.4. Responsibilities of the Hearing Body

- (A) Members of the Hearing Body must make their decision solely on the written, graphic and oral evidence presented and cannot consider information obtained through independent research or undisclosed ex parte communications.
- (B) Members may view the premises at issue before the hearing so long as the members disclose the site visit and any facts or information gleaned from the site visit that are relevant to the case.
- (C) Members must disclose any specialized knowledge they may have that is relevant to the case.
- (D) Members of the Hearing Body shall not engage in ex parte communications about upcoming or ongoing cases with any parties or other members of the Hearing Body, and at the commencement of the hearing, members must disclose any intentional or inadvertent ex parte communications.
- (E) Members may receive administrative materials containing applications, reports, and other general, technical information pertaining to the case from Town staff prior to the hearing, but the Town staff shall provide the information at the same time to the applicant and to the landowner if that person is not the applicant and to all during the hearing before the entire Hearing Body.

(Ord. #1919)

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2.14.5. Responsibilities of Witnesses

- (A) Witnesses shall observe time limits imposed on testifying unless the Chair grants additional time for good cause shown.
- (B) Witnesses shall avoid all hearsay evidence.
- (C) Witnesses shall focus their testimony on the applicable criteria. Unless they are a qualified expert or have knowledge of the preparation and implementation of the specific site's Development or use, witnesses are not competent to testify about matters that require special training or expertise. Non-expert witnesses are competent to testify about facts known to them and their opinion so long as it is not about matters that require special training or expertise.

2.14.6. Conduct of Hearing

- (A) The hearing shall be conducted in accordance with the procedures set forth in this UDO, by statute and by case law. If a quorum of the hearing body is not present, the hearing shall be continued until the next regular meeting without further advertisement.
- (B) The deliberations of the Hearing Body shall be guided by Robert's Rules of Order (most current edition). The Town may adopt reasonable rules governing the conduct of the public hearing, including but not limited to rules:
 - (1) Fixing the maximum time allotted to each speaker;
 - (2) Providing for the designation of spokesmen for groups of persons supporting or opposing the same positions;
 - (3) Providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall; and
 - (4) Providing for the maintenance of order and decorum in the conduct of the hearing.
- (C) The applicant(s), Town staff, and persons with standing shall have the right to participate as a party at the hearing. Any person or persons may appear

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at a public hearing and submit competent, material, and substantial evidence, either individually or as a representative. Each person who appears at a public hearing shall state for the record his/ her name, address, and, if appearing on behalf of an organization or group, the name and mailing address of the organization or group.

- (D) All testimony, including from Town staff, must be sworn testimony. All persons wishing to speak will be given a reasonable time in which to be heard; however, groups are encouraged to select a spokesperson to speak for the group in order to avoid repetitive testimony. Inflammatory, irrelevant, repetitive and incompetent testimony and hearsay is not permitted.
- (E) At any point, members of the Hearing Body may ask questions of the Applicant, staff, or public, or of any witness, or require cross-examination to be conducted through questions submitted to the chair, who will direct the questions to the witness.
- (F) The order of proceedings for each evidentiary hearing should be as follows:
 - (1) All persons, including Town staff, who intend to present evidence must be sworn in.
 - (2) Members of the Hearing Body should disclose the following:
 - (a) Any site visits,
 - (b) Ex parte communications,
 - (c) Specialized knowledge they have relevant to the case,
 - (d) Whether they have a fixed opinion that is not susceptible to change based on what they learn at the hearing;
 - (e) Whether they have a close familial, business or other relationship with the Applicant or other affected person;
 - (f) Whether they have a financial interest in the outcome of the case; and
 - (g) Any other information relevant to determining whether a conflict of interest exists.

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- (3) The Planning Director should present the staff report. Evidence and exhibits that were not provided by the deadline in advance of the hearing shall be given to the Applicant and any opposing party. If an exhibit is presented it becomes part of the record and will not be returned.
- (4) The Applicant and a representative of an opposing party may present brief opening statements that shall only be considered as argument and not testimony.
- (5) The Applicant shall present the arguments and evidence in support of the application, and address applicable approval criteria.
 - (a) Members of the Hearing Body or any attorney representing the Hearing Body or the Town may ask questions for clarification.
 - (b) If all parties are represented by attorneys, opposing parties may ask questions of (cross-examine) the Applicant (if the Applicant testifies) or supporting witnesses at this time.
 - (c) If those opposed to the Applicant are not represented by attorneys, the Chair may delay cross-examination until all sides present their arguments and evidence.
- (6) Persons opposed to granting the application shall present the arguments and evidence against the application based on the applicable approval criteria.
 - (a) Members of the Hearing Body or any attorney representing the Hearing Body or the Town may ask questions for clarification.
 - (b) The Applicant may cross-examine the speaker or opposing witnesses at this time.
- (7) If cross-examination was not done at the conclusion of each side's case, then both sides will be permitted to cross examine previous witnesses.
 - (a) Those who oppose the application should cross examine the Applicant (if the Applicant testified) and the Applicant's supporting witnesses first.

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- (b) Then the Applicant may cross examine those witnesses who spoke in opposition to the application.
- (8) Both sides will be permitted to present rebuttals to opposing testimony. Both sides may, as necessary, object to incompetent evidence and testimony (such as improper lay opinion testimony and hearsay) offered by other witnesses. The Chair shall rule on such objection.
- (9) Unless the Chair continues the public hearing to a publicly stated date, time and location, the Chair shall close the period for public discussion and the Hearing Body shall publicly discuss the case without further general input from the public. Members of the Hearing Body, however, may seek clarification or ask questions of persons previously sworn on any piece of evidence presented. Cross-examination and rebuttals may be made only on new evidence presented. The Hearing shall be closed after Hearing Body deliberations are complete.
- (10) Unless the public hearing has been continued, the Hearing Body shall render a decision on the matter, or, if it so chooses, recess the case to a publicly stated date, time and location, which should generally be the next regular meeting of that body.
- (11) A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the Hearing Body, which shall generally be the next scheduled meeting. As part of the written decision, the Hearing Body must make findings of fact and conclusions as to applicable standards and any conditions. The Chair may direct the Planning Director or Town Attorney to draft a written decision for approval by the Hearing Body at its next regularly scheduled meeting, which approval may be on a consent agenda.

(Ord. #1919)

2.14.7. Evidence

- (A) The Hearing Body's decision must be based on substantial, competent, and material evidence. Substantial evidence is "that which a reasonable mind would regard as sufficiently supporting a specific result." Competent

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- evidence is evidence that can be subjected to cross-examination, inspection, explanation and rebuttal. Material evidence is evidence that is relevant to the issue being considered by the Hearing Body.
- (B) As a general rule, anyone with knowledge material to the case may provide factual information, but only experts may provide opinion testimony. Except as provided in G.S. 160D-1402(j)(3), lay witnesses may provide opinion testimony, but this testimony is generally deemed incompetent unless it is corroborated by competent evidence.
 - (C) Competent evidence shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:
 - (1) The use of property in a particular way would affect the value of other property.
 - (2) The increase in vehicular traffic resulting from a proposed Development would pose a danger to the public safety.
 - (3) Matters about which only expert testimony would generally be admissible under the rules of evidence.

2.14.8. Findings of Fact

- (A) To either approve or deny an application, the Hearing Body must make findings of facts. The findings of fact are a summation of the facts presented that the members of the Hearing Body think are relevant to the application.
- (B) Hearing Bodies shall investigate facts or ascertain the existence of facts, weigh evidence and make final findings of fact applicable to the specific proposal as a basis for their official action.

(Ord. # 1716)

2.14.9. Conclusions of Law

- (A) To either approve or deny an application, the Hearing Body also shall make conclusions of law. Conclusions of law are the application of specific standards and criteria in this UDO that are relevant to the application by the Hearing Body.

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- (B) Hearing Bodies shall exercise their discretion applying the standards and criteria of this UDO and draw conclusions from them as a basis for their official action.

(Ord. # 1716)

2.15. NEIGHBORHOOD INFORMATION MEETINGS

2.15.1. Purpose

- (A) Encourage Applicants to pursue early and effective communication with the affected public in conjunction with applications, giving the Applicant an opportunity to understand and attempt to mitigate potential adverse impacts of the proposed project on the adjoining community and to educate and inform the public; and
- (B) Provide citizens and property owners of affected areas with an opportunity to learn about applications.

2.15.2. Applicability

- (A) The Town strongly encourages Applicants to meet with surrounding neighborhoods prior to filing an application for a Development approval requiring a public hearing.
- (B) The applicant should confer with the Planning Director during a pre-application meeting to determine the most effective means of communicating with neighboring property owners, which may include formal or informal meetings with individuals or groups.
- (C) The Applicant shall hold a formal neighborhood information meeting when Conceptual Development Plan approval for a PD or Conceptual Master Plan approval in the Morganton Road Overlay District is sought.

2.15.3. Notice, Meeting

The following provisions apply to any required neighborhood information meeting. Compliance with this section is voluntary for Applicants who voluntarily meet to neighboring property owners

- (A) The Applicant shall at a minimum, mail notice to all owners of property located within two hundred (200) feet of the boundaries of the property

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subject to the application and to the Planning Director. Mailed notice shall be sent to no fewer than the ten (10) nearest distinct property owners.

- (B) Notice shall be mailed and posted on the site of the proposed Development in accordance with section 2.10.
- (C) The Applicant shall be responsible for securing a location and conducting the informational meeting to discuss the proposed Development with affected property owners. Required information meetings shall be conducted at a location within the Town.

2.15.4. Record

- (A) The Applicant shall provide a written report on the results of its citizen participation efforts to the Planning Director, which shall be forwarded to the applicable Hearing Body. The report shall include the following information:
 - (1) Copies of graphics presented at the meeting;
 - (2) A copy of the sign-in sheet showing attendees;
 - (3) Representations made by the Applicant regarding the proposed Development; and
 - (4) A summary of public comments and responses provided by the Applicant.

2.16. COMPREHENSIVE PLAN AMENDMENTS

This section applies to any amendment to the Comprehensive Plan or to the preparation or amendment of an area or corridor plan that is adopted as part of the Comprehensive Plan.

2.16.1. Approval Process Overview

The approval process and typical timing for Comprehensive Plan amendments are summarized in Exhibit 2-3 and 2.4. Actual timing may vary based on the date of submittal and scheduled hearing dates.

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Exhibit 2-3: Approval Process Summary

Plan Amendment Process
Application, Review and Notice
Planning Board Public Hearing
Town Council Public Hearing

Exhibit 2-4: Typical Timing

Plan Amendment Timing	
Completeness Review	5 business days (from Application Submittal)
Planning Board Public Hearing	25 days (from Completeness Certification)
Planning Board Decision	30 days (from Planning Board Public Hearing)
Town Council Public Hearing	30 days (from Planning Board Decision)
Town Council Decision	30 days (from Town Council Public Hearing)

2.16.2. Initiation

- (A) The Planning Board, the Town Council, the Town Manager, a property owner, a neighborhood association, or the owner of any business located in the Town of Southern Pines may initiate a request for an amendment to the future land use map or text of the Comprehensive Plan.
- (B) The application for amendment of the future land-use map may be accompanied by an application for a zoning district map amendment, which may be processed concurrently.
- (C) By resolution, the Town of Southern Pines may establish a schedule prescribing when and how frequently Comprehensive Plan amendments will be considered.
- (D) Before any application is made, the Applicant should schedule a pre-application conference with the Planning Director to discuss the

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procedures and requirements for a Comprehensive Plan amendment request pursuant to these regulations.

- (E) The application shall be filed with the Planning Director, shall describe the proposed amendment and shall include a complete application in accordance with Appendix A of this UDO.

2.16.3. Completeness Review

The Planning Director shall review the Comprehensive Plan amendment application and shall determine if the application is complete pursuant to the provisions of section 2.6. Upon finding that the application is complete the Planning Director shall consult with the Technical Review Committee (TRC) and prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 2.10.

2.16.4. Planning Board Action

The Planning Board shall hold a legislative public hearing and shall render its recommendation in accordance with the procedures set forth in this chapter.

2.16.5. Town Council Action

Within thirty (30) days of the Planning Board recommendation, the application shall be submitted to the Town Council to review at a legislative public hearing. Following the hearing, the Council may approve, conditionally approve or deny the application. If the Application is denied, the Town Council shall advise the Applicant of the reason for denial.

2.16.6. Criteria

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

- (A) Original Errors or Omissions: Whether there was error or omission in the adoption of the Comprehensive Plan, or in the supporting premises and findings.
- (B) Subsequent Events: Whether events subsequent to the Comprehensive Plan adoption have invalidated portions of the Plan, changed the character of the Town, or demonstrated new information, such that an amendment is acceptable.

2.16.7. Effect of Approval

The approval of an amendment to the Comprehensive Plan does not authorize the use, occupancy, or Development of property until the Applicant receives necessary Development approvals, such as zoning changes, subdivision and site plan approval.

2.17. UDO TEXT/MAP AMENDMENTS (REZONINGS)

2.17.1. Applicability

- (A) The provisions of this section apply to any application to:
- (1) Revise the text of the UDO (Text Amendment); or
 - (2) Reclassify a Tract, Parcel, or land area from one zoning district to another (Map Amendment).
- (B) Conditional zoning district zoning requests shall be made in accordance with the provisions of this UDO.

2.17.2. Approval Process Overview

The approval process and typical timing for UDO amendments are summarized in Exhibits 2-5 and 2-6. Actual timing may vary based on the date of submittal and scheduled hearing dates.

Exhibit 2-5: Approval Process Summary

UDO Amendment Process
Application, Review and Notice
Planning Board Public Hearing
Town Council Public Hearing

Exhibit 2-6: Timing

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

2.17.3. Initiation

- (A) The Planning Board, the Town Council, the Town Manager, a property owner, a neighborhood association, or the owner of any business located in the Town of Southern Pines may initiate a request for an amendment to the UDO text or Official Zoning Map (rezoning). No amendment to the UDO text or Official Zoning Map that down-zones property shall be initiated without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the Town.
- (B) When any amendment request is made by the Town Council, Planning Board or Town Manager, the Planning Director shall cause an appropriate ordinance to be drafted and shall set a date for a public hearing.
- (C) When any other person requests an amendment, the application shall be filed with the Planning Director, shall describe the proposed amendment and shall include a complete application in accordance with Appendix A of this UDO.
- (D) For Zoning Map Amendments, a pre-application conference with the Planning Director is strongly encouraged prior to submittal of a zoning map amendment application to the Planning Director.

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(E) For UDO Text Amendments

- (1) The Planning Director shall forward applications for text amendments to the Council with or without written comment for a determination of whether an ordinance should be drafted and a public hearing set in accordance with the provisions of this UDO.
- (2) Upon receipt of a petition for an ordinance amendment as provided herein, the Council may summarily deny the petition or set a date for a public hearing on the requested amendment and order the attorney, in consultation with the Planning Director, to draft an appropriate ordinance.

(Ord. #1919)

2.17.4. Completeness Review

The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of section 2.6. Upon finding that the application is complete the Planning Director shall consult with the TRC and prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 2.10 and the following section.

2.17.5. Notice

- (A) The Planning Director shall publish a notice of the public hearing on any ordinance that amends the provisions of this chapter once a week for two (2) successive weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not fewer than ten (10) days or more than twenty-five (25) days before the date fixed for the hearing before the Permit Issuing Authority. In computing this period, the date of publication shall not be counted but the date of the hearing shall be.

(Ord. #1714)

(B) For Zoning Map amendments:

- (1) The Planning Director shall mail written notice of the public hearing to the record owners for tax purposes of all properties whose zoning classification is changed by the proposed amendment as well as all property owners and property within two hundred (200) feet of the rezoning request (not counting streets, railroads, or other

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transportation corridors and within one hundred (100) feet of all other property contiguously owned by the property owner/Applicant or all pieces of land that were part of the property requesting rezoning prior to the requested rezoning.

- (2) The Planning Director shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right of way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.

(Ord. #1919)

2.17.6. Protests to Zoning District Changes

If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification or repeal to a zoning ordinance to the Town Clerk at least two business days prior to the proposed vote on such change, the Clerk shall deliver such written statement to the Town Council. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160D-406, the Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the Town Council shall not disqualify any member of the Council from voting.

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

2.17.7. Planning Board Action

The Planning Board shall hold a legislative public hearing and shall advise the Town Council on whether the proposed amendment is consistent with the Comprehensive Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses consistency with the Comprehensive Plan and other applicable criteria as set forth in this chapter.

(Ord. #1919)

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2.17.8. Town Council Action

- (A) The Council shall allow thirty (30) days for the Planning Board to review and comment on a proposed amendment to the zoning regulation. If no written report is received from the Planning Board within thirty (30) days of referral to the Planning Board, the Town Council may act on the proposed amendment without a Planning Board report. The Town Council is not bound by any recommendations of the Planning Board that are before it at the time it takes action on a proposed amendment.
- (B) The Council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.
- (C) At the conclusion of the public hearing on a proposed amendment, the Council may proceed to vote on the proposed ordinance, refer it to a committee for further study or take any other action consistent with its usual rules of procedure.
- (D) Following the hearing, the Council may approve, conditionally approve or deny the application. The Council shall approve a statement describing the reasons for the decision that shall, at a minimum, describe the consistency or inconsistency of the proposed amendment with the adopted comprehensive plan and an analysis of the reasonableness of the proposed amendment based on the applicable criteria set forth herein.
- (E) If an application for a zoning map amendment is approved and the action taken is inconsistent with the adopted comprehensive plan, the zoning amendment shall also have the effect of automatically amending any future land-use map in the adopted comprehensive plan.
- (F) Voting on amendments to this chapter shall proceed in the same manner as other ordinances.

(Ord. # 1716; Ord. #1919)

Amended

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2.17.9. Criteria for Zoning Map Amendments

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

(Ord. # 1716)

- (A) **Consistency.** Rezoning shall be consistent with the adopted Comprehensive Plan.
- (B) **Adverse Impacts on Neighboring Lands.** The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Town finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings may promote mixed uses subject to a high degree of design control.
- (C) **Suitability as Presently Zoned.** The Hearing Body shall consider the suitability or unsuitability of the Tract for its use as presently zoned. This factor, like the others, should be weighed in relation to the other standards, and instances can exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the neighborhood, or to effectuate important goals, objectives and policies of the Comprehensive Plan or UDO.
- (D) **Health, Safety, and Welfare.** The amending ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.
- (E) **Public Policy.** Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.
- (F) **Size of Tract.** The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single Lot when there have

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been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.

- (G) **Other Factors.** The Hearing Body may consider any other factors relevant to a rezoning application under state law.
- (H) **Applicant Representations.** Except for rezoning requests submitted in accordance with the provisions herein for conditional zoning districts, the Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

(Ord. # 1716; Ord. #1919)

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.

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- (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.

(Ord. # 1716)

2.17.11. Conditional Zoning Districts (Conditional Zoning)

- (A) There are circumstances in which a conventional zoning district designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly developed, be appropriate for the property and consistent with the objectives of this ordinance and the adopted Land Development Plan. The review process established in this section provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions that ensure compatibility of the use with the use and enjoyment of neighboring properties.
- (B) The conditional zoning district approval process allows the Council to approve a proposal for a specific use with reasonable conditions to mitigate the negative impacts of the proposed Development and assure the compatibility of the use with surrounding properties. Any use permitted under this process must also conform to the regulations for the corresponding general zoning district.
- (C) Conditional zoning is a voluntary procedure that is allowed only in response to a petition by all owners of the property to be included and is intended for specific Development proposals. It is not intended or suited for securing early zoning for tentative proposals, which may not be undertaken for some time.
- (D) Uses that may be proposed and considered for a conditional zoning district shall be restricted to those uses permitted in the underlying conventional zoning district.
- (E) Every petition for the reclassification of property to a conditional zoning district shall be accompanied by a site plan containing the requisite information specified in Appendix A. In the course of evaluating the proposed use, the Hearing Body may request additional information deemed appropriate to provide a complete analysis of the proposal.

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- (F) The Council may approve the reclassification of property to a conditional zoning district only upon determining that the proposed use will meet all standards and requirements in these regulations that are applicable to the proposed use.
- (G) In approving a petition for the reclassification of property to a conditional zoning district, the petitioner, Planning Board and the Council may propose specific conditions to approval of the petition, but only those conditions approved by the Council and consented to by the petitioner in writing may be incorporated into the Conditional Zoning District.
- (H) If a petition is approved under this section, the district that is established, the approved petition and all conditions that have been attached to the approval are binding on the property as an amendment to these regulations and to the zoning map. All subsequent Development and use of the property shall be in accordance with the standards for the approved conditional zoning district; the approved petition and all conditions attached to the approval. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. Any Development in the district shall comply with all provisions of and conditions to the approved petition and site plan. Any uses and structures on the subject property also shall comply with all standards and requirements for Development in the underlying general zoning district.
- (I) Following the approval of the application for a conditional zoning district, the subject property shall be identified on the zoning map by the appropriate district designation. A conditional zoning district shall be identified by the same designation as the underlying general zoning district followed by the letters "CD" (for example, RS-1 CD).
- (J) Except as provided in paragraph (K), changes to the approved petition or to the conditions attached to the approval shall be treated the same as amendments to these regulations or to the zoning map and shall be processed in accordance with the procedures in this section.
- (K) Minor changes in the detail of the approved petition or site plan that do not involve a change in uses permitted or the density of overall Development permitted and that will not alter the basic relationship of the proposed Development to surrounding properties or the standards and

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requirements of these regulations or to any conditions attached to the approval may be approved by the Planning Director without going through the amendment process or a public hearing. The Planning Director may forward any application for changes in detail to the Planning Board for its consideration as an amendment to these regulations or the zoning map. The Applicant may appeal the decision of the Planning Director to the Planning Board for review and decision as to whether an amendment to the approved district shall be required.

- (L) The Planning Director shall periodically examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. If the Planning Director determines that construction has not commenced or is not in accordance with the approved petition and conditions, the Planning Director shall either initiate a reclassification of the property in accordance with the procedures established in this section or shall forward a report to the Council recommending that the property be classified to another district.

(Ord. #1775; Ord. #1919)

2.17.12. Effect of Approval

Approval of a map amendment entitles the property owner to use the property in accordance with the standards of the applicable zoning district. The approval of an amendment to the UDO text or Zoning Map does not authorize the use, occupancy, or Development of property until the Applicant receives necessary Development approvals, such as subdivision, site plan and building permit approval.

2.17.13. Recording Procedures

When the amendment involves changes to the existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land showing the new zoning classifications and indicating their boundaries. The Planning Director shall refer to the attested ordinance as a record of the current zoning status until such time as the zoning map can be changed.

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2.18. PLANNED DEVELOPMENT

2.18.1. Purpose

The purpose of this section is to establish procedures and review criteria for the establishment of Planned Development (PD) ~~districts (PDD)~~ that comply with the purposes and standards established in section 3.5.14. Exempt or Minor Subdivision may be approved, but no building permits shall be issued prior to Final Development Plan approval within a PDD, except for single-family detached dwelling units on a single parcel.

(Ord. # 1716; Ord. #1703)

2.18.2. Approval Process Overview

The general approval process for the creation of a PD involves concurrent zoning map amendments and subdivision of land. Because most PDDs involve a mix of uses and the application of flexible Development standards that deviate from the specific standards in other zoning districts, many applications will involve approval of site plans that must receive Architectural Compliance Permits. The process summarized in Exhibit 2-7 identifies the steps involved in a typical PD creation. Actual process may vary based on the complexity of the proposed Development.

Exhibit 2-7: Approval Process Summary

Planned Development Process
Pre-application Conference (required)
Neighborhood Meeting (required)
Conceptual Development Plan
Preliminary Development Plan (includes Preliminary Plat, conceptual site plan and contingent zoning approval)
Engineering Plans
Improvement Guarantees and Development Agreement (optional steps contingent on the Applicant's proposed phasing and improvements plans)
Final Development Plan (includes final zoning approval and may include Final Plat approval)

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(Ord. #1703; Ord. #1716)

2.18.3. Initiation

- (A) **Pre-Application Conference Required.** Before any application is made, the Applicant shall schedule a pre-application conference with the Planning Director to discuss the procedures and requirements for a PD request pursuant to these regulations.
- (B) **Application Filing.** The application shall be filed with the Planning Director, shall describe the proposed development and shall include a complete application for the Conceptual Development Plan in accordance with Appendix A of this UDO.
- (C) **Ownership and Division of Land.** No Tract of land may be considered for a Planned Development (PD) ~~district (PDD)~~ unless such Tract is under single or unified ownership or control. If listed in several ownerships, the application for the creation or amendment of a PD 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.
- (D) **Neighborhood Meeting Required.** The Applicant is required to conduct a neighborhood information meeting in accordance with section 2.15 of this UDO. The meeting shall be conducted prior to submittal of the Conceptual Development Plan application.
- (E) **Joint Work Session (Optional).** At the developer's request, or at the recommendation of the Planning Director, a Joint Work Session of the Town Council and Planning Board may be held by the Town to provide an opportunity for the developer to present Conceptual Development Plans and respond to any initial questions that members of the Town Council and Planning Board might have regarding the proposed PD.

(Ord. #1703)

2.18.4. Conceptual Development Plan

- (A) **Purpose.** The purposes of the Conceptual Development Plan are to demonstrate that:

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- (1) The mix and intensity of land uses are consistent with the Comprehensive Plan;
 - (2) The general street layout is consistent with mobility needs of the Town and the proposed Development;
 - (3) The phasing plan enables each phase to be developed in a way that it creates a sustainable neighborhood that will be enhanced as each successive phase is developed; and
 - (4) The proposed arrangement of land uses and the phasing plan are compatible with surrounding neighborhoods.
- (B) **Applicability.** A Conceptual Development Plan shall be required when an Applicant is planning to develop less than the entire, contiguous land area held in common ownership in a single phase or subdivision plat. The Conceptual Development Plan shall illustrate future Development of the entire area under common ownership.
- (C) **Conceptual Development Plan Process Overview.** The approval process and typical timing for Conceptual Development Plan approval are summarized in Exhibits 2-8 and 2-9. Actual timing may vary based on the date of submittal and scheduled hearing dates.

Exhibit 2-8: Conceptual Development Plan Approval Process Summary

Conceptual Development Plan Process
Application, Review and Notice
Planning Board Public Hearing
Town Council Public Hearing

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Exhibit 2-9: Timing

Real-Conceptual Development Plan Timing	
Completeness Review	5 business days (from Application Submittal)
Planning Board Public Hearing Notice	25 days (from Completeness Certification)
Planning Board Decision	30 days (from Planning Board Public Hearing)
Town Council Public Hearing	30 days (from Planning Board Decision)
Town Council Decision	30 days (from Town Council Public Hearing)

- (D) **Initiation.** The Conceptual Development Plan application shall be filed with the Planning Director. It may be submitted for concurrent review with Preliminary Development Plans for one or more of the planned phases of Development. The Conceptual Development Plan shall comply with the application requirements established in Appendix A. If a portion of an Applicant's landholdings is intended to remain in agricultural production for the foreseeable future, the Director may waive Conceptual Development Plan content requirements for those areas.
- (E) **Completeness.** The Planning Director shall review the application and shall determine if the application has been submitted and is complete pursuant to the provisions of section 2.6. Upon finding that the application is complete and consulting with the TRC, the Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 2.10.
- (F) **Planning Board Action.** The Planning Board shall conduct a legislative hearing and advise the Town Council on whether the proposed Conceptual Development Plan is consistent with the Comprehensive Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses consistency with the Comprehensive Plan and other applicable criteria.
- (G) **Town Council Action.** The Town Council shall conduct a legislative hearing and approve, conditionally approve or deny the Conceptual Development

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Plan following the process for Town Council Action on zoning amendments, but only those conditions approved by the Council and consented to by the petitioner in writing may be incorporated into the Conditional Zoning District.

(H) Criteria

- (1) The proposed PD~~is~~ satisfies the criteria for a zoning map amendment established in this chapter;
- (2) The Conceptual Development Plan represents an overall ~~D~~development ~~P~~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;
- (3) The proposed ~~D~~development is appropriate for the area of the Town in which it is located; and
- (4) The proposed ~~D~~development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.

(Ord. #1775)

(I) Effect of Approval

- (1) Approval of a Conceptual Development Plan constitutes acceptance that the proposed type, density and intensity of land use; the classification and arrangement of streets; the proposed phasing plan; and the nature of utility service proposed are consistent with the Comprehensive Plan.
- (2) Approval of a Conceptual Development Plan shall constitute acceptance of the general land-use mix, range of Development types and intensities, street patterns, drainage patterns, Lot patterns, parks and open space, and pedestrian and bicycle trails.
- (3) Action on the Conceptual Development Plan may include approval of a Conversion Schedule providing for the substitution of certain land uses for other land uses. The Conversion Schedule shall be based on relative peak hour trip generation, peak parking demand

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and other impacts affecting the function of on- and off-site infrastructure and land use compatibility.

- (4) Conceptual Development Plan approval does not ensure approval of a Preliminary Development Plan involving a substantially different concept, failing to meet specific requirements of these regulations, or failing to satisfy conditions of Conceptual Development Plan approval. Approval does not comprise any ~~vesting of Development rights or any~~ assurance that permits of any kind will be issued.

- (J) **Denial and Appeal.** If the Town Council finds that the Conceptual Development Plan fails to meet the criteria established in the section, it shall deny the Conceptual Development Plan application. The Applicant may appeal such denial to the Superior Court.

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

2.18.5. Preliminary Development Plan

- (A) **Purpose.** The purposes of the Preliminary Development Plan are to demonstrate that:

- (1) The proposed land use mix and intensity are consistent with the Comprehensive Plan, the purposes of the PD~~is~~ and the approved Conceptual Development Plan, if applicable;
- (2) Proposed system of streets, trails and greenways are consistent with this UDO, as well as the mobility needs of the Town and the proposed ~~D~~development;
- (3) The proposed Development is consistent with the ability to provide and maintain public facilities and services on which the ~~D~~development, area and Town depend;
- (4) The proposed ~~D~~development is well integrated with the protection of natural features, including Watersheds, woodlands and other natural features; and
- (5) The proposed ~~D~~development ~~P~~patterns and ~~D~~development products are compatible with the character and vitality of the neighborhood and community.

Commented [BG3]: Actually, per state statute and language about vesting found elsewhere in this UDO, it does.

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- (B) **Applicability.** A Preliminary Development Plan is a mandatory step in the process for PD approval and shall be required to show all contiguous land holdings and the detailed Development Patterns for the portions that are proposed to be developed. Preliminary Development Plan and Conceptual Development Plan approval are not required if the property has a valid approval of a Conceptual Master Plan and zoning under the prior PD, PUD or MU Development process.
- (C) **Preliminary Development Plan Process Overview.** The approval process and typical timing Preliminary Development Plan approval are summarized in Exhibits 2-10 and 2-11. Actual timing may vary based on the date of submittal and scheduled hearing dates.
- (D) **Initiation.** The Preliminary Development Plan application shall be filed with the Planning Director. The Preliminary Development Plan shall comply with the application requirements established in Appendix A, which combine and supplement the requirements for Zoning Map amendments and Preliminary Plat approval. The application shall include renderings illustrating the proposed Development Patterns and architectural character of Development.
- (E) **Completeness.** The Planning Director shall review the application and shall determine if the application has been submitted and is complete pursuant to the provisions of section 2.6. Upon finding that the application has been submitted and is complete and consulting with the TRC, the Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 2.10.

Exhibit 2-10: Preliminary Development Plan Approval Process Summary

Preliminary Development Plan Process
Application, Review and Notice
Planning Board Preliminary Forum
Town Council Public Hearing

(Ord. #1959)

Exhibit 2-11: Timing

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

(Ord. #1959)

- (F) **Planning Board Action.** The Planning Board shall conduct a Preliminary Forum regarding the Preliminary Development Plan.
(Ord. #1959)
- (G) **Town Council Action.** The Town Council shall conduct an evidentiary hearing and approve, conditionally approve or deny the Preliminary Development Plan based on the criteria in the following paragraphs. If the application is conditionally approved, the Town Council shall obtain written consent to conditions by the landowner or permit applicant. Approval of the preliminary plat shall be subject to the approval criteria established in section 2.20.4(G).
- (H) **Criteria**
- (1) The application demonstrates that it will achieve the purposes of the PD and this section;
 - (2) The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;
 - (3) The proposed Development is located in an area of the Town that is appropriate; and

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- (4) The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.

(Ord. #1775)

(I) Effect of Approval

- (1) Approval of a Preliminary Development Plan shall constitute approval of the specific land-use mix, which shall include the development types and intensities and improvements to include but not limited to streets, drainage, utilities, parks and open space, and pedestrian and bicycle trails.
- (2) Action on the Preliminary Development Plan may include approval of the Preliminary Plat for subdivision of all or a portion of the proposed Planned Development. ~~Special~~ Use Permit approval is not required for a Preliminary Plat approved concurrently with a PDD application.
- (3) If sufficient certainty and information exists during the Preliminary Development Plan phase, Applicant or the Planning Director may request Final Development Plan impact assessment requirements be considered.
- (4) If Preliminary Development Plan approval is accompanied by Preliminary Plat approval, the applicant may proceed with final plat approval pursuant to section 2.20.8.

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

2.18.6. Interim Actions

Prior to the submittal of the Final Development Plan for the PDD application, the Applicant should secure approval of Engineering Plans in accordance with section 2.20.5 and, after approval of the Engineering Plans, may initiate construction of public improvements for the PDD or coordinate with staff to enter into an improvements agreement in accordance with section 2.20.6 and/or a Development agreement in accordance with section 2.20.7.

2.18.7. Final Development Plan

- (A) **Purpose.** The purpose of the Final Development Plan is to demonstrate that the proposed POD is consistent with the Preliminary Development

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Plan approval, purposes of the POD and other applicable requirements of the UDO. Final Development Plan approval may be accompanied by Final Plat approval for the phase of the Development being approved and may include sufficiently detailed site plans for multi-family and non-residential Development to receive Architectural Compliance Permit in conjunction with the approval.

- (B) **Applicability.** A Final Development Plan is the mandatory final step in the process for PDD approval. Final Development Plan approval is not required if the property has a valid approval of a Master Plan and zoning under the prior PD, PUD or MU Development process.
- (C) **Final Development Plan Process Overview.** No hearing is required for Final Development Plan approval unless the Applicant chooses to appeal the staff decision to the Town Council or the Applicant proposes a major design modification from the approved Preliminary Development Plan. The Applicant may attend the TRC meeting to provide information pertinent to the application.
- (D) **Initiation.** The Final Development Plan application shall be filed with the Planning Director. The Final Development Plan shall comply with the application requirements established in Appendix A, include and supplement the requirements for Final Plat approval. Restrictions, covenants, architectural standards and conceptual site plans shall be submitted in conjunction with the application. If the Applicant seeks Architectural Compliance Permit approval for any building, detailed site plans and renderings shall be submitted.
- (E) **Action by Planning Director.** The Planning Director shall review the application and shall determine if the application has been submitted and is complete pursuant to the provisions of Section 2.6. Upon finding that the application is complete and consulting with the TRC, the Planning Director shall:
 - (1) Determine if the Final Development Plan is in compliance with the Preliminary Development Plan approval, and, upon making such determination, shall approve such plan, and:

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- (a) Transmit notice to the Planning Board and Town Council of the approval of the Final Development Plan together with a copy of the Final Development Plan; and,
- (b) Notify the applicant of the approval for the area included within the Final Development Plan.
- (2) Should the Planning Director determine that the Final Development Plan submittal is not in compliance with the Preliminary Development Plan approval or the criteria) in paragraph (F) of this section, the Planning Director shall deny the Final Development Plan submittal. If denied, the Applicant may:
 - (a) Revise and resubmit such Final Development Plan;
 - (b) Elect to have the submittal forwarded to the Planning Board and Town Council for appeal; or
 - (c) If the Preliminary Development Plan constitutes a major design modification, forward the plan to the Planning Board and Town Council for a public hearing.
- (3) Following approval of the Final Development Plan, the Planning Director shall secure necessary signatures to execute the Final Development Plan.
- (F) **Criteria for Final Development Plan Approval**
 - (1) The application demonstrates that it will achieve the purposes of the PDD and this section;
 - (2) The Final Development Plan application is consistent with the previously approved Conceptual Development Plan and Preliminary Development Plan approvals, and conforms to all applicable provisions of this UDO;
 - (3) The Final Plat satisfies the criteria established in this chapter;
 - (4) The Application and support documents satisfy the criteria for Architectural Compliance Permit approval established in Section 2.26, if applicable.
- (G) **Effect of Approval**

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Approval of a Final Development Plan that includes a Final Plat approval entitles the Applicant to record the plat.

2.18.8. Request for Amendments to a PD Approval

- (A) ~~Request for Amendments to a PD Approval~~ – Administrative Approval.
The Planning Director may authorize the following Minor Amendments to a Conceptual or Preliminary ~~or Final~~ Development Plan:
 - (1) Deviations arising from limited technical considerations which could not reasonably be anticipated during the approval process.
 - (2) Amendments required to bring the application into compliance with adopted technical codes.
 - (3) Any other change which has no material effect on the character of the approved Conceptual or Preliminary ~~or Final~~ Development Plan, as determined by the Planning Director, such as:
 - (a) Driveway relocations;
 - (b) Facility design modifications for design, recreational or other amenities;
 - (c) Substitutions of landscaping materials within the same genus, so long as the substituted material is not of a type that is specifically prohibited per the UDO or approved PDD landscape standards;
 - (d) Realignments of internal streets prior to final plat approval as long as the realignment does not result reduce the gross area of common areas or open spaces, reduce residential lot sizes, eliminate required buffers or create street alignments that fail to conform with Town standards;
 - (e) Modifications to uses in accordance with an approved Conversion Schedule; and
 - (f) Expansions of buffers, open spaces and landscape areas.
- (B) **Request for Amendments to a PD Approval. – Resubmittal and Rehearing.** Major Design Modifications to the Conceptual or Preliminary

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Development Plan shall be resubmitted for ~~Preliminary Development Plan~~ review and approval, and include:

- (1) Change in use, other than allowable changes specified in a Conversion Schedule that was approved during the initial PD approval;
- (2) Designation of additional land uses;
- (3) Change in the location of permitted use(s) from what is shown on the approved Conceptual or Preliminary Development Plan;
- (4) An increase or decrease in project area other than surveyor base data corrections;
- (5) Decrease in Open Space;
- (6) Change in dimensional standards set forth in the Development Conditions that result in a decrease in minimum standards (e.g., reduction in minimum setbacks or reductions in street widths) or increase in maximum standards (i.e. an increase in building height and/or gross density or intensity of land uses);
- (7) Change to proposed treatment of buffering, landscaping, land uses or lot sizes along the perimeter of the PD;
- (8) Addition or reduction of driveways or access points, especially those which negatively affect connectivity or street safety; or
- (9) Other design modifications to the approved ~~Preliminary Development Plan~~ PD that the Planning Director determines to be major.

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

2.19. REGULATION OF SUBDIVISIONS, GENERALLY

2.19.1. No Subdivision without Plat Approval:

- (A) As provided in G.S. 160D-807, no person may subdivide land except in accordance with all of the provisions of this chapter. In particular, no person may subdivide land unless and until a Final Plat of the subdivision

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has been approved in accordance with the provisions of this chapter and recorded in the Moore County Registry.

- (B) As provided in G.S. 160D-803(d), the Moore County Register of Deeds may not record a plat of any subdivision within the Town's Planning Jurisdiction unless the plat has been approved in accordance with the provisions of this chapter.
- (C) The owner or proprietor of any Tract of land who desires to subdivide land (i.e., to create a "subdivision") shall submit a plat of such subdivision to the Planning Director.
- (D) Unless such subdivision was legally created prior to the adoption of this chapter or is full compliance with this UDO:
 - (1) No person shall sell or transfer ownership of any Lot or Parcel of land by reference to a plat of a subdivision before such plat has been duly recorded with the register of deeds.
 - (2) No Development approval or certificate of occupancy shall be issued for any Parcel, plat, map, or plan created prior to subdivision approval.
 - (3) No excavation of land or construction of any public or private improvements shall be commenced.

(Ord. #1919)

2.19.2. Exemptions

A subdivision plat is not required for any of the exemptions to the definition of subdivision established in Chapter 9 of this ordinance.

(Ord. #1919)

2.19.3. Subdivision Classification

Certain subdivisions shall qualify as Expedited Review Subdivisions. Major and Minor subdivisions are subject to the criteria for approval of subdivision plats unless a specific provision indicates that it does not apply to Minor Subdivisions. Different time limits are prescribed for the review and processing of Major and Minor subdivisions to reflect the level of complexity involved in review of the applications. Subdivisions shall be classified as established in this UDO.

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(A) Expedited Review Subdivisions that meet the following criteria require only a plat for recordation:

- (1) The tract or parcel to be divided is not exempted under G.S. 160D-802(a)(2).
- (2) No part of the tract or parcel to be divided has been divided as an Expedited Review Subdivision in the ten (10) years prior to division.
- (3) The entire area of the tract or parcel to be divided is greater than five (5) acres.
- (4) After division, no more than three lots result from the division.
- (5) After division, all resultant lots comply with all of the following:
 - (a) All lot dimension size requirements of the applicable land-use regulations.
 - (b) The use of the lots is in conformity with the applicable zoning requirements.
 - (c) A permanent means of ingress and egress is recorded for each lot.

(B) Minor Subdivisions shall include:

- (1) Lot splits or resubdivision of one or more Parcels into not more than five (5) Lots that:
 - (a) Front on an existing street or share a common private driveway meeting the access standards of this ordinance;
 - (b) Do not require the dedication or construction of a public or private street, provided however that perimeter right-of-way dedication shall be allowed as part of a minor subdivision;
 - (c) Do not involve the extension of municipal water or sewer lines by more than two hundred (200) feet from an existing line to the nearest boundary of the subdivision;
 - (d) Do not adversely affect the remainder of the Parcel or adjoining the property;

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- (e) Are not in conflict with the Comprehensive Plan, official map, or zoning regulations;
 - (f) Do not result in the cumulative creation through one or more minor subdivisions of more than five (5) Lots; and
 - (g) Do not result in the creation of additional driveway accesses along collector, arterial, freeway, expressway, or interstate roadways. If existing lot(s) front on an existing street, then each existing lot may have only one (1) driveway access if along a collector, arterial, freeway, expressway or interstate roadway.
- (2) The consolidation of existing Parcels or Lots; or
 - (3) Modification of plats to reflect the dedication of rights-of-way or easements.
- (C) Major Subdivision: Any subdivision not exempted by the UDO or state law, other than a minor subdivision.
(Ord. #1716; Ord. #1746; Ord. #1919)

2.19.4. Plat Procedures, Generally

- (A) A Final Plat for a major subdivision plat shall be approved by the Town Council before the subdivision of a Parcel may be recorded.
- (B) Approval of a Final Plat for a minor subdivision plat shall be approved by the Planning Director before the subdivision of a Parcel may be recorded.
- (C) The approval of the Sketch or Preliminary Plat shall not be deemed final acceptance of, but rather an expression of approval of the layout as submitted on the Sketch or Preliminary Plat; such approval shall be noted on the Sketch or Preliminary Plat.
- (D) Where only a portion of an approved Preliminary Plat is submitted for final approval, a Final Plat of the remaining area may be submitted at any time within two (2) years of the Preliminary Plat, provided that the Final Plat for the additional area conforms substantially to the approved Preliminary Plat.

2.20. MAJOR SUBDIVISION

- (A) Approval and Submittal Process. The Applicant for major subdivision shall follow the procedures established in this section, which is summarized in Exhibit 2-12. All major subdivisions require approval of a Special Use Permit, which shall be reviewed and granted concurrently with the subdivision process.

Exhibit 2-12: Major Subdivision Approval Process Summary

Major Subdivision Process
Pre-application Conference (recommended)
Neighborhood Meeting (only under specified conditions)
Preliminary Plat (includes preliminary SUP approval)
Engineering Plan
Improvement Guarantees and Development Agreement
Final Plat (CUP becomes effective upon recordation)

(Ord. # 1716; Ord. # 1919)

2.20.2. Pre-Application Conference

A pre-application conference is recommended.

2.20.3. Neighborhood Meeting

A Neighborhood Information Meeting is encouraged, but optional for subdivisions.

(Ord. # 1919)

2.20.4. Preliminary Plat

(A) Purpose

- (1) The Preliminary Plat serves as a guide to future density, intensity, land uses, pedestrian and bicycle ways, trails, parks and open space,

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as well as Lot, street and drainage patterns. It is intended to ensure that a landowner investigates the broad effects that Subdivision of property will have on the site itself as well as on adjacent properties and public infrastructure systems.

- (2) Approval of a Preliminary Plat shall constitute acceptance of the land-use mix, Development intensity, general street patterns, drainage patterns, Lot patterns, parks and open space lands, and the general layout of pedestrian and bicycle trails, provided that these may be modified in conjunction with subsequent approvals if additional information reveals Development constraints that are not evident during Preliminary Plat review.
- (3) The Preliminary Plat also provides feedback on the Special Use Permit (CUP) application from the Planning Board and Town Council.
- (4) The Preliminary Plat, together with the attendant items required herein, is to provide a basis for the construction of the subdivision and its improvements as well as a draft of the Final Plat of the subdivision. To achieve this, the Applicant should consult with the Planning Director, Town Engineer and other agencies concerned with the subdivision and the improvements.
- (B) **Applicability.** Preliminary Plat approval is required prior to Final Plat approval for any major subdivision.
- (C) **Preliminary Plat Process Overview.** The approval process and typical timing Preliminary Plat approval are summarized in Exhibits 2-13 and 2-14. Actual timing may vary based on the date of submittal and scheduled hearing dates.

Exhibit 2-13: Preliminary Plat Approval Process Summary

Preliminary Plat Process
Application, Review and Notice
Planning Board Preliminary Forum
Town Council Public Hearing

(Ord. #1959)

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Exhibit 2-14: Timing

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

(Ord. #1959)

(D) **Initiation.** The Applicant shall file the Preliminary Plat application with the Planning Director and shall comply with the requirements established in Appendix A.

(E) **Completeness.**

- (1) The Planning Director shall review the application and shall determine if the application has been submitted and is complete pursuant to the provisions of Section 2.6.
- (2) Reviewing agencies shall act on a plat within thirty (30) days after the date the Preliminary Plat is found to be complete. A plat is deemed approved by a reviewing agency unless the reviewing agency has provided reasons for disapproval within the thirty (30) day period.
- (3) Upon finding that the application is complete and after consultation with the TRC, the Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with Section 2.10.

(F) **Planning Board Action.** The Planning Board shall conduct a Preliminary Forum.

(Ord. #1959)

(G) **Criteria**

- ~~(1)~~ ~~The application is consistent with the approved Sketch Plat, if applicable.~~
- ~~(2)~~(1) The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;
- ~~(3)~~(2) The proposed subdivision complies with the UDO and applicable state and federal regulations;
- ~~(4)~~(3) The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;
- ~~(5)~~(4) The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and
- ~~(6)~~(5) The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development.

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(H) **Town Council Action.** The Town Council shall conduct an evidentiary hearing and shall approve, conditionally approve or deny the Preliminary Plat based on the preceding criteria. If the application is conditionally approved, the Town Council shall obtain written consent to conditions by the landowner or permit applicant. The Town Council also shall approve, conditionally approve or deny the SUP based on the criteria established in the preceding paragraphs and in Section **Error! Reference source not found.** The SUP shall not become effective until the Planning Director approves, and the Applicant records the Final Plat for the applicable area.

(Ord. #1959)

(I) **Amendments.** Amendments to a Preliminary Plat shall be approved in the following manners:

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- (1) Minor Amendments. Minor amendments may be approved by the Planning Director without filing a new Preliminary Plat. Minor amendments include the following:
 - (a) Changes in the internal alignment of streets that do not affect external properties or connectivity;
 - (b) Changes in internal Parcel boundaries that do not abut external property lines;
 - (c) Changes in setbacks along internal property lines;
 - (d) Changes in the routing of trails and pedestrian ways;
 - (e) Adjustments in easements, utilities or drainage improvements identified as necessary during the preparation of Engineering Plans; or
 - (f) Changes in the orientation of buildings on internal Parcels.
 - (2) Minor plat amendment shall not include any of the following:
 - (a) Change in permitted uses or the density of overall Development permitted;
 - (b) Increased intensity of use as measured by the number of Dwelling Units or square feet of nonresidential building area;
 - (c) Increased trip generation or demand for public utilities;
 - (d) Decreased public or private open space area; or
 - (e) Increased volume or velocity of stormwater runoff from the Development.
 - (3) Major Amendments. Plat amendments not categorized as minor amendments in the above paragraph require the filing and approval of a new Preliminary Plat. Such amendments may be processed concurrently with a Final Plat application at the option and risk of the Applicant.
- (J) **Effect of Approval**
- (1) The Preliminary Plat governs the preparation of Engineering Plans and the final subdivision plat, which must be submitted for approval

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- and recordation upon fulfillment of the requirements of this chapter.
- (2) The approval is valid so long as the Applicant receives and maintains a valid Development approval per this ordinance.
 - (3) If a Final Plat is not submitted within the period of Development Approval validity, the Preliminary Plat approval shall be void.
 - (4) Approval of the Preliminary Plat by the Town Council shall not be deemed final approval of the overall subdivision.
- (K) **Recording Procedures.** A copy of the Preliminary Plat shall be kept on file in the planning department offices.

(Ord. #1718; Ord. #1919)

2.20.5. Engineering Plans (Site Plans)

- (A) **Purpose.** To establish an efficient process to ensure that public improvements associated with private Developments are consistent with the Town's design standards and that improvements are documented in a way that facilitates the long-term management and enhancement of public infrastructure.
- (B) **Applicability.** Following approval of the Preliminary Plat, the Applicant shall have prepared, by a professional engineer registered in the State of North Carolina, Engineering Plans consisting of complete construction drawings and specifications of all easements, streets, traffic control devices, street lights, sanitary sewers, stormwater facilities, water system facilities, sidewalks, and other improvements required by this chapter. Landscape plans shall be prepared by a Registered Landscape Architect.
- (C) **Initiation**
- (1) Submittals. Engineering Plans shall be submitted to the Planning Director for review and distribution. The application shall comply with the requirements established in Appendix A.
 - (2) Public Agency Reviews. The Applicant shall submit the Engineering Plans to all applicable local reviewing agencies and public utility companies that will service the subdivision. The Planning Director

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shall forward comments from those agencies to the Applicant along with the Town's comments.

- (3) Approval. Subject to comments from the TRC, the Town Engineer shall approve, conditionally approve or deny the Engineering Plans after considering comments from the TRC.
- (D) **Construction.** All improvements required pursuant to these regulations shall be constructed in accordance with the applicable requirements herein and, where applicable, the requirements and authorization of the appropriate state agency, utility company or local franchisee.
- (E) **Modification of Engineering Plans.** If the Applicant chooses to make minor modifications in design and/or specifications during construction, such changes shall be made at the Applicant's own risk, but only with the written approval of the Town Engineer. It shall be the responsibility of the Applicant to notify the Town Engineer in advance of any changes to be made from the approved drawings. In the event that actual construction work deviates from that shown on the approved Engineering Plans and such deviation was not approved in advance by the Town Engineer, the Applicant may be required to correct the installed improvements to conform to the approved Engineering Plans. In addition, the Town may take such other actions as may be deemed appropriate including, but not limited to, revocation of plat approval and/or permits already issued and/or withholding of future approvals and permits.
- (F) **As-Built Drawings**
 - (1) Required Drawings. Prior to final inspection of the required improvements, the Applicant shall submit to the Planning Director one (1) digital copy and one (1) reproducible copy of as-built engineering drawings for each of the required improvements that have been completed. The reproducible drawings shall be certified by the Applicant's engineer indicating the date when the as-built survey was made. A landscape architect registered to practice in North Carolina may seal landscape plans and the designs of erosion control measures. Digital copies are for the Town's infrastructure management purposes only and the engineer shall bear no liability for the use and modification of the digital files.

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- (2) Control Points. As-built drawings and digital files shall include all control points using state plane coordinates and monuments.
- (G) **Completion of Improvements**
 - (1) Except as provided herein, improvements shall be completed or assured prior to recording the Final Plat, to the satisfaction of the Town Engineer. The required improvements shall be those specified in the approved Preliminary Plat and Engineering Plans. Unless otherwise approved and assured, sidewalks shall be completed at the time of street construction.
 - (2) As a condition of Final Plat approval, the Town Council may require the Applicant to deposit in escrow a deed describing by metes and bounds and conveying to the Town all street rights-of-way, easements and public land required by these regulations, pending acceptance of improvements by the Town and recordation of the Final Plat. In the event the Applicant is unable to complete the required improvements, and such improvements are deemed necessary for the preservation of the public health and safety, the Town may compel the delivery of the deed in order to complete the improvements as required.
- (H) **Timing of Improvements.** Except upon the written approval of the Town Engineer, no grading, removal of trees or other vegetation, land filling, construction of improvements, or other material change, except for purposes of aiding in preparation of final engineering drawings or plans, shall commence on the subject property until the Applicant has:
 - (1) Entered into a Subdivision Performance Guarantee with the Town or otherwise arranged for completion of all required improvements;
 - (2) Received approval of the Engineering Plans and all necessary permits from the Planning Director; and
 - (3) Obtained necessary approvals and permits from other affected agencies.
- (I) **Inspection of Improvements**
 - (1) Inspection Required. All improvements required by these regulations shall be inspected by the Town Engineer, except for

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improvements made under the jurisdiction of other public agencies, in which case engineers or inspectors of such agency will make the necessary inspections. Where inspections are made by other agencies, the Applicant shall provide the Town with written reports of each final inspection.

- (2) **Inspection Schedule.** It shall be the responsibility of the Applicant to notify the Town Engineer of the commencement of construction of improvements twenty-four (24) hours prior thereto.
- (3) **Compliance with Standards.** The Applicant or the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.

(J) Acceptance of Improvements

- (1) Approval of the installation and construction of improvements by the Town Council in accordance with General Statutes and section 100.20 et.seq. of the Town's Code of Ordinances shall constitute acceptance by the Town of the improvement for dedication purposes.
- (2) The Town shall not have any responsibility with respect to any street, or other improvement, notwithstanding the use of the same by the public, unless the street or other improvements shall have been accepted by the Town Council.
- (3) When improvements have been constructed in accordance with the requirements and conditions of these regulations and the specifications of the Town, and the Applicant has submitted as-built reproducible copies to the Town Engineer, the Town Manager shall recommend that the Town Council accept the dedications and improvements for maintenance by the Town. This shall not apply to improvements maintained by another entity.

- (K) **Site Cleanup.** The Applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any Lot, street, public way or property therein or adjacent

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thereto. Dumping of such debris into sewers, onto adjacent property or onto other land in the Town is prohibited.

- (L) **Failure to Complete Improvements.** If no Subdivision Performance Guarantee has been executed and no security has been posted, the failure to complete all required public improvements within the period specified by the Town shall result in expiration of plat approvals. If a Subdivision Performance Guarantee has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the Agreement, the Town may:

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

(Ord. # 1716; Ord. #1919)

2.20.6. Subdivision Performance Guarantee

- (A) **Applicability.** The Town Manager may waive the requirement for the completion of required improvements prior to action on the Final Plat if the Applicant enters into a Subdivision Performance Guarantee by which the Applicant covenants and agrees to complete all required on- and off-site public improvements no later than one (1) year following the date upon which the Final Plat is recorded, unless the developer determines

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that the scope of work for the required improvements necessitates a longer duration. Such period shall only be extended for a duration necessary to complete the improvements.

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

(Ord. #1871; Ord. #1919)

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- (F) **Type of Security.** The security shall be in the form of a surety bond, a letter of credit, cash, or cash escrow as follows:

- (1) **Surety Bond.** A surety bond shall be executed by a surety company licensed to do business in the state in an amount equal to the cost estimate, as approved by the Town Engineer, of all uncompleted and unaccepted improvements required by these regulations (other than gas, telecommunications and electric lines), with the condition that the Applicant shall complete such improvements per the terms of the Subdivision Performance Guarantee. The Town Engineer may sign the bond instrument on behalf of the Town, and the Town Attorney shall approve same as to form.
- (2) **Letter of Credit.** The Applicant shall provide an irrevocable letter of credit in an amount equal to the cost estimate, as approved by the Town Engineer, of all uncompleted and unaccepted site improvements (other than gas and electric lines) required by these regulations.
- (3) **Cash or Cashier's Check.** The Applicant shall provide to the Town cash or a cashier's check in an amount equal to the cost estimate as approved by the Engineering Official of all uncompleted and unacceptable site improvements (other than gas and electric lines) required by these regulations. Upon completion of the required site improvements and their acceptance by the Town Engineer, the amount will be refunded to the Applicant by the Town.
- (4) **Cash Escrow.** If security is provided in the form of a cash escrow, the Applicant shall deposit with the Planning Director a cash amount or certified check endorsed to the escrow agent for a face value in an amount of at least the amount specified by the Town Engineer. A surety bond or cash escrow account shall accrue to the Town for administering the construction, operation, and maintenance of the improvements.

(Ord. #1919)

- (G) **Reduction of Guarantees**

- (1) When an Applicant has given security in any of the forms provided herein, and when fifty (50) percent of the required site

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

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

(Ord. #1919)

- (H) **Reimbursement.** Where oversized facilities are required, the Subdivision Performance Guarantee shall specify a reimbursement procedure.

(Ord. #1919)

- (I) **Temporary Improvements.** The Applicant shall construct and pay for all costs of temporary improvements required by the Town Engineer and shall maintain said temporary improvements for the period specified.

(Ord. #1716; Ord. #1890, 1-6-21)

2.20.7. Development Agreements

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

- (1) Implement the CIP and the conditions of Development approval
- (2) Eliminate uncertainty in the Development approval process;
- (3) Assure Applicants that, upon approval of their project, they may proceed in accordance with the policies, rules, and regulations identified in the Development Agreement;

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- (4) Achieve the Town's goals and objectives through assurances that public facilities will be provided concurrent with Development;
- (5) Provide a mechanism to allow regulatory flexibility for specific Development proposals that achieve the Town's goals and objectives;
- (6) Consistently implement G.S. §160D, Article 10.

(Ord. #1919)

- (B) **Applicability.** This section applies to any Development Agreement entered into between an Applicant and the Town to:

- (1) Enforce a condition of Development approval;
- (2) Recognize the existence of vested rights;
- (3) Facilitate the reasonable phasing of large-scale Developments requiring significant infrastructure investment;
- (4) Provide for the provision of infrastructure, design amenities, or other conditions; and/or
- (5) Resolve potential legal disputes.

- (C) **Criteria for Entering into Development Agreements.** The Town Council may approve a Development Agreement pursuant to this section only if it finds that:

- (1) The Development to which the Development agreement pertains is consistent with the Comprehensive Plan and capital improvements program, this UDO and other applicable requirements;
- (2) The Development subject to the Agreement contains features that advance the Town's adopted goals, objectives and policies, in accordance with the criteria established herein;
- (3) The property owner agrees to make contributions of capital improvements for community facilities for one or more types of public improvements, that advance provision of facilities needed to serve the community.

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(D) Initiation

- (1) **Initiation.** An application for a Development Agreement may be made to the Planning Director. Application may be made by any person having a legal or equitable interest in the subject real property in accordance with State Law. If made by the holder of an equitable interest, the application shall be accompanied by a verified title report and by a notarized statement of consent to proceed with the proposed Development Agreement executed by the holder of the legal interest. An application for a Development Agreement may be concurrently considered with and incorporated by reference with a Development Approval required under this ordinance or by law.
- (2) **Contents of the Application.** The application shall be on a form prescribed by the Planning Director and shall be accompanied by a proposed Development Agreement.

(Ord. # 1716; Ord. #1919)

(E) Contents of Development Agreement

- (1) **Mandatory Provisions.** The Development Agreement shall include, at a minimum, provisions pertaining to the following:
 - (a) The land that is the subject of the agreement;
 - (b) The duration of the agreement;
 - (c) The permitted land use or uses and density/intensity for the proposed Development and any conditions attached thereto;
 - (d) Proposed infrastructure improvements and the timing of their installation;
 - (e) Provisions for the dedication of land for public use, whether by easement, right-of-way or fee simple conveyance;
 - (f) A description, where appropriate, of any conditions, terms, restrictions, or other requirements for the protection of public health, safety, or welfare; and
 - (g) A description, where appropriate, of any provisions for the preservation and restoration of historic structures.

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- (2) **Optional Provisions.** If agreed to by the Applicant and approved by the Town Council, the Development Agreement may include, without limitation, provisions pertaining to the following:
 - (a) The phasing of the proposed Development project in coordination with the provision of public facilities, including, but not limited to, roads, water, sewer, drainage, parks, municipal, and other facilities, required to accommodate the impacts of the proposed Development project on such facilities at the Town;
 - (b) The identification of public facilities to be dedicated, constructed, or financed by the developer pursuant to the Development Agreement and the designation of such facilities as project improvements, system improvements, or subsystem improvements;
 - (c) The determination of the Development project's proportionate share of the total system and subsystem improvement costs required to be dedicated, constructed, or financed by the developer of the Development project;
 - (d) The Town's share of the costs of system and subsystem improvements to be dedicated, constructed, or financed pursuant to the Development Agreement;
 - (e) Reimbursements, as applicable, to the owner of the subject property for the amount of any contributions for system or subsystem improvements in excess of the proportionate share of the benefit derived from such facility by the subject property;
 - (f) The rules, regulations, ordinances, laws, plans, and official policies of the Town governing Development applicable to the subject property; and
 - (g) If the property to which the Development Agreement relates is located outside the incorporated area of the Town, the period of time within which each property shall be annexed to the Town.

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- (F) **Completeness Review.** Upon submission of an application for a Development Agreement, the Town Manager shall coordinate the review of the application and accompanying documentation for legal sufficiency, compliance with technical requirements, consistency with the adopted Comprehensive Plan and applicable rules, regulations, and policies. Upon satisfactory completion of such review, the Planning Director shall provide required notice and place the matter on the agenda of the Town Council for a legislative hearing at the Council's next regularly scheduled meeting. If the Town Manager determines that the application for Development Agreement is incomplete or legally insufficient, then for the purposes of this ordinance it shall be considered to have not been submitted, and the Planning Director shall notify the Applicant by certified U.S. mail, return receipt requested, within fourteen (14) days after the date of submission of such application. Said notifications shall detail the specific grounds for rejection of the application. The Applicant may resubmit at any time.

(Ord. #1919)

(G) Decision

- (1) Town Council Public Hearing. Within thirty (30) days of the certification of completeness, the Application shall be submitted to the Town Council, which shall consider the proposed Development Agreement at the legislative hearing on the date set for said hearing or on the date or dates to which such hearing may be continued from time to time. The Town Council may:
 - (a) Approve the Development Agreement as recommended by the Town Manager;
 - (b) Approve the Development Agreement with modifications; or
 - (c) Reject the Development Agreement as recommended by the Town Manager, in whole or in part, and take such further action as it deems to be in the public interest. Any such action shall be taken by the affirmative vote of at least a majority of the voting members of the Town Council.
- (2) Ordinance. The Town Council may approve such agreement by ordinance. The Town Council's action shall be final and conclusive.

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- (3) Execution of Development Agreement. If approved by the Town Council, the Development Agreement shall become effective upon execution by the Town Manager and any other parties to the Development Agreement.

(Ord. #1919)

(H) Recordation

- (1) Notice. Within ten (10) days following rejection of a Development Agreement, the Town Clerk shall give notice of such action to the Applicant at the address shown on the application and to the Planning Director.
- (2) Recordation of Agreement. Within ten (10) days following execution of a Development Agreement, the Town Clerk shall record with the recorder of deeds a fully executed copy of the Development Agreement and ordinance. The agreement shall be binding upon, and the benefits of the agreement shall inure to the parties and all successors in interest to, the parties of the Development Agreement.

- (I) **Coordination of Development Agreement Application with Other Discretionary Approvals.** It is the intent of these regulations that the application for a Development Agreement will be made and be considered simultaneously with the review of other necessary applications, including, but not limited to: rezoning; subdivision; PD~~P~~ and SUP. If combined with an application for Development, the application for a Development Agreement shall be submitted with said application and shall be processed, to the maximum extent possible, jointly to avoid duplication of hearings and repetition of information. A Development Agreement is not a substitute for, nor an alternative to, any other required Development approval, and the Applicant must comply with all other required procedures for Development approval.

(J) Existing and Subsequently Adopted Rules, Regulations, Ordinances, Laws, and Policies

- (1) Unless otherwise provided by the Development Agreement, rules, regulations, ordinances, laws, general or specific plans, and official policies of the Town governing permitted uses, Development,

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density and intensity of use, permitted uses of the land, growth management, public facilities, environmental considerations, and governing design, improvement and construction standards and specifications applicable to the subject property shall be those in force and effect at the time of commencement of the term of the Development Agreement.

- (2) The adoption of a Development Agreement, however, shall not prevent the Town, in subsequent actions applicable to the property or to the Town general, from applying such newer, modified rules, regulations, ordinances, laws and official policies that do not conflict with those applicable to the property at the time of the Development Agreement and that do not prevent the Development of the land as set forth in the Development Agreement. The existence of the Development Agreement shall not prevent the Town from denying or conditionally approving any subsequent Development not expressly addressed in said Agreement on the basis of such existing or new rules, regulations, and policies.
- (3) Unless otherwise addressed in the Agreement, application, processing and inspection fees, utility fees and improvement standards that are revised during the term of a Development Agreement shall apply to the property, provided that:
 - (a) Such fees, standards, and specifications generally apply to public works within the Town; and
 - (b) Their application to the subject property is prospective only as to applications for building and other Development approvals not yet accepted for processing.
- (K) Subsequently Adopted State and Federal Laws. In the event that state or federal laws or regulations are enacted following approval of a Development Agreement that prevent or preclude compliance with one or more provisions of the Development Agreement, the provisions of the Agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations, and every such Development Agreement shall so provide.

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- (L) Periodic Review, Termination, or Modification. An adopted Development Agreement shall be reviewed at least every 12 months, at which time the owner or owners of the property subject to the Development Agreement shall be required to demonstrate good faith compliance with the terms of the Development Agreement. If, as a result of such review, the Mayor and Town Council finds and determines, on the basis of substantial evidence, that the owner or owners have not complied in good faith with the conditions of the Development Agreement, the Mayor and Town Council may unilaterally terminate or modify the Agreement. Such action shall be taken by the Town Council at a regular or special meeting, provided that the developer is notified at least 10 days in advance of such meeting.
(Ord. #1871, 8-24-20)
- (M) Amendment or Cancellation of Agreement. A Development Agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the Agreement or their successors in interest. The procedure for amendment or cancellation shall be the same as that for adoption as provided in this UDO.
- (N) Enforcement. A Development Agreement shall be enforceable by any party to the Agreement. The remedies specified herein and in the Development agreement are not exclusive, and any party to the Agreement may pursue any other available remedies at law or in equity.
(Ord. #1714; Ord. #1716)

2.20.8. Final Plat

- (A) **Purpose.** To establish a process and standards to create and document the rights and responsibilities associated with the subdivision of land.
- (B) **Applicability.** No final subdivision plat shall be recorded until a Final Plat has been approved as provided in this section.
- (C) **Final Plat Process Overview.** The approval process and typical timing for Final Plat approval are summarized in Exhibits 2-15 and 2-16. Actual timing may vary based on the date of submittal.

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Exhibit 2-15: Final Plat Approval Process Summary

Final Plat Process
Application, Review and Notice
Planning Director Action

Exhibit 2-16: Timing

Final Plat Timing	
Completeness Review	5 business days (from Application Submittal)
Planning Director and TRC Review	25 days (from Completeness Certification)
Planning Director Decision	10 days (from TRC Review Completion)

(Ord. # 1716)

(D) **Initiation.** The Final Plat application shall be filed with the Planning Director in compliance with Appendix A.

(E) Review and Action

- (1) The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of section 2.6.
- (2) Upon finding that the application is complete the Planning Director shall determine whether the Final Plat complies with the approved Preliminary Plat and other applicable standards of this UDO. The Applicant may submit a Final Plat for only that portion of the approved Preliminary Plat, if such portion conforms to all requirements of this chapter. Any deviation from the approved Preliminary Plat that does not constitute a minor amendment shall require resubmittal of the Preliminary Plat.
- (3) Unless hearings are required pursuant to the previous paragraph, within thirty-five (35) days of the certification of a complete application submittal, the Planning Director shall approve the Final Plat if:

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- (a) The application complies with this UDO and applicable state and federal rules and regulations, and
- (b) The application is consistent with the conditions of prior PD, Preliminary Plat and SUP approvals.

(Ord. #1716; Ord. #1919)

(F) **Recording.** Following approval of the Final Plat, the Planning Director shall secure necessary Signatures to execute the plat. The action of the Town shall be noted on all copies of the Final Plat to be retained as required for records or further action of the department or other affected agencies of the Town or state. Within twelve (12) months of approval of the Final Plat, the Applicant shall record it with the register of deeds. The Planning Director may grant up to two extensions of Final Plat approval, each up to six (6) months. Failure to record the Final Plat within the time frame noted shall cause the Final Plat approval to be void.

(G) Effect of Approval

- (1) Where only a portion of an approved Preliminary Plat is submitted for final approval, a Final Plat of the remaining area may be submitted within the period of Development Approval validity or the time frame consistent with the approved phasing plan.
- (2) Upon approval of the Final Plat by the Planning Director, the plat shall be submitted for recording within sixty (60) days.

(Ord. # 1919)

(H) **Alternative to Completion of Improvements.** Except as provided as per the Subdivision Performance Guarantees section of this chapter, all Applicants shall complete all street, sanitary, and other public improvements of the subdivision as required by the UDO before the Final Plat is recorded.

(Ord. # 1919)

(I) **Monuments.** The Applicant shall place reference monuments in the subdivision as required by North Carolina law. At least two (2) monuments shall be set at locations where the plat establishes x,y coordinates pursuant to the Town's digital submittal requirements in Appendix A.

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- (J) **Amendments.** Amendments to a Final Plat shall be approved in the same manner as the original plat, except as otherwise provided for amending plats or replats herein.
- (K) **Plat Approval Not Acceptance of Dedication Offer.** Approval of a plat does not constitute acceptance by the town of the offer of dedication of any streets, sidewalks, parks or other public facilities shown on a plat. However, the Town may accept any such offer of dedication by Resolution of the Council or by actually exercising control over and maintaining such facilities.
- (L) **Protection Against Defects**
- (1) Prior to Town Council acceptance of improvements, a licensed professional retained by the Applicant shall certify to the Town that all facilities and improvements to be dedicated to the Town have been constructed in accordance with the requirements of this chapter.
 - (2) Additionally, the Town Engineer will periodically inspect the installation of all facilities and improvements to be dedicated to the Town for compliance with all standards and specifications.
- (M) **Maintenance of Dedicated Areas Until Acceptance.** All facilities and improvements with respect to which the Applicant makes an offer of dedication to public use shall be maintained by the Applicant until such offer of dedication is accepted.
- (N) **Maintenance of Common Areas, Improvements and Facilities.** Applicant shall be responsible for maintaining all common areas, improvements or facilities required by this UDO except those areas, improvements or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority.

(Ord. # 1716)

2.21. SPECIAL USE PERMIT

2.21.1. Purpose

This section establishes a process and standards to approve certain uses that, because of unique characteristics or potential impacts on adjacent land uses,

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are not permitted in zoning districts as a matter of right. These uses may be permitted through the issuance of a Special Use Permit (SUP) after ensuring that the use complies with the SUP approval criteria. No inherent right exists to receive a SUP. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation is unique and may be subject to specific requirements to mitigate the impacts of the proposed use.

(Ord. # 1919)

2.21.2. Applicability

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

(Ord. # 1919)

2.21.3. SUP Process Overview.

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

Exhibit 2-17: SUP Approval Process Summary

SUP Process
Planning Board Preliminary Forum
Town Council Public Hearing

(Ord. #1959)

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Exhibit 2-18: Timing

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

(Ord. # 1919; Ord. #1959)

2.21.4. Initiation

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

(Ord. # 1919)

2.21.5. Completeness

- (A) The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of section 2.6. No application is considered to have been submitted under this ordinance unless it is complete, unless all of the information required herein is included, and all filing fees have been paid.
- (B) Upon finding that the application is complete and considering TRC comments, the Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 2.10.

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

2.21.6. Criteria

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

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

(Ord. # 1716; Ord.#1919)

2.21.7. Conditions

- (A) In approving any SUP, the Town Council may impose such reasonable standards, conditions, or requirements as it may deem necessary to protect the public health, safety and welfare. Standards and conditions shall not include requirements for which the Town does not have authority under statute to regulate, as identified in G.S. 160D-705(c). Such additional standards may include, but need not be limited to:
 - (1) Adequate and reasonable mitigation of potentially adverse effects on adjacent properties. In making such a determination, consideration shall be given to:
 - (a) The location, type, orientation, design and height of buildings or structures;
 - (b) The type and extent of landscaping and screening on the site; and

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- (c) Whether the proposed use is consistent with any policy of the Comprehensive Plan that encourages mixed uses and/or densities;
- (2) Provision of adequate public facilities or services;
- (3) Dedication of easements or land in fee title;
- (4) Funding for extraordinary costs associated with the Development through direct contribution or agreement to establish an acceptable funding mechanism;
- (5) Creation of restrictive covenants;
- (6) Development phasing;
- (7) Standards pertaining to traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, and similar characteristics;
- (8) Adequate measures to provide ingress and egress designed to minimize traffic hazards and to minimize traffic congestion on the public roads;
- (9) Provision of sustainable features, solar or other renewable energy source, rain water capture, storage and treatment or other sustainability requirement;
- (10) Provision of performance guarantee to the same extent and with the same limitations as in section 2.20.6 of this UDO and as acceptable in form, content, and amount to the Town Attorney to ensure continued compliance with all conditions and requirements as may be specified; or
- (11) Other conditions that the Town Council finds are necessary to achieve the purposes of this section and UDO.
(Ord. #1716; Ord. #1919; Ord. #1959)
- (B) The Town Council may not attach conditions that provide regulatory relief from specific requirements set forth in this UDO unless the Development in question presents extraordinary circumstances that justify the variation from the specified requirements.

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

2.21.8. Planning Board Action

- (A) The Planning Board shall conduct a Preliminary Forum on the application.
- (B) In response to Planning Board discussion at the Preliminary Forum, the Applicant may modify the application prior to submission to the Town Council and the Planning Director may likewise revise the staff report.
(Ord. #1716; Ord. #1919; Ord. #1959)

2.21.9. Town Council Action

- (A) The Town Council shall take no final action on any matter before it without first obtaining a staff report from the Planning Director.
- (B) Within thirty (30) days of the Planning Board Preliminary Forum, the Town Council shall conduct an evidentiary hearing and approve, conditionally approve or deny the Application. If the application is conditionally approved, the Town Council shall obtain written consent to conditions by the landowner or permit applicant. If the Application is denied, the Town Council shall advise the Applicant of the reason for denial.
(Ord. #1919; Ord. #1959)

2.21.10. Withdrawal and Subsequent Applications

- (A) An application for a SUP may be withdrawn at any time.
- (B) If the application has been advertised in compliance with state law, an application requesting substantially the same use on all or part of the same described land shall not be reconsidered within one (1) year of withdrawal.
- (C) No application for a SUP for any Lot or Parcel that requests the same use and same conditions shall be considered within one (1) year of a final decision denying the application.
(Ord. #1919)

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2.21.11. Effect of Approval

- (A) Once a SUP is granted, such use may be enlarged, extended, increased in intensity, or relocated following the same process as the initial application unless the initial approval specifically established alternative procedures for consideration of future expansion or enlargement.
- (B) The provisions of this UDO relative to expansion of nonconforming uses, do not supersede this requirement unless the special permitted use for which the Development approval was initially granted is no longer a use permitted as of right or as a special use in the zoning district in which it is located.

(Ord. #1919)

2.21.12. SUP Amendments

- (A) **Major Amendments.** Except as allowed under Minor Modifications below, all changes to approved Special Use Permits are major amendments and shall follow the same process applicable for the original approval.
- (B) **Minor Modifications.** The Planning Director is authorized to review and approve administratively a minor modification to an approved Special Use Permit, subject to the following limitations.

- (1) **General Limitations.** The minor modification:
 - (a) Does not involve a change in uses permitted or the density of overall Development permitted;
 - (b) Does not increase the impacts generated by the Development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original Development approval; and
 - (c) Meets all other requirements of this UDO and complies with all conditions of the Special Use Permit approval.

(Ord. #1703; Ord. #1919)

2.21.13. Revocation of Special Use Permits.

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

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

(Ord. #1919)

2.21.14. Recording Procedures

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

(Ord. #1919)

2.22. VARIANCE

2.22.1. Purpose and Applicability

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

2.22.2. Variance Process Overview

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

Exhibit 2-19: Variance Approval Process Summary

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

Exhibit 2-20: Timing

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

2.22.3. Initiation

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

2.22.4. Completeness

- (A) The Planning Director shall review the application and shall determine if the application has been submitted and is complete pursuant to the provisions of section 2.6.
- (B) Upon finding that the application is complete and considering TRC comments, the Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 2.10.

(Ord. #1919)

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2.22.5. Board of Adjustment Action

- (A) The Board of Adjustment shall conduct an evidentiary public hearing and approve, conditionally approve or deny of the application based on the criteria in the following section.
- (B) Before granting a variance, the Board of Adjustment must take a separate vote and vote affirmatively by a four-fifths (4/5) majority) on each of the required findings set forth as criteria in this UDO. In so far as practicable, a motion to make an affirmative finding on each of the requirements shall include a statement of the specific reasons or findings of fact supporting such motion.
- (C) In granting variances, the Board of Adjustment may impose such appropriate conditions that are reasonably related to the variance.
- (D) A motion to deny a variance may be made on the basis that any one or more of the criteria are not satisfied or that the application is incomplete. In so far as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion shall be adopted as the Board of Adjustment's decision if supported by more than one-fifth (1/5) of the Board's membership (excluding vacant seats).

(Ord. #1919)

2.22.6. Criteria

A variance may be granted by the Board of Adjustment if it finds that:

- (A) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
- (B) The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public may not be the basis for granting a variance. . A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

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- (C) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting a variance shall not be regarded as a self-created hardship.
- (D) The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- (Ord. #1919)

2.22.7. Effect of Approval

- (A) Except when the Board specifies that the variance shall be issued for an indefinite duration or for a specified duration, the variance shall expire one (1) year after the approval unless the Applicant establishes the building, structure or other improvement for which the variance was sought.
- (B) The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this chapter.

2.22.8. Variances from Flood Hazard Area, Airport Hazard Area, Watershed Protection Overlay Requirements

- (A) In addition to the requirements of this section, a Variance from any of the requirements set forth in the Flood Hazard Regulations may be granted by the Board of Adjustment only in accordance with the provisions of Section 4.13.7.
- (B) In addition to the requirements of this section, a Variance from any of the Airport Hazard Overlay District Requirements may be granted by the Board of Adjustment only in accordance with the provisions of that district.
- (C) In addition to the requirements of this section, a Variance from any of the requirements of the Watershed Protection Overlay District may be granted by the Board of Adjustment only in accordance with the provisions that district.

Amended

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2.23. APPEALS

2.23.1. Purpose and Applicability

Any person, including any officer or agency of the Town, aggrieved by an Administrative Decision or Determination by the Planning Director or other member of the Town’s administration, may appeal such decision or determination to the Board of Adjustment in the manner provided in this section. Should any person be aggrieved by any decision of the Board of Adjustment, they shall have the right to appeal same to the Circuit Court of Moore County, North Carolina, in the manner prescribed by law.

(Ord. #1919)

2.23.2. Appeals Process Overview

The approval process and typical timing for Appeals are summarized in Exhibits 2-21 and 2-22. Actual timing may vary based on the date of submittal and scheduled hearing dates.

Exhibit 2-21: Appeals Approval Process Summary

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

Exhibit 2-22: Timing

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

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2.23.3. Initiation

- (A) The Appeals application shall be filed with the Planning Director and shall comply with the requirements established in Appendix A. The application shall state fully the decision or determination being appealed and the reasons that the Applicant believes the decision or determination was made in error.
- (B) An application to appeal shall be filed within thirty (30) days of receiving written notice of the Administrative Decision or Determination for a landowner or other party requesting the decision or determination, and within thirty (30) days of receipt of actual or constructive notice of the decision or determination for any other person with standing to appeal. In the absence of evidence to the contrary, written notice sent via first-class mail is deemed received on the third business day following deposit of notice for mailing with the United States Post Office.
- (C) After consulting with the TRC, the Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 2.10.
(Ord. #1919)

2.23.4. Stay of Proceeding

An appeal stays all actions by the Planning Director seeking enforcement of or compliance with the order or decision appealed from, unless the Planning Director certifies to the Board of Adjustment that a stay would cause imminent peril to life or property. If enforcement is not stayed, then the Board of Adjustment shall meet and hear the appeal within fifteen (15) days after such request is filed.
(Ord. #1919)

2.23.5. Board of Adjustment Action

- (A) The Board of Adjustment shall conduct an evidentiary public hearing and may:
 - (1) Reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed;

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- (2) Make such order, requirement, decision, or determination as ought to be made, providing a statement of the specific reasons or findings of fact; and
 - (3) Exercise all the powers of the officer or agency from whom the appeal is taken.
- (B) A motion to reverse, affirm or modify the order, requirement, decision or determination appealed from shall include, in so far as practicable, a statement of the specific reasons or findings of facts that support the motion.
- (C) If a motion to reverse or modify is not made or fails to receive a majority vote necessary to overturn the action being appealed, then a motion to uphold the decision appealed from is deemed approved.
(Ord. #1919)

2.23.6. Burden of Proof in Appeals

When an appeal is taken to the Board of Adjustment in accordance with this UDO, the Planning Director or other member of the Town's administration who made the decision or determination shall appear as a witness at the hearing and shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the final decision or determination being appealed. The burden of presenting evidence and argument to the contrary then shifts to the Appellant, who also shall have the burden of persuasion.
(Ord. #1919)

2.23.7. Criteria

In evaluating an Appeal, the Board of Adjustment shall determine whether the action being appealed:

- (A) Was made based on correct interpretation of the UDO and other applicable regulations; and
- (B) Reflected the correct response to the application that was approved, denied or conditionally approved.

2.23.8. Exemption Based on Constitutional or Statutory Claims

- (A) The Board of Adjustment may approve an exemption from the requirements of this UDO, to the extent necessary to comply with or conform to federal or state law, or to avoid or resolve any alleged violation federal or state law caused by the enforcement of any regulation imposed by this UDO.
- (B) Any person desiring such an exemption shall file a written petition with the Planning Director, who shall forward the petition to the Board of Adjustment for purposes of conducting a public hearing on the petition and issuing a final determination. The petition shall include separate statements that:
 - (1) Advise to which particular regulation of the Town the requested exemption relates;
 - (2) Explain how the regulation is not in conformance with federal or state law, or how it allegedly violates federal or state law;
 - (3) Describe how granting the exemption would be in the public interest and not be contrary to the public health, safety, and welfare; and
 - (4) Describe the intended use of land or activity for which the exemption is being sought.

2.24. VESTED RIGHTS DETERMINATION

2.24.1. Applicability

- (A) This section applies to any application for Development approval in which the Applicant claims an exemption from any provision of this chapter based on common law, statutory vested rights or Estoppel.
- (B) Any Applicant may apply for a vested rights determination, provided that the requirements of this section are satisfied.
(Ord. #1919)

2.24.2. Common Law Vested Rights

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

- (A) In reliance upon lawfully issued Development approval, the Applicant makes a substantial financial commitment or assumes substantial financial obligations within the purview of the activities authorized by said Development approval;
- (B) The Applicant has proceeded in good faith, has relied upon the issuance of the Development approval, and such Development approval has not lapsed or been revoked;
- (C) The Applicant has established any other factor that may establish Estoppel under state or federal law; and
- (D) The Applicant has not obtained a favorable statutory vested rights determination.
(Ord. #1919)

2.25. DEVELOPMENT APPROVAL REVOCATION

2.25.1. Initiation

The Planning Director shall investigate alleged violations of the requirements of this UDO and conditions imposed upon Development Approvals. If the Planning Director determines that revocation of a Development Approval is appropriate, he or she shall notify the holder in writing stating the reasons(s) for the revocation. A recommendation, including the reason or reasons for their determination, shall be made to the same Reviewing Body that granted the Development Approval after providing notice as required in section 2.10.
(Ord. #1714; Ord. #1919)

2.25.2. Reviewing Body Action

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

The Reviewing Body's action shall contain findings that address the basis for the decision; shall state the condition or conditions that have been violated and the harm such violation has caused. In the case of a suspension of the use, the action shall state the length of time such violation can be cured. In the case of a termination, the action shall state the reason such violation cannot be cured.
(Ord. #1919)

2.25.3. Grounds for Revocation

The following are grounds for revocation of a Development Approval:

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

2.25.4. Appeals

An aggrieved party may appeal the Reviewing Body's decision as depicted in Exhibit 2-1. The appeal shall be presented within thirty (30) days of action by the Reviewing Body.
(Ord. #1919)

2.25.5. Right Cumulative

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

2.26. ARCHITECTURAL COMPLIANCE PERMIT

2.26.1. Purpose

This section enables the Town Council and the developer of a multi-family, attached single-family, commercial or mixed-use Development project to collaborate on the project design, thereby providing flexibility from the strict application of the Town's Commercial Design Standards.
(Ord. # 1716)

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2.26.2. Applicability

- (A) Town Council approval of an Architectural Compliance Permit is required for:
 - (1) New construction of an institutional, commercial or mixed use building with three thousand five hundred (3,500) square feet or more of Gross Floor Area, or a multi-family building with dwelling units;
 - (2) Significant modification of any multi-family, institutional, commercial or mixed-use building or site involving:
 - (a) Additions to the front or street side of a commercial or mixed-use building in an OS, NB, GB, PD or HCO district;
 - (b) Additions to the front or street side of a commercial or mixed-use building in an CB district that do not require review by the Historic District Commission;
 - (c) Increases in building height to any building included in paragraphs (1), (2)(a) or (2)(b) of this section;
 - (d) Additions to any side of a commercial or mixed-use building facing a residential district that do not comply with buffer requirements of section 4.3.4;
 - (e) The establishment, relocation or enlargement of loading docks, loading bays or garage entries facing a street or residential district; and
 - (f) An increase of more than twenty (20) parking spaces.
 - (3) Any new construction or modification of a commercial or mixed-use building that, in the opinion of the Planning Director does not comply with the commercial building design standards in section 4.10.

(Ord. # 1716)

- (B) All other commercial and mixed-use building permit applications shall be reviewed by the Planning Director for compliance with the standards established in this UDO.

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2.26.3. Architectural Compliance Permit Process Overview

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

(Ord. # 1716)

Exhibit 2-23: Approval Process Summary

Architectural Compliance Permit Process
Application, Review
Town Council Hearing

Exhibit 2-24: Timing

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

2.26.4. Initiation

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

Amended

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2.26.5. Completeness

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

(Ord. #1919)

2.26.6. Town Council Action

The Town Council shall approve, conditionally approve or deny the application based on the criteria in the following section.

2.26.7. Criteria

No Architectural Compliance Permit shall be approved unless the Town Council finds that:

- (A) The application is consistent with applicable Comprehensive Plan goals and policies;
- (B) The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;
- (C) The application is consistent with applicable conditions of prior Development approvals; and
- (D) The Development as proposed will be compatible with neighboring Development and has mitigated potential conflicts.

(Ord. # 1716)

2.26.8. Amendments

Amendments to a previously approved Architectural Compliance Permit shall be classified as a minor or major amendment. Minor amendments may be administratively accepted by the Planning Director and will not be subject to review by the Town Council. Within five (5) business days after filing of the proposed amendments, required items, and information, the Planning Director

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shall provide a written response indicating whether or not the proposed revisions shall be considered a minor or major amendment.

(A) Minor Amendments. Minor Amendments to an Architectural Compliance Permit include any of the following changes:

- (1) Changes to the timing or phasing of the proposed Development, provided that the use and overall geographic land area remains the same;
- (2) Adjustment of unit boundaries within Tracts or Parcels adjoining the outer boundaries of the site plan, provided that the use and overall geographic land area remains the same;
- (3) A reduction in the number of proposed platted Lots, provided that the use and overall geographic land area remains the same;
- (4) Updating of ownership or consultant information;
- (5) Site plan or subdivision plat name change;
- (6) Reconfiguration of parking to increase compliance with parking or landscaping requirements;
- (7) Increases in the number of parking spaces that do not trigger the applicability threshold in this section;
- (8) Adjustments in the landscaping location or materials that comply with the landscaping standards within the UDO and do not reduce the total landscape area from a previously approved Architectural Compliance Permit;
- (9) Building maintenance and repairs that do not change the area, height, setbacks or materials from a previously approved Architectural Compliance Permit;
- (10) Other changes to increase compliance with UDO or technical requirements; and
- (11) Any change to an Architectural compliance permit that did not require Town Council approval.

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- (B) Major Amendments. All other amendments shall be classified as major amendments and shall be processed in the same manner as the initial application.

(Ord. # 1716)

2.26.9. Effect of Approval

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

(Ord. #1919)

2.27. DESIGNATION OF HISTORIC DISTRICTS

2.27.1. Approval Criteria and Decision

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

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

2.28. CERTIFICATE OF APPROPRIATENESS – MAJOR WORK

2.28.1. Applicability

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

2.28.2. Application Submittal Requirements

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

2.28.3. Notification of Affected Property Owners

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

(Ord. #1919)

2.28.4. Evidentiary Hearing

- (A) An evidentiary hearing shall be conducted by the Commission in accordance with section 2.14 of this UDO within sixty (60) days of the acceptance of a complete application, or within such further time

consented to by written notice from the Applicant. The Commission shall approve, approve with conditions or deny the application based on the criteria established in section 2.28.10. If the application is conditionally approved, the Commission shall obtain written consent to conditions by the landowner or permit applicant.

- (B) Failure of the Commission to take final action on an application within the prescribed time limit, or extensions thereof shall result in approval of the application as submitted.

(Ord. #1919)

2.28.5. Relocation or Demolition

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

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

2.28.6. Actions Subsequent to Decision

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

2.28.7. Appeal of Decision

A decision by the Commission on an application for a Certificate of Appropriateness may be appealed to the Board of Adjustment following the

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same procedures and timelines described in this ordinance for appeals of Administrative Decisions and Determinations.

(Ord. #1890; Ord. #1919)

2.28.8. Submission of New Application

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

2.28.9. Modifications to Applications

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

2.28.10. Criteria

- (A) In considering an application for a Certificate of Appropriateness, the Commission shall take into account the historical and/or architectural Significance under consideration and the exterior form and appearance of any proposed additions or modifications to that structure that are visible from a public right-of-way. The Commission shall not consider interior arrangement or use.
- (B) The Commission shall consider the following factors when determining whether the application is or is not congruous with the historic aspects of the Historic District:
 - (1) The height of the building in relation to the average height of the nearest adjacent and opposite buildings.

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- (2) The setback and placement on Lot of the building in relation to the average setback and placement of the nearest adjacent and opposite buildings.
 - (3) Exterior construction materials, including texture and pattern.
 - (4) Architectural detailing, such as lintels, cornices, brick bond and foundation materials.
 - (5) Roof shapes, forms and materials.
 - (6) Proportion, shape, positioning and location, pattern and size of any elements of fenestration.
 - (7) General form and proportions of buildings and structures.
 - (8) Appurtenant fixtures and other features such as lighting.
 - (9) Structural conditions and soundness.
 - (10) Architectural scale.
 - (11) Secretary of the Interior Guidelines.
- (C) Prior to approving the application, the Commission shall make the following findings:
- (1) Work is compatible and appropriate in preserving, retaining, repairing, or restoring the defining historic character of a property and the district. Specifically, the work is considered compatible and appropriate in terms of material, design, dimensions, mass, scale, orientation, color and other applicable considerations;
 - (2) Work does not damage or remove significant character defining features of the building and will not adversely affect its contribution to the larger historic district; and
 - (3) Work is consistent with the adopted design standards for the historic district.

(Ord. #1919)

2.28.11. Parking Waiver

Where the Historic District Commission, in considering an application for a Certificate of Appropriateness, shall find that the number of off-street parking

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

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

2.28.12. Restoration or Reconstruction

- (A) Where it is found by the Historic District Commission that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original configuration of a structure of historic and/or architectural significance to the historic district, such activity may be approved by the Town Council, following approval by the Historic District Commission. This allows the waiver of zoning requirements which would otherwise prevent the authentic restoration or reconstruction of a structure so long as said improvement shall meet the requirements of the Commission.
- (B) The Town Council shall not be authorized, in action undertaken by this section, to approve a use of property which is not a use permitted by right or as a special use within the district in which the property is located.
- (C) In addition to any other conditions the Town Council may make regarding such authorization, any items restored, reconstructed or maintained on, over or within a public sidewalk, public alley area or other such public way shall be the responsibility of the owner, his heirs and assigns. The owner's restoration, reconstruction or maintenance of any such item within such area shall constitute the owner's agreement to protect and hold the Town of Southern Pines harmless against any and all liability, costs, damage or expenses suffered by the Town of Southern Pines as a result of or growing out of the restoration, reconstruction or maintenance thereof. Such items, so approved, may be lawfully restored, reconstructed or maintained. Any

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such item projecting over the right-of-way of a street or alley shall be, at its lowest point, twelve (12) feet above the travel way.

(Ord. #1919)

2.29. VACATION OF STREETS OR ALLEYS

2.29.1. Purpose and Applicability

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

2.29.2. Initiation

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

(Ord. # 1716)

2.29.3. Notice

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

(Ord. # 1716)

2.29.4. Decision

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

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closing the street or alley. A certified copy of the order shall be filed in the office of the register of deeds.

2.29.5. Appeals

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

2.29.6. Ownership

- (A) Except as provided in paragraph (C) of this section, upon the closing of a street or alley in accordance with this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.
- (B) The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.
- (C) The Town may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to this section. Such reservation shall be stated in the order of closing. Such reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the Town. To retain such easements, the Town Council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements.

2.29.7. Recording Procedures

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

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(Ord. #1714)

PART III – PERMITS AND APPROVALS NOT REQUIRING A PUBLIC HEARING

2.30. ADMINISTRATIVE DEVELOPMENT APPROVALS

2.30.1. Generally

- (A) Administrative Development Approvals are routine, non-discretionary UDO implementation matters carried out by the staff, including issuance of permits for permitted uses. In general, the Planning Director is a purely administrative agent following the literal provisions of this UDO.
- (B) The Planning Director may engage in some fact finding, to determine objective facts that do not involve an element of discretion. In contrast to evidentiary and legislative hearings, administrative decisions are made without a hearing at all, with the staff member reviewing an application to determine if it is complete and compliant with objective standards set forth in this UDO.
- (C) No notice shall be required for an administrative permit issued pursuant to this UDO unless otherwise provided by this Ordinance or by law.
(Ord. #1919)

2.30.2. Application for Permit

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

2.30.3. Records

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

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2.30.4. Plans and Specifications

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

2.30.5. Completeness Review

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

(Ord. #1919)

2.30.6. Resubmittals Due to Incompleteness

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

2.30.7. Resubmittals Due to Non-Compliance

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

2.30.8. Limitations on Issuance of Permits

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

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property of the proposed historic landmark may be delayed by the commission with jurisdiction for a period of up to one hundred eighty (180) days or until the Town Council takes final action on the designation, whichever occurs first. Should the Council approve the designation prior to the expiration of the one hundred eighty (180) day delay period, an application for a certificate of appropriateness for demolition must then be requested.

2.30.9. Issuance of Development Approval

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

(Ord. #1919)

2.31. ADOPTION OF TECHNICAL CODES

2.31.1. Technical Codes

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

- (A) The most recent edition, including all subsequent amendments, of the North Carolina Building Code, as adopted by the North Carolina Building Code Council is adopted by reference as fully as though set forth here to the extent such code is applicable for safe and stable design, methods of construction, minimum standards, and use of materials in building or structures erected, enlarged, altered, repaired, or otherwise constructed or reconstructed after adoption of this chapter.

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- (B) In addition, Appendix D - Fire Districts, of the North Carolina Building Code is hereby adopted by reference as fully as though set forth here and shall be enforced as part of this UDO.
- (C) The most recent edition, including all subsequent amendments, of the North Carolina Administrative and Enforcement Requirements Code as adopted by the North Carolina State Building Code Council is hereby adopted by reference as though fully set forth here.
- (D) The 1999 edition, including all subsequent amendments, of Volume I-C, "Making Buildings and Facilities Accessible to and Usable by Persons with Disabilities," the Accessibility Code, as adopted by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth here.
- (E) The most recent edition, including all subsequent amendments, of "State of North Carolina Regulations for Manufactured/Mobile Homes" as adopted by the North Carolina Commissioner of Insurance is hereby adopted by reference as fully as though set forth here.
- (F) The most recent edition, including all subsequent amendments, of North Carolina Fire Prevention Code, as adopted by the North Carolina State Building Code Council, is hereby adopted by reference as fully as though set forth here.
- (G) The June 1972 edition, including all subsequent amendments, of "Floodproofing Regulations" as prepared and published by the office of the Chief of engineers, U.S. Army, Washington, D.C. is hereby adopted by reference as fully as though set forth here to the extent said regulations are applicable for safe and stable design, methods of construction, minimum standards, and use of materials in buildings or structures hereafter erected, enlarged, altered, repaired, or otherwise constructed or reconstructed in flood hazard areas.
- (H) The 1995 edition, including all subsequent amendments, of the North Carolina State Building Code, Volume IX, Existing Buildings, as adopted by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth here.

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- (I) The most recent edition, including all subsequent amendments, of the North Carolina Energy Code, as adopted by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth here.
- (J) The most recent Edition, including all subsequent amendments, of the North Carolina Residential Code, as adopted by the North Carolina State Building Code Council, is hereby adopted by reference as fully as though set forth here.
- (K) The most recent edition, including all subsequent amendments, of the North Carolina Rehabilitation Code (NCRC) is hereby adopted by reference as fully as though set forth here.
- (L) The most recent edition, including all subsequent amendments, of the North Carolina Plumbing Code, as adopted by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth here.
- (M) The most recent edition, including all subsequent amendments, of the North Carolina Mechanical Code, as adopted by the North Carolina State Building Code Council, is hereby adopted by reference as fully as though set forth here.
- (N) The most recent edition, including all subsequent amendments, of the North Carolina Electrical Code, as adopted by the North Carolina State Building Code Council, is hereby adopted by reference as fully as though set forth here.
- (O) The National Manufactured Home Construction and Safety Standards Act of 1974 U.S.C. §5401 et seq. and the regulations in 24 CFR Part 3280 adopted pursuant thereto, including all their subsequent amendments, are hereby adopted by reference as fully as though set forth here.
- (P) The most recent edition, including all subsequent amendments, of the North Carolina Fuel Gas Code, as adopted by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth here.

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2.31.2. Compliance with Codes

- (A) All buildings or structures and connected appurtenances which are constructed, reconstructed, erected, altered, extended, enlarged, repaired, altered, occupied, used, demolished, or moved shall conform to the requirements, minimum standards, and other provisions of either the North Carolina Building Code, or the North Carolina Residential Code, whichever is applicable, or both if both are applicable. Where the provisions of this UDO conflict with any of the technical codes listed above, the more restrictive provisions shall apply.
- (B) Every building or structure intended for human habitation, occupancy, or use shall have plumbing, plumbing systems, or plumbing fixtures installed, constructed, altered, extended, repaired, or reconstructed in accordance with the minimum standards, requirements, and other provisions of the North Carolina Plumbing Code.
- (C) All mechanical systems consisting of heating, ventilating, air conditioning or refrigeration systems, fuel-burning equipment, incinerators, and other energy-related systems, their fittings, appliances, fixtures, and appurtenances shall be installed, erected, altered, replaced, repaired, used, and maintained in accordance with the minimum standards, requirements, and other provisions of the North Carolina State Mechanical Code.
- (D) All electrical wiring, installations and appurtenances shall be erected, altered, repaired, used, and maintained in accordance with the minimum standards, requirements, and other provisions of the North Carolina Electrical Code.
- (E) All construction, alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances made or installed to any building or structure, other than Single- and Two-Family Dwellings and Townhouses, shall conform to the provisions of the North Carolina Accessibility Code.
- (F) The installation of gas piping systems extending from the point of delivery to the inlet connections of equipment served, and the installation and operation of residential and commercial gas appliances and related

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accessories shall conform to the provisions of the North Carolina Fuel Gas Code.

- (G) All manufactured housing shall be constructed, repaired, altered, installed, erected, replaced, or moved to another site in conformance with the provisions of the National Manufactured Housing Construction and Safety Standards Act and the State of North Carolina procedural and reference codes for mobile homes, modular Dwelling Units, and other factory building structures, and all regulations adopted pursuant thereto.
- (H) All construction, alterations, repairs, replacement, equipment, and maintenance hereinafter made or installed to any building or structure, other than Single- and Two-Family Dwelling and Townhouses, shall conform to the provisions of the North Carolina Fire Prevention Code.
- (I) The thermal envelope of the building and installation of energy systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances, ventilation, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems shall conform to the provisions of the North Carolina Energy Code.
- (J) All alterations, repairs, replacement, rehabilitation or change of occupancy of any existing building shall conform to applicable provisions of the North Carolina Building Code Volume IX - Existing Buildings or other applicable technical codes.

2.32. MINOR SUBDIVISION

2.32.1. Purpose and Applicability

The minor subdivision process is intended to establish a administrative approval process to facilitate divisions of land that do not require public review due to their small scale and limited impact on adjacent Development or public facilities. Minor Subdivisions include:

- (A) Lot splits or resubdivision of one or more Parcels into not more than five (5) Lots that:
 - (1) Front on an existing street or share a common private driveway meeting the access standards of this ordinance;

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- (2) Do not require the dedication or construction of a public or private street, provided however that perimeter right-of-way dedication shall be allowed as part of a minor subdivision;
- (3) Do not involve the extension of municipal water or sewer lines by more than two hundred (200) feet from an existing line to the nearest boundary of the subdivision;
- (4) Do not adversely affect the remainder of the Parcel or adjoining the property;
- (5) Are not in conflict with the Comprehensive Plan, official map, or zoning regulations;
- (6) Do not result in the cumulative creation through one or more minor subdivisions of more than five (5) Lots; and
- (7) Do not result in the creation of additional driveway accesses along collector, arterial, freeway, expressway or interstate roadways. If existing Lot(s) front on an existing street, then each existing Lot may have only one (1) driveway access if along a collector, arterial, freeway, expressway, or interstate roadway.

(Ord. #1714; Ord. #1890, 1-6-21)

(B) The consolidation of existing Parcels or Lots; and

(C) Modification of plats to reflect the dedication of rights-of-way or easements.

2.32.2. Minor Subdivision Process Overview

The approval process for Minor Subdivisions is summarized in Exhibit 2-25.

Exhibit 2-25: Minor Subdivision Approval Process Summary

Minor Subdivision Process
Sketch Plat
Final Plat

- (A) For any minor subdivision involving the creation of new additional Lots, Applicant for minor subdivision shall submit a Sketch Plat application that complies with the requirements in Appendix A to the Planning Director for

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a determination of whether the approval process authorized by this section can be and should be used prior to submitting the Final Plat. The intent of this step is to ensure that the Applicant understands the requirements prior to investing in Final Plat preparation.

- (B) The Applicant shall submit a minor subdivision Final Plat application that complies with Appendix A to the Planning Director, who shall approve or disapprove minor subdivision Final Plat in accordance with the provisions of this section. However, either the Planning Director or the Applicant may at any time refer the application to the major subdivision approval process.
- (1) The Planning Director shall approve the proposed minor subdivision unless the subdivision fails to comply with any applicable requirement of this UDO.
- (2) If the subdivision is disapproved, the Planning Director shall furnish the Applicant with a written statement of the reasons for disapproval.
- (C) Approval of a Minor Subdivision Final Plat is contingent upon the Plat being recorded within sixty (60) days after the date the Certificate of Approval is Signed by the Planning Director.

2.33. VACATION OF EASEMENTS OR PLATS

2.33.1. Purpose and Applicability

This section establishes the process for approving the elimination of an easement or a plat, in whole or in part. The record owners of the Tract covered by a plat may vacate the plat at any time before the ownership of separate Lots is divided by sale, lease or other contractual arrangement. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat. If Lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of Lots in the plat with approval obtained in the manner prescribed for a Major Subdivision Final Plat established in section 2.20.8(F). See section 2.29 for abandonment of rights-of-way.

(Ord. #1714)

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2.33.2. Initiation

The owner or owners of Lots in any approved subdivision, including the developer, shall initiate the proposed vacation by filing a petition and declaration with the Planning Director to vacate the easement or plat with respect to their properties. If the Applicant so desires, the vacating declaration and an application requesting resubdivision of the plat may be filed and processed simultaneously. If the application for vacation is filed and processed simultaneously with a resubdivision plat there shall be no fee for the vacation. Notice for vacations of streets shall comply with the provisions of RS160-299.

(Ord. # 1716)

2.33.3. Completeness Review

The Planning Director shall review an application to determine if the application has been submitted and is complete in accordance with section 2.6. The appellate agency for purposes of completeness review is the Town Council.

(Ord. #1919)

2.33.4. Decision

If no protests are received within fifteen (15) days of notice, the petition may be approved, conditionally approved, or disapproved by the Planning Director. The appellate agency for the Planning Director's decision is the Town Council. If any protests are received within fifteen (15) days of the posting of public notice, the decision shall be made by the Town Council following a public hearing.

2.33.5. Approval Criteria

The Planning Director shall approve the petition for vacation on such terms and conditions as are reasonable to protect public health, safety, and welfare. The Planning Director shall not approve a petition for vacation if:

- (A) It will materially injure the rights of any non-consenting property owner or any public rights in public improvements, unless expressly agreed to by the agency with jurisdiction over the improvements; or
- (B) The plat vacation would create Parcels or blocks that fail to comply with the requirements of this UDO.

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2.33.6. Effect of Approval

The vacation shall be valid upon the recording of the approved documents in the Moore County Registry of Deeds.

2.33.7. Recording Procedures

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

2.34. PLATS, AMENDING

This section provides a streamlined and efficient process for the combination of Parcels or the replat of Parcels. The Town does not require extensive platting for every division of land otherwise within the scope of the state subdivision enabling legislation.

2.34.1. Applicability

A plat may be amended, and the Planning Director may issue an amending plat, if the amending plat is signed by the Applicants only and is solely for one or more of the following purposes:

- (A) To correct an error in a course or distance shown on the preceding plat;
- (B) To add a course or distance that was omitted on the preceding plat;
- (C) To correct an error in a real property description shown on the preceding plat;
- (D) To indicate monuments set after the death, disability, or retirement from practice of the professional engineer or surveyor responsible for setting monuments;
- (E) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- (F) To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including Lot numbers, acreage, street names, and identification of adjacent recorded plats;

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- (G) To correct an error in courses and distances of Lot lines between two adjacent Lots if:

- (1) Both Lot owners join in the application for amending the plat;
- (2) Neither Lot is abolished;
- (3) The amendment does not attempt to remove recorded covenants or restrictions; and
- (4) The amendment does not have a material adverse effect on the property rights of the other owners in the plat;

- (H) To relocate a Lot line to eliminate an inadvertent encroachment of a building or other improvement on a Lot line or easement;

- (I) To relocate one or more Lot lines between one or more adjacent Lots if:

- (1) The owners of all those Lots join in the application for amending the plat;
- (2) The amendment does not attempt to remove recorded covenants or restrictions; and
- (3) The amendment does not increase the number of Lots.

2.34.2. Initiation

The Applicant shall submit an application in compliance with Appendix A to the Planning Director. The Planning Director will determine the extent to which the amending plat will require review by the various departments and agencies of the Town. The amending plat shall be approved unless it is inconsistent with any of the criteria set forth herein.

2.35. ZONING PERMIT

2.35.1. Purpose

The purpose of a Zoning Permit is to confirm that the proposed land use, building and site Development are consistent with the applicable zoning district and any Development Approval applicable to the property.

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2.35.2. Applicability

A Zoning Permit shall be required in conjunction with any Development application establishing a new use or building, changing the use of a building, modifying a site to establish a new use or subdividing land.

2.35.3. Initiation and Review

Upon submittal of any Development application, the Planning Director shall review the application and determine whether the proposed Development complies with the applicable zoning district use regulations established in chapter 3 of this UDO and applicable use, building and site Development standards established in chapters 4, 5 and 6 of this UDO.

2.35.4. Action

If the application complies, the Planning Director shall issue a Zoning Permit concurrently with action on the application. If it does not comply, the application shall be denied or approved on the condition that the Development application be modified to remedy non-compliant use, structure or design.

2.36. LAND DISTURBANCE PERMIT**2.36.1. Purpose**

A Land Disturbance Permit is required to ensure that the stormwater management and other applicable provisions of this UDO are met prior Significant grading or filling of land.

2.36.2. Applicability

Land Disturbance Permit approval is required for disturbances of land that:

- (A) Involve clearing or grading of 30,000 square feet or more of land;
- (B) Involve the Development of reDevelopment of a commercial, institutional or industrial site; or
- (C) Involve the placement or removal of soil or other fill prior to or independent of any other Development Approval established by this UDO that exceeds the thresholds established in Exhibit 26.

Exhibit 2-26: Thresholds for Land Disturbance Permits

Lot Area	Threshold Volumes to be Placed or Removed on Lot
Less than 10,000 sq.ft.	10 cubic yards
10,000 to 19,999 sq.ft.	20 cubic yards
20,000 to one 30,000 sq.ft.	40 cubic yards

2.36.3. Initiation and Review

The Applicant shall submit an application to the Town Engineer in accordance with Appendix A. The Town Engineer shall review the application for compliance with the provisions of section 4.14 within thirty (30) days of submittal of a complete application. The Town Engineer may authorize the use of a compliance permit for any project involving less than 30,000 square feet of land disturbance area upon finding the application to be consistent with the purposes of Chapter 154 of the 30,000 square feet of land disturbance area upon finding the application to be consistent with the purposes of Chapter 154 of the Town Code

(Ord. # 1716)

2.36.4. Action

The Town Engineer shall issue a Land Disturbance Permit upon finding that the application complies with applicable provisions of this UDO,

2.37. BUILDING PERMIT**2.37.1. Purpose**

A Building Permit is required to ensure that new and modified structures comply with this UDO and applicable Development Approvals.

2.37.2. Applicability

A Building Permit shall be obtained from the Chief Building Inspector before any structure or building is erected, moved, or structurally altered.

(Ord. #1919)

2.37.3. Initiation

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

(Ord. #1919)

2.37.4. Action

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

(Ord. #1919)

2.37.5. Enforcement

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

(Ord. #1919)

2.38. PUBLIC USE RESERVATION

2.38.1. Applicability

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

2.38.2. Review and Action

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

(Ord. # 1716)

2.39. CERTIFICATES OF OCCUPANCY

2.39.1. Purpose

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

2.39.2. Applicability

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

2.39.3. Certificate of Occupancy for a Building

- (A) A Certificate of Occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a Building Permit.
- (B) Said certificate shall be issued within three (3) days after written request to the Planning Director after the erection, reconstruction, alteration, or enlargement of such building or part thereof has been completed and has been found to comply with applicable regulations.

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- (C) Pending the issuance of a regular certificate of occupancy, a temporary certificate of occupancy may be issued by the Planning Director for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the Town relating to the use or occupancy of the premises or any other matter covered by this UDO, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.
- (D) A request for a Certificate of Occupancy for any Change of Use of a building shall be made in writing at least ten (10) days in advance of such change, and shall be issued within three (3) days after such request if the new use complies with the provision of this UDO.

2.39.4. Certificate of Occupancy for Land

A Certificate of Occupancy for use of vacant land or the change in the character of the use of land, as herein provided, shall be applied for before any such land is occupied or used. A Certificate of Occupancy shall be issued within three (3) days after the application has been made, provided such use complies with the provisions of these regulations.

2.39.5. Compliance

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

2.40. FLOODPLAIN DEVELOPMENT PERMIT

2.40.1. Purpose

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

2.40.2. Designation of Flood Damage Prevention Administrator

The Planning Director is hereby appointed to administer and enforce the provisions of this section and flood hazard regulations of section 4.13 of this

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UDO. The Planning Director is further authorized to render interpretations of the flood hazard area regulations that are consistent with its spirit and purpose.

2.40.3. Initiation and Action

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

2.41. SIGN PERMIT

2.41.1. Purpose

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

2.41.2. Applicability

Except as otherwise provided in the Sign regulations of this UDO, no Sign may be erected, moved, enlarged or substantially altered except in accordance with the provisions of this section. Mere repainting or changing the message of a Sign shall not be considered a substantial alteration. Changes to the location, height, width, thickness or structure of the Sign shall be considered substantial changes.

- (A) Sign permit applications and Sign permits shall be governed by the same provisions of this chapter applicable to Zoning Permits.
- (B) In the case of a Lot occupied or intended to be occupied by multiple business enterprises (e.g., a Shopping Center), Sign permits shall be issued in the name of the Lot owner or his agent rather than in the name of the individual business enterprise requesting a particular Sign. The Town may assist the owner by suggesting a formula whereby the maximum square footage of Sign area allowed on the Lot may be allocated equitably among all tenants, but the Town shall be responsible for enforcing only the provisions of this UDO and not the provisions of any allocation formula, lease or other private restriction.

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2.41.3. Unified Sign Plan Required for Sites with Multiple Uses

A Unified Sign Plan is required where a Parcel or Development Project in a commercial, industrial or PD district contains more than one (1) Principal Use or establishment.

- (A) The Unified Sign Plan shall apply to the Parcel or Development Project as a whole.
- (B) The Unified Sign Plan shall allocate the allowed number and area of Signs among the individual uses or establishments.
- (C) The Unified Sign Plan shall show the locations and maximum dimensions of all Signs proposed thereon and establish design standards to ensure that all Signs are of comparable design and proportionate scale.

2.41.4. Substitution of Noncommercial Speech for Commercial Speech

Notwithstanding anything contained in this section or Sign code to the contrary, any Sign erected pursuant to the provisions of this section or Sign code, or otherwise lawfully existing with a commercial message, may, at the option of the owner, contain a noncommercial message unrelated to the business located on the premises where the Sign is erected. The noncommercial message may occupy the entire Sign face or any portion thereof. The Sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the Sign, provided that the Sign is not a prohibited Sign or Sign type.

2.41.5. Content Neutrality as to Sign Message

Notwithstanding anything in this section or Sign code to the contrary, no Sign or Sign structure shall be subject to any limitation based on the content of the message contained on such Sign or displayed on such a Sign structure.

(Ord. # 1716)

2.41.6. Signs Excluded From Regulation

See section 4.6.13 for a listing of signs that are exempt from the regulation.

2.41.7. Certain Temporary Signs

See section 4.6.14 for regulations applicable to certain temporary signs that do not require permits.

2.41.8. Submittal

An application for a Sign Permit shall be filed with the Planning Director in accordance with Appendix A of this UDO.

2.41.9. Signs Requiring Certification

If deemed necessary by the Planning Director, Landmark Signs and Signs with structural features that make the Sign more susceptible to wind damage, a North Carolina registered structural engineer or architect shall certify the structural integrity of the structure and foundation as compliant with all standards for wind loads as set forth by the building codes.

(Ord. # 1716)

2.41.10. Approval

The Planning Director shall issue a Sign Permit for proposed Signs that comply with previous Development Approvals, this UDO and any other applicable ordinance of the Town. If the application is for an electrical Sign a separate electrical permit shall be required plus the fee therefore.

2.41.11. Timing

The work under a Sign permit must be begun within three (3) months of its issue date and must be completed no more than six (6) months after the permit issue date, otherwise the permit shall lapse.

2.41.12. Inspection

All billboards and freestanding, on-site Signs shall be subject to a footing inspection prior to erection of the Sign. All Signs shall be subject to a final inspection to ensure that they comply with the Sign permit and this ordinance. The Planning Director shall direct the Applicant to bring non-compliant Signs into compliance within a specified time upon determining that the Sign does not comply with the terms of the permit. Upon failure to do so, the permit shall be revoked and the Sign removed.

2.41.13. Non-Conforming Signs

Non-Conforming Signs are subject to the provisions of section 4.6.21 of this UDO.

2.41.14. Sign Removal

Any Temporary Sign erected in violation of the provisions of this section may be removed immediately by the Planning Director. Any Sign so removed shall be retained at a designated municipal facility until recovered by the Sign owner following payment to the Town of a \$5.00 fee per Sign. Any Sign not recovered within 10 days will be destroyed.

2.41.15. Discontinued Signs

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

2.42. DRIVEWAY PERMIT / RIGHT-OF-WAY PERMIT

2.42.1. Purpose

To ensure that any person or entity engaging in Development activities within the Town's right-of-way complies with applicable conditions to protect the public health, safety and welfare.

2.42.2. Applicability

Any person, firm or corporation, including utility companies, both private and public, desiring to use or cross any public right-of-way, street, alley, roadway, easement, or drainage way involving surface disturbance within the Town and under the jurisdiction of the Town shall first obtain a Driveway or Right-of-Way Permit from the Town Engineer.

2.42.3. Submittal

Every Applicant shall furnish the following information to the Town Engineer:

- (A) A declaration of the intended purpose of such crossing or use.
- (B) Date and time of the proposed crossing or use, and if related to vehicular traffic, plans for rerouting of such traffic if required.
- (C) Two (2) sets of scale drawings related to such crossing or use. The drawings (or written plan) shall include the extent of disturbance of the right-of-way surface and the restoration of same. The drawing or plan must be approved by the Town Engineer and be in compliance with the state aid road construction standards as set forth in the state aid manual on utility facilities within rights-of-way.

2.42.4. Maintenance Bond; Duration

A maintenance bond of sufficient monies, as the Town Engineer shall determine, may be required to guarantee to the Town the reasonable estimated cost resulting from defective workmanship or material in repair of the right-of-way disturbance. Such bond shall be in full force and effect for a minimum period of one (1) year and shall be cancelled only by the Town Engineer.

2.42.5. Administrative Conditions

The following conditions shall be met prior to performing work subject to a Driveway or Right-of-Way Permit.

- (A) The Applicant certifies that prior to filing this application that said Applicant has ascertained the location of all existing utilities both aerial and underground and the accurate locations are shown on the plans. The Applicant further certifies that each utility company, public and private within the rights-of-way has been contacted and a copy of its response is attached as part of this application.
- (B) It is understood and agreed that the rights and privileges herein set out are granted to the extent of the Town's right, title and interest in the land to be entered upon and used by the Applicant. The Applicant will, at all times, assume all risk of and indemnify, defend and save harmless the Town from

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and against all loss, damage, cost or expense arising in any manner out of the exercise or attempted exercise of the aforesaid rights and privileges.

- (C) All Town property and/or rights-of-way shall be restored to current standard or to original condition as far as approved by the Public Works Director.
- (D) This permit is a license for permissive use only and that placing facilities upon public property pursuant to this permit shall not create or vest any property rights in said holder.
- (E) Whenever necessary for the construction, repair, improvement, alteration or relocation of all, or any portion of a Town facility as determined by the Town Engineer, any or all poles, wires, pipes, cables or other facilities appurtenances authorized hereunder, shall be removed from said rights-of-way, or reset or relocated thereon as required by the Town Engineer, and shall be done at the expense of the Applicant.
- (F) This permit may be terminated by the Town in the event that the Applicant violates any provision contained herein and/or fails to promptly correct such violation within forty-eight (48) hours of notice from the Town.
- (G) If the permit is to allow the installation of improvements in the right-of-way, then the Property Owner must execute a Restrictive Covenant and Hold Harmless Agreement as part of the application process. The Restrictive Covenant and Hold Harmless Agreement must be recorded in the official records Moore County.

2.42.6. Conditions Minimizing the Impacts of Work in the Rights-of-Way and Public Easements

- (A) **Protection of the Public Interest.** Work shall be conducted to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property.
- (B) **Protection of Utilities.** No person shall fail to support and protect all infrastructure, including, without limitation, pipes, conduits, poles, wires or other apparatus, which may be affected by the work from damage during construction performance of the work, or settlement of trenches subsequent to construction.

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- (C) **Dust and Erosion.** No person shall fail to use appropriate measures, such as watering and best management environmental practices, to control dust and erosion at the construction site.
- (D) **Deposit of Dirt and Material on Roadways.** No person shall fail to comply with the requirements to eliminate the tracking of mud or debris upon any street or sidewalk. Equipment and trucks used during construction, excavation or work activity shall be cleaned of mud and debris prior to leaving any work site.
- (E) **Use of Street and Sidewalk within the Right-of-Way or Public Easement.** An Applicant for a right-of-way construction permit shall:
 - (1) Make provisions for employee and construction vehicle parking so that neighborhood parking adjacent to a work site is not impacted;
 - (2) Obtain permission from the Town Manager to occupy public parking spaces and pay applicable parking reimbursement fees for any work activity that impacts the parking spaces;
 - (3) Maintain safe traffic operations along all public streets;
 - (4) Maintain an adequate and safe unobstructed public walkway through or around the working construction site or blocked sidewalk; and
 - (5) Secure all dangerous areas, such as trenches and excavations, with appropriate markers, barricades and/or fencing.
- (F) **Protection of Trees and Landscaping.** No person shall fail to protect trees, landscape and landscape features as required by the Town. All protective measures shall be provided at the expense of the person performing work. Any damage to existing trees and landscaping shall be reported to the Town Manager for inspection. The person performing work shall be required to complete any remedial action necessary to repair and restore damaged trees and landscaping, as determined by the Town Manager. Any trees and landscape materials which are damaged beyond repair or restoration shall be replaced at an equivalent value to the damaged material at the expense of the person performing work.
- (G) **Protection of Paved Surfaces from Damage.** The Applicant or any other person performing work shall be responsible for any damage caused to any

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pavement by any work activity. Upon order of the Town Engineer, said person shall repair all damage. Failure to repair such damage will result in the use of the Applicant's performance bond, financial guarantee or warranty by the Town to repair any damage. To protect against pavement damage, backhoe equipment outriggers shall be fitted with rubber pads when used on pavement surfaces, and tracked vehicles are not permitted on paved surface unless specific precautions approved by the Town Engineer are taken to protect the surface.

- (H) **Protection of Property.** No person shall fail to protect from injury any adjoining property by providing adequate support and taking other necessary measures. Said person shall, at their expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the work, and shall be responsible for all damage to public or private property resulting from failure to properly protect and carry out work in the public right-of-way and public easements.
- (I) **Cleanup.** As the work progresses, all public rights-of-way, public easements and private property shall be thoroughly cleaned of all rubbish, excess dirt, rock and other debris. All cleanup operations shall be done at the expense of the Applicant or any other person performing work.
- (J) **Preservation of Monuments.** No person shall disturb any surface monuments or survey hubs and points found on the line of work unless approval is obtained from the Town Engineer. Any monuments, hubs and points disturbed shall be replaced by a North Carolina Registered Land Surveyor at the expense of the Applicant or the person that is responsible for its removal.
- (K) **Construction and Restoration Standards for Newly Constructed or Overlayed Streets.** For any excavation or opening in a public street or alley in the three (3) year period following new construction or overlay, trenches shall be filled with flowable fill backfill material, and the streets shall be repaired so as to not reduce the useful life of the pavement in accordance with design and construction standards adopted by the Town.
- (L) **Emergency Procedures.** Any person maintaining facilities in the public right-of-way or public easement may proceed with repairs upon existing facilities without a permit when emergency circumstances demand that

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the work be done immediately. Emergency work is defined to mean any work necessary to restore water, sewer, gas, phone, electric, and cable facilities. Repairs on other facilities in the public right-of-way may also be classified as emergency work by the Town Engineer. The person doing the work shall apply to the Town for a permit on the first working day after such work has commenced. No person performing emergency work shall fail to notify the Town police and fire departments prior to commencing such work.

- (M) **Work in the Public Right of Way or Public Easement Exempt From Required Permit.** The following work activities do not require a permit under this chapter:
 - (1) Public Projects: Maintenance and construction of public infrastructure by an employee or official of the Town designated by the Town Engineer, or a person under contract with the Town.
 - (2) Private Projects: Maintenance and construction of non-Town-owned utilities by public utility companies, their employees or agents, in public utility easements less than fifteen (15) feet in width where no Town-operated utilities, transportation, or drainage system improvements are in place.
 - (3) Maintenance of Landscaping and Surface Improvements: Maintenance by the adjacent property owner of landscaping and surface improvements located within a public easement, or within the public right-of-way as it abuts a property outside of any street section, behind the curb and gutter or edge of pavement. "Maintenance" generally includes, without limitation, watering, mowing, raking, and weeding activities.

(Ord. #1959)

2.43. HOME OCCUPATION

2.43.1. Applicability

Except as exempted in this UDO, it shall be unlawful for any person to operate a home occupation without first obtaining a Home Occupation Permit.

(Ord. #1703)

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2.43.2. Initiation

An application for a home occupation shall be filed with the Planning Director in accordance with Appendix A.

2.43.3. Action

The Planning Director shall issue the Home Occupation Permit if the Applicant demonstrates that the home occupation will comply with all applicable requirements of this UDO.

2.44. TEMPORARY USE PERMITS

A Temporary Use Permit shall be secured from the Planning Director prior to establishing any of the uses described in this section. The Planning Director shall issue the Temporary Use Permit upon finding that the proposed use will comply with all applicable laws and the provisions of this UDO.

2.44.1. Construction Dumpsters

In all districts, the following requirements shall apply:

- (A) No construction dumpster may impede pedestrian or vehicular access to and from adjoining properties or otherwise create an unsafe condition for pedestrian and vehicular traffic;
- (B) Every construction dumpster shall clearly identify the owner of such dumpster and telephone number and shall be clearly labeled for the purpose of containment of construction materials only; and
- (C) Every construction dumpster shall be routinely emptied so it does not create an unsightly or dangerous condition on the property resulting from the deposit, existence, and accumulation of construction materials.

2.44.2. Construction-Related Uses

Temporary buildings, structures, or construction dumpsters are permitted in any district in connection with and on the site of building and land Development or redevelopment, including, but not limited to, grading, paving, installation of utilities, and building construction, and such buildings or structures may include offices, construction trailers or construction dumpsters, storage buildings and Signs.

2.44.3. Public Assembly

Temporary buildings, structures or tents, other than those used in conjunction with Town functions, those proposed to be used for a period of three (3) business days or less or those proposed to be used as Accessory Structures in areas zoned for commercial and industrial uses may be used for public assembly (including carnivals, circuses, and similar events) in any district subject to issuance of a Zoning Permit and Temporary Use Permit, provided that:

- (A) No such building, structure, or tent shall be permitted to remain on site for a consecutive period exceeding one (1) week;
- (B) Sufficient space for parking shall be provided on the site to meet the anticipated needs;
- (C) Adequate provision shall be made for utility services;
- (D) Structures shall be inspected for compliance with applicable provisions of the Fire Code;
- (E) Such facility shall not be used between the hours of 10:00 PM and 10:00 AM; and
- (F) No exterior amplifiers, speakers, or other similar equipment shall be permitted outside of the temporary building, structure, or tent.

2.44.4. Yard/Garage Sales

Limited temporary outdoor sales are permitted in residential zoning districts. Yard/garage sales are a permitted use in all residential zoning districts. Items purchased elsewhere expressly for resale at a yard/ garage sale are prohibited. Goods intended for sale shall not be stored or displayed in the front or side yards of a Dwelling except on the day or days of the sale. Commercial outdoor sales activities are prohibited. For purposes of this section, a “yard/garage sale” means a public sale at a Dwelling at which personal items belonging to the residents of the Dwelling are sold.

2.44.5. Temporary Sales

A zoning permit may be authorized by the Planning Director for Christmas Tree, Pumpkin and related ornamental sales, collective retail merchant sales and shows provided that:

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- (A) All applicable town and state permits and/or licenses have been obtained.
- (B) No more than one ground or Wall Sign, not to exceed six (6) square feet in area is located on the premises and no banners, pennants, streamers, strings of twirlers or propellers and similar devices are erected.
- (C) The temporary use is operated only during the hours of 7 a.m. and midnight and is conducted for a period not to exceed thirty (30) consecutive days.
- (D) No more than two (2) zoning permits are issued to the same person, household, firm or organization in any calendar year.
- (E) Temporary uses of land must be approved as special events.

2.44.6. Special Events

- (A) Special events may be conducted in those districts specified in Exhibit 3-15 only if the event has been granted a permit under the guidelines promulgated by the Permit Issuing Authority designated by the Town Manager.
- (B) The guidelines shall ensure that the special event will not materially endanger the public health and safety, will be in harmony with the area in which it is located, and will not unreasonably disrupt or interfere with the flow of traffic or the rights of adjacent or surrounding property owners.
- (C) The permit may impose conditions limiting the hours and duration of the event, preventing disruption of adjacent uses, and assuring removal of litter caused by the event at no expense to the Town.
- (D) If the event includes the consumption of any alcoholic beverages, the permit may be issued only if the Applicant demonstrates that any selling or distributing the beverages on public property is not for profit and has received any permit required by the State of North Carolina.
(Ord. # 1716)
- (E) If the permit Applicant requests the Town to provide extraordinary services or equipment or if the Town Manager otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the Applicant shall be required to pay to the Town

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a fee sufficient to reimburse the Town for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

2.45. CERTIFICATE OF APPROPRIATENESS – MINOR WORK

2.45.1. Applicability

The Planning Director may issue a Certificate of Appropriateness for any Minor Work in a Historic District. Minor Work includes any activity defined as Minor Work as interpreted by the Planning Director and shall not include Ordinary Maintenance or Major Work.

2.45.2. Initiation

- (A) Applications for Certificates of Appropriateness shall be filed with the Planning Director.
- (B) No application shall be accepted by the Planning Director unless it complies with the requirements of Appendix A.
- (C) The Planning Director shall determine whether the application constitutes and Minor or Major Work. Minor Work shall be processed in accordance with this section. If, in the opinion of the Planning Director, the application constitutes Major Work, then the application shall be processed in accordance with section 2.28.

(Ord. #1714)

2.45.3. Action

The Planning Director shall approve, approve with conditions, or deny the application based on the criteria established in section 2.45.5. If the Applicant is denied, the notice shall include the reasons for such action.

2.45.4. Appeal of Decision

A decision by the Planning Director on an application for a Certificate of Appropriateness may be appealed to the HDC.

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2.45.5. Criteria

In considering an application for a Certificate of Appropriateness for Minor Work, the Planning Director shall take into account the historical and/or architectural Significance under consideration and the exterior form and appearance of any proposed additions or modifications to that structure that are visible from a public right-of-way. The Planning Director shall not consider interior arrangement or use.

The Planning Director shall approve, conditionally approve or disapprove the application based on the application's compliance with this UDO and the Historic District Design Standards. The Planning Director's action may be appealed to the Historic District Commission.

(Ord. #1919)

2.46. ADMINISTRATIVE RELIEF

2.46.1. Purpose

Administrative relief provides for expeditious review of minor deviations from the provisions of the UDO under specified circumstances. The administrative relief process does not involve a public hearing unless a decision is appealed by the applicant to the Board of Adjustment.

2.46.2. Initiation

The Town Council, Town Manager or property owner may initiate an application. The Applicant shall file a completed application with the Planning Director in conformance with the Appendix A.

2.46.3. Types of Administrative Relief

Administrative relief may be granted for any of the following situations:

- (A) **Building Setback Reduction:** The side and rear building setbacks shall not be less than sixty (60) percent of the minimum setback requirement. Front building setbacks shall not be less than seventy-five (75) percent of the minimum setback requirement. All setbacks shall be required to meet minimum requirements of the Fire Code.
- (B) **Minimum Lot Area:** Minimum lot area may be reduced by up to ten (10) percent provided that not more than four (4) lots are within the

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subdivision and the subdivision complies with applicable requirements of the WPO district.

- (C) **Landscaping and Buffers:** Minimum buffer width and planting requirements may be reduced pursuant to section 4.3.8.
- (D) **Parking Spaces:** The number of parking spaces may be reduced by not more than twenty (20) percent based on the proposed use, site conditions and availability of on-street parking.
- (E) **Parking Dimensions:** The minimum parking aisle width may be reduced by up to one (1) foot per travel lane if parking space width is increased by at least one-half (1/2) foot.
- (F) **Parking Surfaces:** Subject to the recommendation of the TRC, alternative dust free parking lot surfaces may be allowed.
- (G) **Minor Amendments:** Subject to specific conditions of approval, the Planning Director may approve minor amendments to a Final Development Plan or Architectural Compliance Permit.

2.46.4. Criteria

Administrative Relief may be granted when the Planning Director finds that the application meets the following criteria:

- (A) The relief will not create a burden on adjacent property owners or conflict with the zoning district's purposes;
- (B) The relief is necessary to allow efficient use of the property due to site conditions or circumstances that do not commonly affect properties in the district; and
- (C) The relief does not convey a right or privilege that would be unavailable to similarly situated properties.

2.46.5. Action

After a review period of not more than fifteen (15) business days, the Director shall approve, conditionally approve, or disapprove any application for administrative relief and provide written documentation justifying the action.

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2.47. WATERSHED PROTECTION PERMIT

2.47.1. Purpose

If, at the time of application for a zoning permit, it is determined that the property lies in a water supply watershed, as shown on the Zoning Map, a Watershed Protection Permit will be required.

2.47.2. Initiation

The Town Council, Town Manager or property owner may initiate an application. The Applicant shall file a completed application with the Planning Director in conformance with the Appendix A.

2.47.3. Action

- (A) If the proposed activity as set forth in the application is in conformance with the provisions of this ordinance and the Council has allocated Built-Up Upon Area pursuant to any Development Approval, the Planning Director shall issue a Watershed Protection Permit for the low-density option.
- (B) If the Council has not allocated Built-Up Upon Area, the Planning Director shall forward the application to the Town Council at the next regular meeting.
- (C) If any application for a Watershed Protection Permit is not approved, the Approval Authority shall state the cause for such disapproval.
- (D) Issuance of a permit shall, in no case, be construed as waiving any provision of this or any other ordinance or regulation.

2.47.4. Exceptions to Applicability and Pre-Existing Lots

- (A) A pre-existing lot owned by an individual prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes without being subject to any additional restrictions imposed by the Watershed Protection Overlay District. (All regulations stated in the Town of Southern Pines Unified Development Ordinance do apply.)
- (B) Any existing Development may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing Development or lots must meet the requirements of this

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ordinance, however, the built-upon area of the existing Development is not required to be included in the density calculations.

- (C) Vacant Lots. This category consists of vacant lots for which plats or deeds have been recorded in the office of the Register of Deeds of Moore County. Lots may be used for any of the uses allowed in the watershed area in which it is located.

2.47.5. Reconstruction of Buildings or Built-Up Areas

Any existing building or built-upon area not in conformance with the restrictions of this ordinance that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential Development, provided;

- (A) Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.
- (B) The total amount of space devoted to built-upon area may not be increased.
- (C) This provision shall not prevent the restoration of a non-conforming use, which has been destroyed through no willful act of the owner, but only if the owner has applied for a building permit for reconstruction within six (6) months of the date of its destruction.

2.48. SITE PLAN REVIEW

2.48.1. Purpose

Site plan review is intended to ensure that the layout and general design of proposed Development in areas regulated by this UDO complies with all applicable standards in this ordinance and all other applicable Town of Southern Pines regulations. The purpose of this section is to establish the submittal requirements and review process for the approval of site plans. (Ord. #1703)

2.48.2. Applicability

- (A) TRC approval of a site plan is required for:

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- (1) New commercial, industrial, institutional and multi-family Development;
 - (2) Modifications to existing commercial, industrial, institutional and multi-family Development that trigger compliance with the UDO. Examples may include (but are not limited to): modifications to utility plans such as stormwater management facilities, sewage disposal facilities or water supply systems; modifications to parking, internal circulation or site access; or modifications to required landscaping or lighting.
- (B) The following Development is exempted from the requirements of this section:
- (1) New single-family and two-family Development;
 - (2) Dwellings, uses and structures that are accessory to single-family and two-family Development;
 - (3) Internal construction that does not change the use of a site in a manner that would trigger compliance with the UDO;
 - (4) Temporary uses permitted per Section 2.44.

(Ord. #1703)

2.48.3. Initiation

- (A) Applications for site plan review may be initiated by any party with an interest in developing property within areas regulated by this UDO. Written approval from the current landowner shall be required as part of any application for site plan review.
- (B) Except where otherwise required by this UDO, a licensed professional engineer is not required to certify a site plan. However, all site plans shall be prepared to scale and with sufficient detail and clarity to demonstrate compliance with applicable technical requirements for Development within the Town of Southern Pines' jurisdiction.

(Ord. #1703)

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2.48.4. Submittal Requirements

- (A) Site plan applications shall, at a minimum, contain the materials listed in the Site Plan Checklist in Appendix A.
- (B) Incomplete site plan applications are not considered to have been submitted and may not be processed until they are made complete by the applicant.

(Ord. #1703; Ord. #1919)

2.48.5. Site Plan Review Process

Site plan review shall occur as follows. A schedule of submittal deadlines and corresponding TRC meeting dates shall be made available by the Town Planning Office.

(A) Pre-application meeting.

- (1) Prior to submitting an application for site plan review, the applicant or an authorized agent of that applicant shall participate in a pre-application meeting with the TRC to discuss the proposed Development.
- (2) The purpose of the pre-application meeting is to have an introductory, concept-level discussion about the proposed Development. A pre-application discussion is not binding on the applicant or the Town.
- (3) A request for a pre-application meeting containing basic information about the location and nature of the proposed Development shall be submitted to the Town. The Town shall have five (5) business days to review and schedule pre-application requests.
- (4) This pre-application meeting requirement may be waived for projects with minimal community impact at the discretion of the Planning Director.

- (B) **Initial Site Plan Submittal.** The first site plan submittal for a proposed Development shall be known as the Initial Site Plan Submittal (see Appendix A) and shall be processed as follows:

- (1) The applicant or an authorized agent of the applicant shall submit to the Town Planning Office a complete Initial Site Plan Submittal

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application. The Town shall have fifteen (15) business days to review the Initial Site Plan Submittal and schedule a TRC meeting at which the submittal will be discussed.

- (2) Prior to the TRC meeting at which an Initial Site Plan Submittal is scheduled for discussion, Town staff shall send the applicant or an authorized agent of the applicant draft comments on the Initial Site Plan Submittal.
- (3) A TRC meeting shall be held to discuss Town staff's draft comments on the Initial Site Plan Submittal. The applicant, or an authorized agent of the applicant, shall attend this meeting.
- (4) After the TRC meeting at which Town staff's draft comments are discussed, Town staff shall send the applicant, or an authorized agent of the applicant, final comments on the Initial Site Plan Submittal.
- (5) Final comments on an Initial Site Plan Submittal are valid for six (6) months from the date the final comments are sent to the applicant. After six (6) months a resubmittal of a site plan shall be considered an Initial Site Plan Submittal.

(C) **Subsequent Site Plan Submittal:** A revised site plan that is submitted within six (6) months of the final comments on the Initial Site Plan Submittal shall be known as the Subsequent Site Plan Submittal (see Appendix A). Subsequent Site Plan Submittals shall be processed the same as Initial Site Plan Submittals with the following differences:

- (1) The Town shall have ten (10) business days to review the Subsequent Site Plan Submittal and schedule a TRC meeting at which the submittal will be discussed.
- (2) Attendance at the TRC meeting at which the Subsequent Site Plan Submittal is discussed is at the discretion of the applicant or the applicant's authorized agent.

(D) **Final Site Plan Approval:**

- (1) When all comments have been addressed and a site plan conforms to applicable Town regulations, Town staff shall contact the applicant and request a Final Site Plan submittal (see Appendix A).

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- (2) Town staff may approve or conditionally approve the Final Site Plan.
- (3) At least one original copy of the approved Final Site Plan shall be delivered back to the applicant or an authorized agent of the applicant.

(Ord. #1703)

2.48.6. Effect of Approval

- (A) Final Site Plan approval shall expire or be extended pursuant to timeline set forth in section 2.8.
- (B) Development activities shall conform to the approved Final Site Plan and any conditions of approval. Any deviation from the approved Final Site Plan, unless approved in advance and in writing by the Planning Director is deemed a violation of the UDO.

2.48.7. Amendments

A Final Site Plan may be modified only in accordance with the procedures and standards established herein, including the applicability section.

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Chapter 3. Zoning

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3.1. PURPOSE

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

3.2. OVERVIEW AND APPLICABILITY

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

(Ord. #1919)

3.3. ESTABLISHMENT OF ZONING DISTRICTS

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

3.3.1. Conventional Districts

The following conventional districts are established.

(A) Residential

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

(B) Non-Residential or Mixed Use

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

(C) PD - Planned Development District

3.3.2. Conditional Districts

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

(Ord. #1919)

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3.3.3. Overlay Districts

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

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

3.4. ZONING MAP

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

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

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

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

3.4.2. Interpretation of Zoning District Boundaries

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

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

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- (F) Boundaries indicated as approximately following the centerlines of canals, streams or other bodies of water shall be construed to follow such centerlines.
- (G) Boundaries indicated as parallel to features described in paragraphs (A) through (F) above shall be construed as parallel to such features at the distance from the feature indicated on the Zoning Map. If a distance is not indicated on the Zoning Map, the distance shall be determined by the scale of the map.
- (H) Where interpretation is needed as to the exact location of boundaries of any mapped area, the Planning Director shall make the necessary interpretation.

3.4.3. Parcels Divided by District Lines

- (A) Whenever a single Parcel of two (2) acres or less in size is located within two (2) or more different zoning districts, the district regulations applicable to the district within which the larger portion of the Lot lies shall apply to the entire Lot.
- (B) Whenever a single Lot greater than two (2) acres in size is located within two (2) or more different zoning districts, then:
 - (1) If each portion of the Lot located within a separate district is equal to or greater than the minimum Lot size for that district, then each portion of the Lot shall be subject to all regulations applicable to the district in which it is located.
 - (2) If any portion of the Lot located within a separate district is smaller than the minimum Lot size for that district, then such smaller portion shall be regarded as if it were in the same zoning district as the nearest larger portion to which it is attached.

Amended

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3.5. CONVENTIONAL ZONING DISTRICTS**3.5.1. RE – Rural Estate****(A) Purpose**

The **RE** district is established as a district in which the Principal Use of land is for low-density residential purposes and for horse farms, horse stables and related activity purposes. The regulations of this district are intended to:

- (1) Preserve the existing scale of the low-density residential and agricultural character of Development in the area referred to as "Horse Country";
- (2) Discourage the conventional subdivision of existing large Tracts into small building Lots;
- (3) Preserve existing horse farms and agricultural uses; and

- (4) Discourage traditional urban Development uses that require major utility extensions and street improvements.

(B) Authorized Uses

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

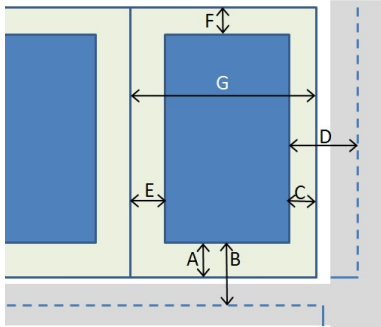
(C) District Use Standards

Standards for specific uses and Development Patterns authorized in this district are established in chapters 5 and 6.

(D) District Development Standards

Dimensional standards are summarized in Exhibit 3-1. Section cross-references identify the location of additional dimensional standards and rules for their application. Additional district Development standards are established in chapter 4 of this UDO.

Exhibit 3-1: Summary of RE Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	35'	4.2.1	 Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	40'	4.2.2	
Minimum front setback from centerline (dimension B)	70'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	15'	4.2.2	
Minimum Rear Setback (dimension F)	15'	4.2.2	
Minimum Lot Width (dimension G)	100'	4.2.3	
Minimum Lot Size	5 acres	4.2.3	

3.5.2. RR – Rural Residential**(A) Purpose**

The **RR** district is established as a district in which to allow a variety of Single-Family residential building types at very low densities which are interspersed with large, undeveloped open areas. The regulations of this district are intended to:

- (1) Preserve the existing scale and the low-density residential and agricultural character of Development on the fringe of the planning region;
- (2) Discourage traditional urban-scale Development that requires major utility and street improvements; and
- (3) Enable the Development of Single-Family detached residential Development in Class B manufactured homes on individual Lots.

(B) Authorized Uses

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

(C) District Use Standards

Standards for specific uses and Development Patterns authorized in this district are established in chapters 5 and 6.

(D) District Development Standards

Dimensional standards are summarized in Exhibit 3-2. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this UDO.

Exhibit 3-2: Summary of RR Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	35'	4.2.1	Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	40'	4.2.2	
Minimum front setback from centerline (dimension B)	70'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	15'	4.2.2	
Minimum Rear Setback (dimension F)	30'	4.2.2	
Minimum Lot Width (dimension G)	100'	4.2.3	
Minimum Lot Size	30,000 sq.ft.	4.2.3	

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

Amended

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3.5.3. RS-1 – Residential Single-Family (10,000 sf Lots)**(A) Purpose**

The **RS-1** is established as a district in which to allow primarily medium density Single-Family residential land uses (approximately 4.3 Dwelling Units per acre).

The regulations of this district are intended to:

- (1) Preserve existing Single-Family residential neighborhoods that have developed at a medium-density; and
- (2) Encourage new residential Development that is compatible with that in the existing neighborhoods.

(B) Authorized Uses

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

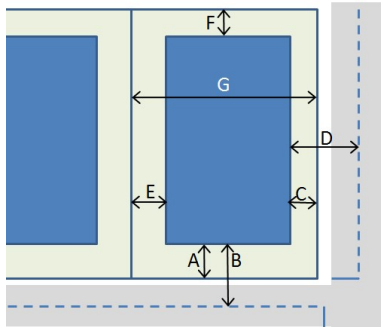
(C) District Use Standards

Standards for specific uses and Development Patterns authorized in this district are established in chapters 5 and 6.

(D) District Development Standards

Dimensional standards are summarized in Exhibit 3-3. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this UDO.

Exhibit 3-3: Summary of RS-1 Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	35'	4.2.1	 Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	30'	4.2.2	
Minimum front setback from centerline (dimension B)	60'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	10'	4.2.2	
Minimum Rear Setback (dimension F)	30'	4.2.2	
Minimum Lot Width (dimension G)	45'	4.2.3	
Minimum Lot Size	10,000 sq.ft.	4.2.3	

3.5.4. RS-2 – Residential Single-Family (20,000 sf Lots)**(A) Purpose**

The **RS-2** district is established as a district in which to allow primarily low-density Single-Family residential land uses (approximately 2.1 Dwelling Units per acre). The regulations of this district are intended to:

- (1) Preserve existing Single-Family residential neighborhoods that have developed at a low-density; and
- (2) Encourage new residential Development that is compatible with that in the existing neighborhoods.

(B) Authorized Uses

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

(C) District Use Standards

Standards for specific uses and Development Patterns authorized in this district are established in chapters 5 and 6.

(D) District Development Standards

Dimensional standards are summarized in Exhibit 3-4. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this UDO.

Exhibit 3-4: Summary of RS-2 Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	35'	4.2.1	Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	30'	4.2.2	
Minimum front setback from centerline (dimension B)	60'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	10'	4.2.2	
Minimum Rear Setback (dimension F)	30'	4.2.2	
Minimum Lot Width (dimension G)	45'	4.2.3	
Minimum Lot Size	20,000 sq.ft.	4.2.3	

3.5.5. RS-3 - Residential Single-Family (30,000 sf Lots)**(A) Purpose**

The **RS-3** district is established as a district in which to allow primarily very low-density Single-Family residential land uses (approximately 1.4 Dwelling Units per acre). The regulations of this district are intended to:

- (1) Preserve existing Single-Family residential neighborhoods that have developed at a low-density; and
- (2) Encourage new residential Development that is compatible with that in the existing neighborhoods.

(B) Authorized Uses

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

(C) District Use Standards

Standards for specific uses and Development Patterns authorized in this district are established in chapters 5 and 6.

(D) District Development Standards

Dimensional standards are summarized in Exhibit 3-5. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this UDO.

Exhibit 3-5: Summary of RS-3 Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	35'	4.2.1	Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	30'	4.2.2	
Minimum front setback from centerline (dimension B)	60'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	10'	4.2.2	
Minimum Rear Setback (dimension F)	30'	4.2.2	
Minimum Lot Width (dimension G)	45'	4.2.3	
Minimum Lot Size	30,000 sq.ft.	4.2.3	

3.5.6. RM-1 - Residential Mixed Housing (10-12 DU/ac)**(A) Purpose**

The **RM-1** district is established as a district in which to allow primarily Single-Family and Multi-Family Residences at a medium-density (approximately 10-12 Dwelling Units per acre) in areas served by adequate public water and sewer systems. The regulations of this district are intended to:

- (1) Encourage Single-Family and Multi-Family residences; and
- (2) Encourage new residential Development that is compatible with that in the existing neighborhoods.

(B) Authorized Uses

The uses authorized by section 3.7 of this UDO may be established in accordance with the provisions of this UDO, including, but not limited to the

procedures established in chapter 2, the zoning district standards of this chapter, and the design standards of chapter 4.

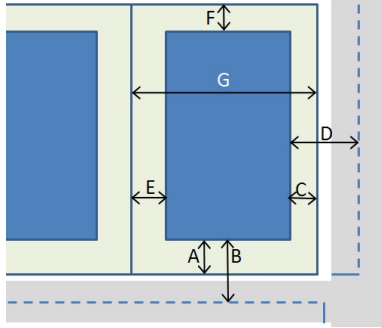
(C) District Use Standards

Standards for specific uses and Development Patterns authorized in this district are established in chapters 5 and 6.

(D) District Development Standards

Dimensional and density standards are summarized in Exhibit 3-6. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this UDO and the **HCO** district design guidelines as applicable.

Exhibit 3-6: Summary of RM-1 Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	40'	4.2.1	 Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	25'	4.2.2	
Minimum front setback from centerline (dimension B)	55'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	10'	4.2.2	
Minimum Rear Setback (dimension F)	30'	4.2.2	
Minimum Lot Width (dimension G) – not applicable to townhome Development	45'	4.2.3	
Minimum Lot Size for 1 Dwelling Unit	10,000 sq.ft.	4.2.3	
Additional Lot Area per Additional Dwelling Unit	3,600 sq.ft.	4.2.3	

(Ord. #1714; Ord. #1887, 11-23-20)

Amended

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3.5.7. RM-2 - Residential Mixed Housing (5-7 DU/ac)**(A) Purpose**

The **RM-2** district is established as a district in which to allow primarily Single-Family and Multi-Family Residences at a moderate-density (approximately 5-7 Dwelling Units per acre) in areas served by adequate public water and sewer systems. The regulations of this district are intended to:

- (1) Encourage Single-Family and Multi-Family Residences; and
- (2) Encourage new residential Development that is compatible with that in the existing neighborhoods.

(B) Authorized Uses

The uses authorized by section 3.7 of this UDO may be established in accordance with the provisions of this UDO, including, but not limited to the

procedures established in chapter 2, the zoning district standards of this chapter, and the design standards of chapter 4.

(C) District Use Standards

Standards for specific uses and Development Patterns authorized in this district are established in chapters 5 and 6.

(D) District Development Standards

Dimensional and density standards are summarized in Exhibit 3-7. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this UDO and the **HCO** district design guidelines as applicable.

Exhibit 3-7: Summary of RM-2 Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	40'	4.2.1	Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	25'	4.2.2	
Minimum front setback from centerline (dimension B)	55'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	10'	4.2.2	
Minimum Rear Setback (dimension F)	30'	4.2.2	
Minimum Lot Width (dimension G) – not applicable to townhome Development	45'	4.2.3	
Minimum Lot Size for 1 Dwelling Unit	10,000 sq.ft.	4.2.3	
Additional Lot Area per Additional Dwelling Unit	6,000 sq.ft.	4.2.3	

(Ord. #1714; Ord. #1887, 11-23-20)

3.5.8. CB – Central Business**(A) Purpose**

The **CB** district is designed to accommodate a wide variety of commercial activities (particularly those that are pedestrian oriented) in an intensive Development Pattern in the Town's central business district. The regulations of this district are intended to:

- (1) Preserve the general character and integrity of the current Development in the central business district;
- (2) Encourage land uses that provide for a multi-purpose central business district including retail, offices, services, entertainment and living space;
- (3) Encourage land uses that do not require large amounts of outdoor use areas; and
- (4) Encourage common or shared off-street parking.

(B) Authorized Uses

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

(C) District Use Standards

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

- (1) Drive-through and drive-in uses are prohibited.
- (2) Professional offices and businesses authorized in Exhibit 3-15 that fall in the 2200 (finance and insurance), 2300 (real estate rental and leasing), 2400 (business, professional, scientific and technical) functional codes shall be limited to not more than twenty (20) percent of the block frontage at the street level, for any block face along Broad Street between Vermont and Massachusetts or Pennsylvania Avenue between Ashe and Bennett Streets. This

provision does not apply in the DTO district pursuant to section 3.6.3(C)(1)

(Ord. #1714; Ord. # 1716)

- (3) Chain link fencing over (36) thirty-six inches high is prohibited. Allowed chain link fencing must be of a non-reflective color such as brown, black or dark green. Barbed or razor wire or any other type of wire designed to cut, puncture, etc., are also prohibited.
- (4) Outdoor storage is prohibited.
- (5) Outdoor operations and displays shall comply with the standards established in section 5.13.1.
- (6) Religious institutions and other institutional uses shall not be allowed; however existing facilities shall be authorized in accordance with section 5.15.

(D) District Development Standards

Dimensional and density standards are summarized in Exhibit 3-8. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this UDO. The following district Development standards shall apply unless modified by the Downtown Transition Overlay Zone standards and pursuant to a Certificate of Appropriateness for a property located within the Historic District Overlay.

- (1) The front setback may be increased to establish courtyards and dining areas, provided that not more than twenty-five (25) percent of the total of any block face shall be set back more than the maximum established in Exhibit 3-8 and the Planning Director finds that:
 - (a) The front yard improves the visual quality and character of the Street, promotes pedestrian traffic and is ADA compliant;
 - (b) The front yard enhances access between outdoor and indoor spaces;
 - (c) Flooring and surfaces are constructed of durable, non-slip materials that complement sidewalk paving;
 - (d) Changes in colors are used to highlight steps;

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- (e) The shape and design (including landscaping) of the space provides visibility of the entire space from the sidewalk;
- (f) The front yard is unenclosed except for decorative walls, posts with decorative ropes or chains or other decorative enclosures approved by the Planning Director. Decorative walls shall not be taller than thirty (30) inches.
- (g) At least fifty (50) percent of the wall surface between two (2) and seven (7) feet above the average grade of the front yard shall be glazed and shall have a minimum transparency of seventy (70) percent.
- (h) Other than furniture for dining areas, front yard improvements are limited to seating, decorative waste receptacles, fountains, water features and landscaping.

- (2) All setbacks are subject to compliance with adopted Fire Code.
- (3) Buildings walls shall be finished predominantly with brick, stucco or other non-metal siding determined by the Planning Director to be of comparable appearance and durability.
- (4) Building sides facing streets shall have parapets, mansard or false mansard roofs or shingled or standing seam roofs with a minimum pitch of 6:12 (vertical rise : horizontal run).
- (5) All buildings shall be designed to comply with the applicable design standards established in section 4.10, except as modified by **HDO** district standards.

(Ord. #1919)

Exhibit 3-8: Summary of CB Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	45'	4.2.1	The diagram shows a blue building footprint on a lot. Dimension A is the front setback from the right-of-way. Dimension B is the side setback from the right-of-way. Dimension C is the interior side setback. Dimension D is the rear setback. Dimension E is the maximum lot width. A dashed line indicates the right-of-way boundary.
Maximum front setback from right-of-way (dimension A)	5'	4.2.2	
Maximum side setback, exterior from right-of-way (dimension B)	5'	4.2.2	
Minimum Side Setback, Interior (dimension C)	No minimum	4.2.2	
Minimum Rear Setback (dimension D)	No minimum	4.2.2	
Maximum Lot Width (dimension E)	50'	4.2.3	
Minimum Lot Size	No minimum	4.2.3	
Additional Lot Area per Additional Dwelling Unit	1,500 sq. ft.	4.2.3	Letters match dimension in design element column

(Ord. #1714)

Amended

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3.5.9. GB – General Business

(A) Purpose

The **GB** district is designed to accommodate highway-oriented retail, commercial service businesses and in some limited cases light manufacturing, which generally have as their market area the entire Town and surrounding area. The major objectives of this district are to:

- (1) Encourage planned commercial, light manufacturing conducted within buildings and office parks;
- (2) Discourage small Lot Development on major highways;
- (3) Encourage vehicular access from service drives and other local commercial streets rather than directly from arterial streets; and
- (4) Provide a location for major shopping facilities and land uses requiring large outdoor spaces.

(B) Authorized Uses

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

(C) District Use Standards

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

- (1) Outdoor storage, display and operations shall comply with the standards in sections 5.12 and 5.13.

- (2) Drive-in and drive-through uses shall comply with the standards established in section 5.8.
- (3) For manufacturing uses (see structural codes 3000-3999 in Exhibit 3-15) allowed in the **GB** district:
 - (a) The maximum building coverage shall be fifty (50) percent of total Lot area.
 - (b) For existing or new buildings five thousand (5,000) square feet or larger a Special Use Permit is required.

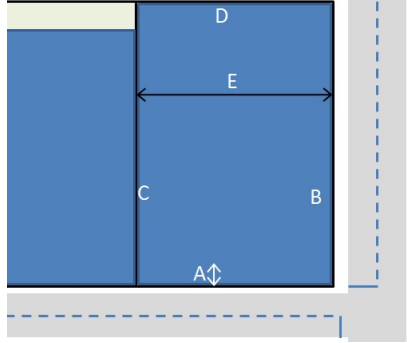
(Ord. #1919)

(D) District Development Standards

Dimensional and density standards are summarized in Exhibit 3-9. Section cross-references identify the location of additional dimensional standards. The following standards shall apply in addition to the district Development standards are established in chapter 4 of this UDO and the **HCO** district guidelines as applicable.

- (1) Building walls facing streets shall be finished with brick, stucco, wood, or other non-metal siding determined by the Planning Director to be of comparable appearance and durability. Side and rear building walls that do not face streets shall be finished with the same materials as the walls facing the streets for at least the lesser of twenty-five (25) percent or twenty-five (25) feet of the length of the wall extending from the nearest street facing walls.
- (2) Building sides facing streets shall have parapets, mansard or false mansard roofs or shingled or standing seam roofs with a minimum pitch of 6:12 (vertical rise : horizontal run).
- (3) All buildings shall be designed to comply with the applicable design standards established in section 4.10.

Exhibit 3-9: Summary of GB Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	45'	4.2.1	 Letters match Dimension in design element column
Minimum front setback from right-of-way (dimension A)	No minimum	4.2.2	
Minimum side setback, exterior from right-of-way (dimension B)	No minimum	4.2.2	
Minimum Side Setback, Interior (dimension C)	No minimum	4.2.2	
Minimum Rear Setback (dimension D)	No minimum	4.2.2	
Minimum Lot Width (dimension E)	No minimum	4.2.3	
Minimum Lot Size	No minimum	4.2.3	
Minimum Lot Area per Dwelling Unit	3,600 sq.ft.	4.2.3	

3.5.10. NB – Neighborhood Business**(A) Purpose**

The **NB** district is established as a mixed use district that allows small-scale, limited retail and service land uses that provide goods and services primarily to surrounding residential neighborhoods, residential buildings and mixed-use buildings. The major objectives of this district are to:

- (1) Encourage the location of convenience retail establishments, professional services and professional offices that are compatible with surrounding residential uses;
- (2) Preclude large-scale buildings that are inconsistent with the neighborhood character;
- (3) Limit major traffic generators to thoroughfares;
- (4) Promote safe and convenient pedestrian access from surrounding residences; and

- (5) Allow for Single-Family Dwellings in business corridors to be used for business or residential purposes.

(B) Authorized Uses

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

(C) District Use Standards

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

- (1) Outdoor storage and outdoor display are prohibited.
- (2) Outdoor operations are limited to outdoor dining and shall comply with section 5.13.

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- (3) Subject to building code compliance buildings may be used for authorized residential or non-residential purposes.
- (4) Drive-through and drive-in uses are prohibited.

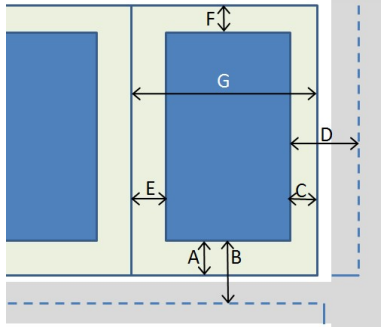
(D) District Development Standards

Dimensional and density standards are summarized in Exhibit 3-10. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this UDO.

- (1) Balconies and covered porches may extend up to five (5) feet into the front setback.

- (2) Building walls facing streets and residential Lots shall be finished predominantly with brick, stucco, wood, or other non-metal siding determined by the Planning Director to be of comparable appearance and durability. Side and rear building walls that do not face streets or residential Lots shall be finished with the same materials as the walls facing the streets for at least the lesser of twenty-five (25) percent or twenty-five (25) feet of the length of the wall extending from the nearest street facing walls.
- (3) Building sides facing streets and residential Lots shall have parapets, mansard or false mansard roofs or shingled or standing seam roofs with a minimum pitch of 6:12 (vertical rise : horizontal run).
- (4) All buildings shall be designed to comply with the applicable design standards established in section 4.10.

Exhibit 3-10: Summary of NB Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	35'	4.2.1	 Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	15'	4.2.2	
Minimum front setback from centerline (dimension B)	45'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	20'	4.2.2	
Minimum Rear Setback (dimension F)	20'	4.2.2	
Minimum Lot Width (dimension G)	No minimum	4.2.3	
Minimum Lot Area per Dwelling Unit	3,600 sq.ft.	4.2.3	
Minimum Lot Size for 1 Dwelling Unit	10,000 sq.ft.	4.2.3	
Additional Lot Area per Additional Dwelling Unit	3,600 sq.ft.	4.2.3	

(Ord. # 1716)

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3.5.11. OS – Office/Service

(A) Purpose

The **OS** district is designed to accommodate office and service uses as well as medium-density residential uses. The major objectives of this district are to:

- (1) Encourage land uses that buffer residential districts from intensive non-residential uses and arterial streets;
- (2) Provide aesthetic controls and dimensional requirements to ensure compatible office and service Development with surrounding residential uses;
- (3) Encourage a mixture of medium-density residential uses with offices and services; and
- (4) Allow for Single-Family Dwellings in business corridors to be used for business or residential purposes.

(B) Authorized Uses

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

(C) District Use Standards

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

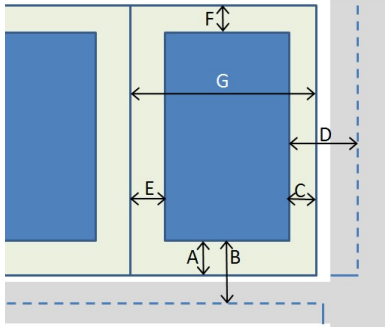
- (1) Outside storage, display and operations are each prohibited.

- (2) Subject to building code compliance buildings may be used for authorized residential or non-residential purposes.
- (3) Drive-through and drive-in uses are prohibited.

(D) District Development Standards

- (1) Dimensional and density standards are summarized in Exhibit 3-11. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this UDO.
- (2) Building walls facing streets and residential Lots shall be finished predominantly with brick, stucco, wood, or other non-metal siding determined by the Planning Director to be of comparable appearance and durability. Side and rear building walls that do not face streets or residential Lots shall be finished with the same materials as the walls facing the streets for at least the lesser of twenty-five (25) percent or twenty-five (25) feet of the length of the wall extending from the nearest street facing walls.
- (3) Building sides facing streets and residential Lots shall have parapets, mansard or false mansard roofs or shingled or standing seam roofs with a minimum pitch of 6:12 (vertical rise : horizontal run).
- (4) All buildings shall be designed to comply with the applicable design standards established in section 4.10, except as modified by **HCO** district guidelines.

Exhibit 3-11: Summary of OS Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	35'	4.2.1	 Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	15'	4.2.2	
Minimum front setback from centerline (dimension B)	45'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	20'	4.2.2	
Minimum Rear Setback (dimension F)	20'	4.2.2	
Minimum Lot Width (dimension G)	No minimum	4.2.3	
Minimum Lot Area per Dwelling Unit	3,600 sq.ft.	4.2.3	
Minimum Lot Size for 1 Dwelling Unit	10,000 sq.ft.	4.2.3	
Additional Lot Area per Additional Dwelling Unit	3,600 sq.ft.	4.2.3	

(Ord. # 1716)

3.5.12. I – Industrial**(A) Purpose**

The I district is established to allow primarily light manufacturing, assembly, research and intensive commercial uses. The regulations of this district are intended to:

- (1) Encourage light manufacturing and intensive commercial uses that are compatible with the tourist/resort character of the community, as well as accessory land uses incidental to and in support of authorized manufacturing uses;
- (2) Exclude heavy industry, major retail and residential land uses; and
- (3) Preserve locations that are best suited for industrial Development.

(B) Authorized Uses

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

(C) District Use Standards

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

- (1) Outdoor operations, other than moving, storing and displaying goods shall be prohibited.
- (2) Outdoor storage and display shall be screened in compliance with sections 5.12 and 5.13.

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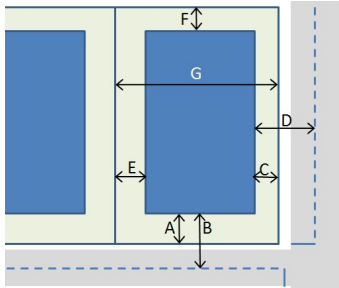
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(D) District Development Standards

Dimensional and density standards are summarized in Exhibit 3-12. Section cross-references identify the location of additional dimensional standards.

Additional district Development standards are established in chapter 4 of this UDO.

Exhibit 3-12: Summary of I Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	50'	4.2.1	 Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	40'	4.2.2	
Minimum front setback from centerline (dimension B)	70'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	10'	4.2.2	
Minimum Rear Setback (dimension F)	20'	4.2.2	
Minimum Lot Width (dimension G)	No minimum	4.2.3	
Minimum Lot Size	No minimum	4.2.3	

3.5.13. FRR – Facilities, Resource and Recreation District**(A) Purpose**

The **FRR** is intended for open space, public facilities and privately owned and recreation areas. Publicly owned land uses include governmental, recreational, education, natural resource and utility facilities. Privately owned land uses include golf resorts and related facilities, land trusts established to preserve natural resources, schools and recreational facilities that typically include substantial open space. The objectives of the FRR district are to

- (1) Provide land for publicly-owned governmental facilities and privately-owned natural and man-made resource and recreation areas; and
- (2) Preclude major residential, retail office, institutional, and industrial uses that typically provide limited open space.

(B) Authorized Uses

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

(C) District Use Standards

Existing uses within the **FRR** district that are not authorized by right may be allowed to continue as non-conforming uses or allowed to achieve conforming status subject to issuance of a Special Use Permit. The establishment of a new golf resort, the expansion of an existing golf resort or the modification of existing golf course to add resort facilities sud

(Ord. # 1919)

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(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

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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 demonstrated to be appropriate for the project area and surrounding area. All

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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.
- (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) No more than fifty (50) percent of the required Open Space shall consist of ponds, lakes, and/or water quality ponds.
- (5) 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.

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- (6) 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 development~~ shall adhere to the standards set forth in section 4.6 of this UDO or ~~as part of the zoning application set forth in the Conceptual Development Plan~~ or an amendment thereto. The Applicant may ~~include submit a Unified Sign Plan unique standards for signage with the Conceptual Development Plan~~ that establishes 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 Such~~ Unified Sign Plan may ~~then~~ be submitted after the approval of the ~~zoning application~~ Conceptual Development Plan and may be approved by the Planning Director as an alternate to individual Sign permits. Any Unified Sign Plan that ~~exceeds the deviates from the size or number of Signs allowed by standards set forth in~~

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section 4.6 ~~of this UDO or set forth in the approved Conceptual Development Plan~~ shall require approval by the ~~Planning Board~~ Board of Adjustment pursuant to section 2.22.

(J) Landmark Signs

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

(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.

(M) Parking and Loading

The standards for parking and loading set forth in chapter 4 UDO shall apply to all Development within the PD, with the following exceptions:

Commented [BG6]: This section has always been difficult to understand for many reasons. It simply isn't clear at all for administrators. It uses multiple terms and refers to multiple points in the standard project development process. It also first seems to allow a Unified Sign Plan (USP) with "more specific design" on size and other matters, then goes on to say anything deviating from UDO 4.6 must go to "Planning Board" but through the variance process. This makes no sense at all. So this tries to make clear that 1) unique project sign standards can be created in the CDP or the applicant can default to UDO 4.6. then, 2) a USP may then be prepared that shows compliance with the standards in the CDP and replaces the need for multiple sign permits for every development in the project. This assures each phase of the development won't have totally different signage design (if the developer wishes to have a common theme of signage design) and that each tenant will know what their signage requirements are. BUT, the developer doesn't have to know all the details at CDP, just the basic regulations. And it saves staff from arguing with every single sign contractor for every tenant in every phase about how their signage needs to be designed per the CDP or else default to UDO 4.6. If signage doesn't comply with the adopted rules (in CDP or 4.6) then it's a variance like any other non-compliant request because that's how that's supposed to work.

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- (1) On-street parking shall be allowed if road widths are adequate. On-street parking may consist of parallel, perpendicular, angled, reverse angle or any combination of these types of parking spaces. If provided, on-street parking may be used to reduce the on-site parking requirement by up to fifty (50) percent.
- (2) For uses having different parking requirements and occupying the same building or Parcel, the minimum number of required spaces shall be the sum total requirement of all the individual uses. For Developments or portions of Developments within the same PD District designed as a single, coordinated project having at least 50,000 square feet of Gross Floor Area, the minimum number of required spaces shall be one space for every 250 square feet of Gross Floor Area designed for nonresidential use and occupancy.
- (3) Shared parking in general accordance with chapter 4 of the UDO is allowed and encouraged in circumstances where the parking would be within 1,200 feet of each respective use. If shared parking is proposed as a means of satisfying off-street parking requirements, a shared parking analysis must be submitted to the Planning Director that clearly demonstrates the feasibility of shared parking. The study must address, at a minimum, the size and type of the proposed Development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
- (4) There is no off-street loading requirement for a building with less than 10,000 square feet of gross building area. Otherwise, off-street loading shall comply with the requirements for off-street loading set forth in chapter 4 of the UDO.

(N) Conversion Schedule

The PD zoning application may include a Conversion Schedule that identifies proposed conversion rates between different types of uses within the PD District. The Conversion Schedule, if submitted, shall be provided in the Development conditions and must be approved in conjunction with the PD District zoning application. Conversions from an approved land use to an alternative land use may occur within and between Development areas as minor amendments for purposes of this section if:

- (1) The conversion from the approved use to the alternative use is consistent with the Conversion Schedule approved with the Development conditions;
- (2) The dimensional standards of the alternative use comply with the approved Development conditions and Land Use Plan for the PD District;
- (3) The maximum threshold for the PD District's permitted density, intensity or Development potential is not exceeded;
- (4) The alternative use is not anticipated to significantly increase or adversely alter offsite traffic impacts; and
- (5) The general character and mix of uses for the project are maintained.

(Ord. # 1716)

(O) Additional Regulations for All PDs

- (1) Residential uses in commercial and office buildings. A residential use may be located above a commercial or office use located on the lower Floors of the same building.
- (2) Building heights shall adhere to the limitations set forth in chapter 4 for the **RM-1** district. The Applicant may propose an alternative height that exceeds the established limits, provided the increased height does not negatively affect surrounding properties and is approved by the Town Council.
- (3) Appurtenances. A step, stoop, open porch, balcony, awnings or other appurtenance may extend up to five (5) feet into the front setback, provided such features do not impede pedestrian circulation or extend more than twenty-five (25) percent into the setback.
- (4) Utility lines. All new utilities associated with the proposed Development shall be underground.

(P) Accessory Uses

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

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3.6. OVERLAY DISTRICTS

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

3.6.1. RRO – Rural Residential Overlay (manufactured housing)**(A) Purpose**

The **RRO** district is established as an overlay district of the **RR** district only. The purpose of the **RRO** district is to allow, in addition to all of The uses permitted in the underlying **RR** district, Class C manufactured homes on individual Lots and manufactured home parks.

(B) District Use

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

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

(C) Additional District Standards

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

3.6.2. HDO – Historic District Overlay**(A) Purpose**

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

(B) Boundary Changes

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

(C) Certificate of Appropriateness Required

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

(D) District Use and Development Standards

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

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

(Ord. # 1919)

3.6.3. DTO – Downtown Transition Overlay

(A) Purpose

The **DTO** district is established as an overlay in the areas located within and abutting the CB zoning district, and is intended to:

- (1) Establish an area with greater land use flexibility than the CB and adjoining zoning districts;
- (2) Foster compatible land use transitions between the CB Development and abutting residential neighborhoods;
- (3) Promote compatible design transitions in blocks facing or adjacent to the HDO; and
- (4) Provide safe and convenient connectivity between the downtown and nearby neighborhoods for bicyclists, pedestrians and motorists.

(B) Authorized Uses

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

(C) District Use Standards

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

- (1) Banks and professional offices are allowed on any Floor of a building with CB base zoning subject to applicable DTO district design standards.
- (2) Drive-through uses are permitted in areas with CB base zoning subject to the standards in section 5.8, except that no drive-through or drive-in service shall be allowed for any food or beverage service provider.
- (3) Any non-residential use allowed in the OS district is allowed in areas with CB, RM-1 and RM-2 base zoning subject to the Downtown Overlay District Development Standards.

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

Amended

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(D) District Development Standards

Dimensional and density standards shall comply with the underlying conventional district except that:

- (1) Minimum front setbacks shall be fifteen (15) feet from the front property line.
- (2) Minimum side setbacks shall be five (5) feet from the property line in areas with **CB** base zoning.
- (3) Minimum rear setbacks shall be ten (10) feet from the property line in areas with **CB** base zoning.
- (4) Minimum Lot areas per Dwelling Unit in areas with **RM** base zoning shall be 4,500 square feet for a single Dwelling Unit or office structure plus 1,800 square feet for each additional Dwelling Unit.
- (5) Maximum lot width provisions of the **CB** district do not apply within the **DTO** district.
- (6) Non-residential and mixed-use buildings shall comply with the design standards of section 4.10.
- (7) Sign standards for any Parcel facing the **HDO** district and any lot facing a street that extends outward from and is located within one block the **HDO** district shall comply with adopted Historic District Standards as interpreted by the Planning Director.

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

3.6.4. WSPO - West Southern Pines Overlay

(A) Purpose

The **WSPO** district is established to facilitate greater land use flexibility for home occupations that more closely reflect historic land use patterns.

(B) Authorized Uses

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

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(C) District Use Standards

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

(1) Home Occupations

Home occupations shall comply with the provisions of section 5.9, except that:

- (a) Up to two non-resident employees may be allowed
- (b) Incidental sales shall be allowed provided that they are products that are used in providing an authorized service and the display and storage area does not occupy more than ten (10) percent of the area used for the home occupation.
- (c) Hair care, nail care, tailoring and sewing services are authorized in addition to the other Uses authorized by section 5.9.
- (2) Small religious institutions shall be allowed in all districts subject to compliance with the provisions of section 5.15.
- (3) The Council may approve other institutional and community service uses as Special Uses in all districts.

(Ord. # 1919)

(D) Development Standards

Underlying conventional district Development standards shall apply in the WSPO except that covered, but unenclosed porches and balconies may encroach into the front setback in areas subject to the RM zoning by up to five (5) feet.

(Ord. # 1919)

3.6.5. HCO – Highway Corridor Overlay

(A) Purpose

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

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- (1) Prevent unsightly conditions that may destroy or detract from the natural character, beauty and condition;
- (2) Establish standards as may be necessary to accomplish the objective;
- (3) Minimize potential safety hazards that may exist along the roadways in the Town; and
- (4) Ensure that Development is consistent with the historic character of the Town's natural and built environments.

(B) Findings

The Town Council finds that:

- (1) The natural environment and ecosystem in Southern Pines supports a unique diversity of vegetation, soils and wildlife. Such conditions are of economic, historical and aesthetic value to the Town and make it a desirable place for residents, businesses and visitors;
- (2) The appearance of Southern Pines properties from the public roadways contributes to the economic prosperity of the Town;
- (3) Trees and other natural landscape elements help to naturally control water quality and erosion; moderate noise, dust and other airborne pollutants; moderate the Town's climate; and provide habitat and food resources for its wildlife;
- (4) Growth and economic Development attracted to the Town, at times necessitates the alteration of the natural conditions, vegetation and soils. Such Development may detract from the natural beauty by the placement and design of Signs, parking areas, landscaping and structures;
- (5) The protection, re-establishment and enhancement of landscaping, as well as other enhancements to the appearance and quality of building and site Development along the major public highways in the Town and its extraterritorial jurisdiction is essential for the fiscal and economic health of the Town;
- (6) Development along the Town highway corridors provides convenient commercial and residential opportunities for citizens

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and visitors, which contributes to the fiscal and economic health of the Town;

- (7) Protection and management of these valuable assets is necessary to ensure the health, safety and welfare of the citizens in the Town and its extraterritorial jurisdiction.

(C) Area of Applicability

Major highway corridors affected by the HCO are U.S. #1, U.S. #15-501, Midland Road (NC2), Central Drive (NC22) and Morganton Road (SR 1205 and 1905) and Airport Road (SR 1843). To carry out the above purposes, the Town has designated two (2) overlay districts, the boundaries of which are shown on the official zoning map.

- (1) **Urban Transition Highway Corridor Overlay District**, which shall be developed with a balance of residential, recreational and commercial uses. These sections are best suited for providing a balance of naturalized and manmade conditions. The visual quality of these sections depends on quality site planning, landscaping and preservation of natural features.
- (2) **Urban/Village Highway Corridor Overlay District**, which shall allow for denser land use patterns for commercial and residential Development than the Urban Transition Highway Corridor Overlay District. However, the visual aspects of the Development along these corridors shall be defined by an emphasis on landscape elements.

(D) Boundaries of Districts

The above HCO districts shall be measured from the edge of the public right of way. The Urban Transition Corridor Overlay District shall be 400 feet from the edge of the right of way and run parallel to the right of way. The Urban/Village Corridor Overlay District shall be 300 feet from the edge of the right of way and run parallel to the right of way.

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(E) Authorized Uses

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

(F) Development Standards

The Development standards in Exhibit 3-13 shall apply to Development in the HCO districts except as noted in this paragraph. These standards shall supersede the standards established in the applicable underlying zoning districts and in chapter 4 of this UDO.

- (1) Single-Family Lots may be developed according to the standards of the underlying zoning district and these Lots or the Single-Family homes built upon them shall not be considered non-conforming situations.
- (2) The maximum built-upon surface limitations shall not apply to the reuse or reDevelopment of properties developed prior to December 12, 1989.
- (3) In the urban village highway corridor overlay district, the exterior side or rear setback for any non-residential structure shall be increased to accommodate a ten (10) foot wide buffer unless the side or rear of the building complies with the building façade standards of section 4.10.

(G) Signs

Section 4.6 establishes the Sign requirements for the HCO districts and authorizes the use of Signs that are intended to achieve the objective of the Highway Corridor Overlay District, while providing for the needs of businesses in the corridors.

(H) Exterior Lighting Standards

Outdoor lighting shall comply with the standards established in section 4.7(G).

Exhibit 3-13: Highway Corridor Overlay District Development Standards

Design Factor	Urban Transition Highway Corridor	Urban Village Highway Corridor
Corridor Width	Includes land within 400 feet of the corridor street's right-of-way	Includes land within 300 feet of the corridor street's right-of-way
Lot Dimensional Requirements:		
Minimum Lot Area	40,000 square feet	40,000 square feet
Minimum Lot Width	200 feet	200 feet
Yard/Buffer Dimensions, Roadways:		
Building Setback	75 feet	75 feet (40 feet for Lots with access to internal streets)
Parking Area Setback	50 feet	50 feet (40 feet for Lots with access to internal streets)
Landscape Buffer	50 feet	40 feet
Yard/Buffer Dimensions, Side and Rear Yards:		
From Residential Zones	50 feet	36 feet
From Non-Residential Zones	25 feet	5 feet
Bulk and Height Limitations:		
Maximum Building Height	35 feet	35 feet
Maximum Built Upon Surface	65%	70%
Maximum Building Footprint	30%	30%
Access Driveways:		
Maximum Driveway Width	36 feet	36 feet
Maximum Driveways per Lot	<400 ft. 1 400 ft. +2	<400 feet 1 400 feet +2
Minimum Distance from Intersection	150 feet	75 feet
Common Driveway Adjoining Lot	Recommended	Recommended
Parking Requirements:		
a. Minimum*	Minimum parking spaces from chapter 4 shall apply	Minimum parking spaces from chapter 4 shall apply
b. Maximum**	5 spaces/1,000 sq. ft. of Building	5 spaces/1,000 sq. ft. of Building
Vehicular Area Location:		
a. Highway Yard Maximum***	40% of total	20% of total
b. Access to Adjoining Lot(s)	Recommended	Recommended
*Yard/Buffer Dimensions can be reduced by 10% when minimum is used. **Yard/Buffer Dimension cannot be reduced if the minimum and maximum are the same. For the purposes of the calculation, the term building encompasses the entirety of the building on an individual parcel and not just the portion of the building within the overlay. *** For the purposes of the calculation, the percentage of the total is based on the total number of parking spaces on an individual parcel and not just the parking spaces within the overlay.		

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3.6.6. MRO - Morganton Road Overlay District

(A) Purpose

The purposes of the Morganton Road Overlay (**MRO**) district are to:

- (1) To establish Development standards for the area adjacent to both sides of Morganton Road from approximately the intersection of Henley Street to Felton Capel Road. This area of predominately undeveloped property is well suited for relatively intense Development of mixed uses due to its location outside of the WS-III and HQW designated Little River Intake II Watershed.
- (2) To promote mixed-use Development that reflects the Town's character and is compatible with surrounding residential neighborhoods. The area shall include parks, public facilities, civic uses, a commercial core with associated Multi-Family and Single-Family residential land uses. These patterns are intended to promote alternative traffic patterns, pedestrian friendly facilities and mixed land use.
- (3) Avoid strip commercial Development and disconnected land use patterns.

(B) Development Review

- (1) The underlying zoning for this area is intended to be the Planned Development district. Properties having received conceptual master plan approval under prior regulations shall be deemed to have received ~~p~~Preliminary Development ~~p~~Plan approval and may proceed with applications for approval of a Final Development Plan in accordance with section 2.17.7.
- (2) All structures proposed within the area other than Single-Family homes shall be subject to the Architectural Compliance Permit process established in section 2.25.

(C) Generally

- (1) Morganton Road is a high capacity urban boulevard that connects the Town to the Village of Pinehurst. Standards strictly limiting the

curb-cuts along Morganton Road and thus ensuring continued flow of traffic shall be incorporated into any Development in that area.

- (2) A modified urban grid system for the undeveloped portion of properties adjacent to Morganton Road should connect to Existing Development and provide alternative traffic flows within and between Development in this area and adjacent neighborhoods. Design of this system shall recognize existing topographical challenges and accommodate the potential for Large Scale Retail, neither of which exists in the downtown area.
- (3) Except where approved by the Council within Large Scale Retail Development, buildings should be oriented to and located close to the street frontage with parking lots on the side or rear. On-street parking for both user convenience and traffic calming purposes may be made part of any Plan submittal, where appropriate.
- (4) All Development shall designate twenty (20) percent of its land area for open space. Required buffers may be counted towards required open space. The specific location, arrangement and accessibility of required open space shall be subject to Council approval at the time of Architectural Compliance Permit review.
- (5) All Development should provide for safe and convenient access for bicyclists and pedestrians.

(Ord. # 1716)

(D) Authorized Uses

The uses authorized by prior approval of a conceptual master plan or the future approval of a PD district Preliminary or Final Development Plan may be established in the **MRO** district subject to the procedures established in chapter 2, the zoning district standards of this chapter, and the design standards of chapter 4.

(E) Signage

Approval of the location, number, and sizes of all Signs contained within the **MRO** district shall be subject to Council approval at the time of Architectural Compliance Permit review.

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(F) Parking Lots

- (1) Access to a Development's parking lot shall be from side streets or alleys with the exception that right in/right out access is permitted between median crossovers on Morganton Road if the driveways are separated by at least four hundred and fifty (450) feet measured between centerlines.
- (2) Except for Large Scale Retail Development, parking Lots shall be located on the side or rear of the building they are servicing when such building fronts on any road.
- (3) On-street parking directly fronting a Lot shall count toward fulfilling minimum parking requirements for Development on the Lot.
- (4) The number of required parking spaces shall be a minimum of one (1) space per four hundred (400) square feet of Gross Floor Area with a maximum (exclusive of on-street spaces) of one (1) space per two hundred fifty (250) square feet of Gross Floor Area. If parking is created through vertical means (including grade decks), up to one (1) space per one hundred seventy-five (175) square feet of Gross Floor Area may be provided.
- (5) Residential Development, excluding mixed-use structures, shall be subject to parking standards in section 4.5.
- (6) Adjacent parking lots shall have internal vehicular connections.
- (7) Service areas, loading areas and dumpsters shall be screened in accordance with section 4.3.5 and located to minimize interference with vehicular and pedestrian movement. The location and treatment of such areas shall be subject to Architectural Compliance Permit review.

(G) Lots and Buildings

Except as otherwise approved by the Council, commercial and mixed-use structures shall comply with the Commercial Building Design Standards established in section 4.10. Multi-Family residences, Townhomes and other specific uses or Development Patterns shall comply with the standards established in chapters 5 and 6, as applicable.

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(H) Streets/On-Street Parking/Pedestrian Use Facility Locations

- (1) Streets shall be installed by the Development fronting on such streets, except that the main connectors (Henley, Short, and Southern Streets) shall be constructed to provide interconnectivity of existing systems prior to (or as part of) any Development occurring on the south side of Morganton Road that creates the need for any of these roads.
- (2) Traffic calming measures approved by the Town shall be used to reduce traffic speeds and enhance pedestrian safety (see Appendix D).
- (3) Required sidewalks shall be installed along all streets at the time of street construction unless otherwise approved by the Town Council in conjunction with Final Plat approval.
- (4) A pedestrian/ bicycle use path measuring eight (8) feet in width shall be installed along the north side of Morganton Road at the edge of a forty (40) foot buffer closest to the buildings, and shall be installed at the time of initial Development. The land associated with this buffer and bike facility shall be credited toward open space requirements.
- (5) Wherever practicable, streets shall be aligned in such a way that they provide terminal vistas of large buildings, open space or parks.
- (6) Street trees shall comply with section 4.3.3.
- (7) Street design and construction shall comply with section 4.11.

(I) Utilities

Except as provided below, utilities, including water, sewer, gas, cable and electric (including distribution lines) shall be located underground. Traffic lights shall be pole mounted with all wire located underground. In the case of primary transmission lines, the poles shall be Core 10 metal poles with transmission lines at the top and distribution lines beneath them.

(J) Large-scale Retail

- (1) Except as otherwise approved by the Council, Large Scale Retail Development shall not be located north of Morganton Road.

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- (2) Total retail square footage south of Morganton Road shall be capped at 750,000 aggregate square feet.
- (3) Designs for Large Scale Retail Development shall comply with the standards in section 4.10.6 unless otherwise approved by the Town Council.

(K) Residential Development

- (1) The maximum residential density shall be sixteen (16) Dwelling Units per acre for any Development.
- (2) No more than thirty-five (35) percent of the one hundred and fifteen (115) acres north of Morganton Road shall be developed for residential uses.
- (3) No more than thirty (30) percent of the property lying south of Morganton Road shall be developed for residential uses.
- (4) Both the north and south sides are exempt from limitation on the number of residences located on the second and/or third floors above the first and/or second floor commercial Development. The site design and architectural standards for commercial Development will apply to these residences.
- (5) Multi-Family Developments within the Morganton Road overlay shall be exempt from project size and separation requirements established in section 4.10.8.

3.6.7. AHO – Airport Hazard Overlay

(A) Purpose

The **AHO** district is established as an overlay district of all general zoning districts in the vicinity of the Moore County Airport. The purpose of the **AHO** is to protect the airport environs from encroachment of incompatible land used which present hazards to users of the airport as well as to persons residing or working in the airport vicinity. The additional regulations imposed in the **AHO** are designed to place additional height restrictions on buildings and trees.

(B) Approach Zone

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- (1) The Airport Hazard Overlay (AHO) District shall encompass the approach zone at the runway 5 end of the Moore County Airport. The approach zone shall have a length of 10,000 feet beginning at a point 200 feet outward from the end of runway 5 and extending outward to a point 10,200 feet from the end of the runway on the extended centerline of the runway. The width of the approach zone shall be 1,000 feet at a distance of 200 feet from the end of the runway 5, uniformly widening thereafter to a width of 4,000 feet at a distance of 10,200 feet beyond the end of the runway. The upper surface of the approach zone shall be an inclined plane sloping one foot in height for each 34 feet in horizontal distance beginning at a point 200 feet from and at the elevation of the runway, extending to a distance of 10,200 feet from the end of the runway.
- (2) No structure or tree shall be erected, altered, allow to grow, or maintained in the approach zone to a height, which projects above the upper surface of the approach zone.

(C) Clear Zone

- (1) Within the approach zone defined in paragraph (B) is a clear zone. The clear zone shall have a length of 1,700 feet beginning at a point 200 feet outward from the end of runway 5 and extending outward to a point, 900 feet from the end of the runway on the extended centerline of the runway. The width of the clear zone shall be 1,000 feet at a distance of 200 feet from the end of runway 5, uniformly widening thereafter to a width of 1,500 feet at a distance of 1,900 feet beyond the end of the runway.
- (2) Land uses permitted within the clear zone shall be as allowed in the underlying zoning district except that the following uses and activities are prohibited:
 - (a) Residential uses.
 - (b) Educational, cultural, religious, philanthropic uses.
 - (c) Recreation, amusement and entertainment uses.
 - (d) Institutional residences or care or confinement facilities.
 - (e) Restaurants, bars and nightclubs.

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

(D) Interference Prohibited

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

3.6.8. WPO - Watershed Protection Overlay District

(A) Purpose

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

(Ord. # 1919)

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

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

(B) Applicability and Procedures

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

(C) Water Quality Areas

The following watershed protection areas are established:

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

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

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

(D) Development Density and Intensity Requirements

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

(E) Cluster Development

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

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

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

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

Location	Maximum Density or Intensity
Critical Area	New Development shall be limited to either one (1) Dwelling Unit per acre or twelve (12) percent built upon land area.
High Quality Water (HQW) / Protected Area	New Development shall be limited to one (1) Dwelling Unit per acre or twelve (12) percent built upon land area unless (a) the Development disturbance area is less than one (1) acre or (b) BMPs or another approved stormwater management based practices are used. New Development with a Development disturbance area less than one (1) acre shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built upon land area. New Development utilizing BMPs or another approved stormwater management based practices shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon land area in the Watershed outside of the Critical Area. - For Commercial Projects: New Development requires a state Stormwater Permit if the Development disturbance area exceeds one (1) acre. If the new Development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption*. - For Residential Projects: New Development requires a state Stormwater Permit if the Development disturbance area exceeds one (1) acre. If the new Development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption*.
Rest of Watershed (WS-III)	New Development shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon area. If the new Development exceeds either of these thresholds the project may apply for the 5/70 exemption*.

Table Notes:

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

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

Exemptions: Those areas bounded by a pre- existing natural or permanent obstruction which prevents surface storm water runoff from reaching any designated water supply as determined in writing by the North Carolina Division of Water Quality, and the exception would have only an insignificant impact on the available allocation as determined by the Town Council.

(G) Public Health Regulations

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

3.6.9. FHO - Flood Hazard Overlay

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

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3.7. USE MATRIX AND INTERPRETATION**3.7.1. Table of Authorized Uses Established**

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

- (A) **LBCS Hierarchy.** The LBCS function codes establish a four-digit hierarchy of uses with digits to the right expressing greater specificity. Where no entry appears in the zoning district columns of Exhibit 3-15 (for example 1000, 1100 and 1110), the uses described more specifically in the rows below (1111 and 1112 in the above example) indicate whether or not a specific use is authorized. Where an entry appears in the zoning district columns of Exhibit 3-15 for a general use (for example 2520) and also for a more specific use (for example 2521) within the same classification, the more specific code and its entry shall govern.
- (B) **Zoning Permit Uses.** A “**Z**” indicates the listed use is allowed by right within the respective zoning district subject to issuance of a zoning permit in accordance with the procedures established in chapter 2. Note that some conditions may be established in the zoning district standards or elsewhere in this UDO.
- (C) **Supplemental Conditions.** A “**ZS**” indicates that the listed use is allowed by right, but subject to supplemental use regulations established in the zoning district regulations and in Articles 4 and/or 5 of this UDO.
- (D) **Special Uses.** A “**C**” indicates the listed use is allowed within the respective zoning district only after approval of a Special Use Permit by the Town Council in accordance with the procedures established in chapter 2. Specific conditions for some of these uses are established in chapter 6 of this UDO.

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(E) **Combination Uses**

- (1) The designation “**ZC**” is used for Combination Uses when one or more of the principal uses requires a Special Use Permit.
- (2) Under some circumstances, a second Principal Use may be regarded as accessory to the first and thus a Combination Use is not established. [See section 5.3]
- (3) When two or more separately owned or separately operated enterprises occupy the same Lot and all such enterprises fall within the same Principal Use Classification, or the Planning Director finds that the Principal Use Classification are substantially similar, this shall not constitute a Combination Use.

(F) **Multi-Family Structures and Townhomes.** When used in connection with Multi-Family Residential structures, the designation “**ZC**” means that:

- (1) Development of apartments with fewer than ten (10) Dwelling Units may be established pursuant to a zoning permit and Developments of (10) or more Dwelling Units shall be developed as part of a PD.
- (2) Townhomes require a Special Use Permit when major subdivision regulations apply and when six (6) or more Townhouse Lots are created.
- (3) Condominium Developments shall be developed as part of a PD when ten (10) or more Dwelling Units are proposed in a Development Project.

(Ord. # 1919; Ord. #2000)

3.7.2. Interpretation of Exhibit 3-15

- (A) **Uses Not Specifically Listed.** In the case where a use is not listed in the use matrix, either as a specific LBCS classification or as an example, and such use is not otherwise prohibited by law, the Planning Director shall determine whether a substantially similar use exists in the use matrix. If the Planning Director determines that a substantially similar use exists, then the regulations governing that use shall apply to the particular use not listed. In making the determination, the Planning Director shall endeavor to maintain the national standardization of the LBCS while

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addressing the Town’s particular needs for zoning and land use classification, and shall refer to the following rules of construction:

- (1) If a use is listed for a general classification while a more specific classification within the same industry classification is also listed, the specific classification shall govern.
- (2) The presumption established by this chapter is that most uses of land are permissible within at least one zoning district in the Town’s Planning Jurisdiction. Therefore, because the list of permissible uses set forth in Exhibit 3-15 cannot be all-inclusive; those uses that are listed shall be interpreted liberally by the Planning Director to include other uses that have similar impacts to the listed uses.
- (3) If the Planning Director determines that the LBCS Tables do not address the use at the appropriate level of specificity, then he shall refer to the North American Industry Classification System (NAICS), United States, 2007 or latest edition for guidance.
- (4) In referring to the NAICS, the Planning Director shall consider the industry description and illustrative examples of the most specific NAICS classification that may apply to the use, and shall compare uses across similar levels of specificity within the same NAICS classification and between NAICS and LBCS classifications.
- (5) If a use cannot be interpreted by the Planning Director for inclusion in Exhibit 3-15, that use shall be prohibited. Exhibit 3-15 shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.
- (6) If, when seeking periodic ratification of interpretations through text amendment to this UDO, the Planning Director’s interpretation is reversed by action of the Board of Adjustment, then prior decisions regarding a Development application made in reliance on the Planning Director’s interpretation shall be valid, except that nonconforming use regulations of this UDO shall apply.

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(B) **Prohibited Uses**

The following uses are specifically prohibited in all districts:

- (1) Any use that involves the manufacture, handling, sale, distribution or storage of any highly combustible or explosive materials in violation of the Town's fire prevention code.
- (2) Stockyards, slaughterhouses, rendering plants.
- (3) Use of a Travel Trailer as a temporary or permanent residence. Situations that do not comply with this paragraph on the effective date of this chapter are required to conform within one year.

- (4) Use of a motor vehicle parked on a Lot as a structure in which, out of which or from which any goods are sold or stored, any services are performed, or other business is conducted. If the aforementioned motor vehicle existed on the current Lot prior March 13, 2002, the motor vehicle shall qualify for an exemption hereunder and shall not be subject to removal or penalty as set forth herein provided that appropriate screening be accomplished and approved by staff.

Exhibit 3-15: Table of Authorized Land Uses

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	Homes, apartments, housing for the elderly, and hotels													
Private Dwelling	1100	Single-Family homes, doubles, apartments, Condominiums, mobile homes, Townhouses; excludes households with special provisions													
Single-Family	1110														
Single-Family detached	1111	Typical Single-Family Dwelling	Z	Z	Z	Z	Z	Z	Z	ZS		Z	Z		
Single-Family attached (Townhomes) (Ord. # 1716)	1112	Each Dwelling Unit on a separate Lot; fire wall may protrude from roof or roofs may be staggered						ZS	ZS	ZS		ZS	ZS		
Class A Single-Family manufactured home	1113	modular homes and other structures that comply with the NC Residential Building Code as amended	Z	Z	Z	Z	Z	Z	Z	ZS					
Class B Single-Family manufactured home	1114	manufactured homes that comply with HUD standards and other local criteria		Z											
Class C Single-Family manufactured home	1115	manufactured homes that comply with HUD standards and do not meet the standards for Class A or Class B manufactured homes		C											
Manufactured Home Park	1116	a group of three or more spaces for sale or lease that are designed to accommodate manufactured homes		CS											
Two-Family (double or Duplex)	1120							Z	Z	ZS		Z	Z		
Accessory Dwelling	S1130		ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS		

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Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Multi-Family	S1200	Three or more Dwelling Units													
Multi-Family	1151	Three or more Dwelling Units						ZC	ZC	ZC		ZC	ZC		
Multi-Family conversion	1152	Three or more Dwelling Units in a converted Single-Family home						ZC	ZC	ZC		ZC	ZC		
Multi-Family condominium	1153	Three or more Dwelling Units that are individually owned and common elements owned by the unit owners as tenants-in-common						ZC	ZC	ZC		ZC	ZC		
Housing Services	1200	Housing and custodial services for those who cannot care for themselves													
Retirement housing services	1210	Offer minimal convenience services						ZS	ZS						
Congregate living services	1220	Provide convenience services such as housekeeping, transportation, recreational programs						ZS	ZS						
Assisted-living board and care and adult care group homes	1230	Adult care, group homes, board and care (excludes rehab uses in code #6520)	ZS	ZS	ZS	ZS	ZS	ZS	ZS		ZS	ZS	ZS		
Continuing care retirement center (PD zoning required)	1240	Continuing care retirement centers; includes some health care													
Nursing or convalescent home	1250	Nursing homes and convalescent hospitals						ZC	ZC		ZC				
Hotels, Motels, or Other Accommodation Services	1300	Lodging and short-term accommodation for travelers													
Bed and breakfast home	1311	Primarily in private homes and small buildings	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS		
Bed and breakfast inn	1312	Primarily in private homes and small buildings	Z	C	C	C	C	C	C	Z	Z	Z			
Rooming and boarding	1320	Dormitory, fraternity or sorority house or other specific group of members						Z	Z	ZS			ZS		
Hotel, motel, tourist home or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels								ZS	ZS		ZS		
GENERAL SALES OR SERVICES	2000	Comprises the vast majority of establishments associated with commercial land use													
Retail Sales or Service and Repair	2100	Establishments with displays of merchandise sold to the general public and other businesses, or after-sales services such as repair													
Automobile sales or service establishment	2110	Motor vehicle and parts dealers including repair and maintenance													

Amended

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3-37

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
car dealer	2111	New or used automobiles and light trucks such as SUV's									Z				
bus, truck, mobile homes, or large vehicles	2112	New or used larger vehicles such as buses, RV's, and trucks									Z				
motorcycle, atv	2113a	New or used motorcycles or motorbikes									Z				
bicycle sales and repair	2113b	New or used bicycles sales or repair								Z	Z	Z			
boat or marine craft dealer	2114	New or used boats and related repair services									Z				
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores, tire and tube shops									Z				
gasoline service	2116	Gas stations with or without convenience stores or food marts, includes truck stops									Z				
automotive repair and maintenance	2117	Repair garages, body and paint shops, oil change, car wash									Z				
Heavy consumer goods sales or service	2120	Heavy or durable goods sales or services													
furniture or home furnishings	2121	Furniture, flooring, bedding stores, window treatment								Z	Z				
hardware, home center	2122	Home building and repair supplies, lighting supply									Z				
lawn and garden supplies	2123	Nursery and garden products predominantly grown elsewhere, outdoor power equipment sales or services									Z				
department store, warehouse club, or superstore	2124	Large variety of goods									Z				
electronics and appliances	2125	Household-type appliances, tv's, stereos, including repair shops and cell phone stores									Z				
lumber yard and building materials	2126	Lumber yards and heavy building materials									Z				
heating and plumbing equipment	2127	Heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category									Z				
Durable consumer goods sales and service	2130	Wide range of product lines such as apparel, appliances, hardware, jewelry, etc.													
computer and software	2131	Computers and prepackaged software without other electronic equipment, including repair, support, and training								Z	Z				

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3-38

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
camera and photographic supplies	2132	Primarily retail cameras and photographic supplies or retail with repair and film developing								Z	Z				
clothing, jewelry, luggage, shoes, clocks, sewing	2133	Including shoe repair and tailoring								Z	Z	Z			
sporting goods, toy and hobby, and musical instruments	2134									Z	Z				
books, magazines, music, videos, CDs, stationery, greeting cards, seasonal decorations, school and office supplies, etc,	2135									Z	Z				
Consumer goods, other	2140	Establishments that retail merchandise (except groceries or health items) not included in preceding codes													
florist	2141									Z	Z	Z			
art dealer, supplies, sales and service	2142	Including frame shops								Z	Z	Z			
tobacco or tobacconist establishment	2143									Z	Z	Z			
mail order or direct selling establishment	2144	Retailing other than in stores									Z			Z	
antique shop, flea market, thrift stores	2145									Z	Z	Z			
Grocery, food, beverage, dairy	2150	Retail food and beverage merchandise from fixed point-of-sale locations													
grocery store, supermarket, or bakery	2151	Included are meat and seafood markets and delicatessens								Z	Z				
convenience store	2152	Excludes those with fuel pumps								Z	Z	Z			
specialty food store	2153	Retail specialty food items such as coffee and gourmet foods								Z	Z	Z			
fruit and vegetable store	2154									Z	Z	Z			
beer, wine, and liquor store	2155									Z	Z	Z			
Health and personal care	2160	Retail health and personal care merchandise from fixed point-of-sale locations													

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3-39

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
pharmacy or drug store	2161	Primarily retail prescription or nonprescription drugs								Z	Z	Z			
cosmetic and beauty supplies and personal grooming products	2162	Primarily retail cosmetics, perfumes, toiletries, products								Z	Z	Z			
optical and contact lenses	2163	Retail prescription or nonprescription eyeglasses								Z	Z	Z			
Markets for farm produce or crafts	2199			ZS						ZS	ZS	ZS			ZS
Finance and Insurance	2200	Use this category when difficult to differentiate an establishment into a subcategory													
Bank, credit union, or savings institution	2210	Central banking functions								ZS/Z	Z	Z	Z		
Credit and finance establishment	2220	Credit card, sales financing, unsecured consumer lending, real estate credit, international trade financing								ZS/Z	Z	Z	Z		
Investment banking, securities, and brokerages	2230	Securities underwriting, brokering, exchange services, managing portfolios								ZS/Z	Z	Z	Z		
Insurance-related establishment	2240	Insurance underwriting, selling insurance								ZS/Z	Z	Z	Z		
Fund, trust, or other financial establishment	2250	Pool assets on behalf of shareholders or beneficiaries								ZS/Z	Z	Z	Z		
Pawn shop	2260										Z				
Real Estate, and Rental and Leasing	2300	Rent or lease assets													
Real estate services	2310	Lease real estate (except buildings) such as manufactured home sites and vacant Lots; includes real estate appraisers								ZS/Z	Z	Z	Z		
Property management services	2320	Manage real property for others													
commercial property-related, mini- or self-storage	2321	Lease buildings not used as residences; includes mini-warehouses and self-storage Dwelling Units									Z			Z	
rental housing-related	2322	Lease buildings used as residences								ZS/Z	Z	Z	Z		
Rental and leasing	2330	Rent tangible goods such as consumer goods and mechanical equipment to customers; excludes establishment primarily renting equipment with operators													

Amended

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3-40

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
cars	2331	Lease passenger cars without drivers									Z				
leasing trucks, trailers, RVs, buses, aircraft, tugboats, etc.	2332	Drivers not provided									Z				
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles									Z				
leasing commercial, industrial machinery and equipment	2334	Rent or lease office machinery and equipment, heavy equipment used for construction, well-drilling, telecommunications, manufacturing, institutional furniture									Z			Z	
consumer goods rental	2335	Rent personal and household-type goods and a range of consumer, commercial, and industrial equipment geared toward consumers									Z				
intellectual property rental	2336	Establishments that assign patents, trademarks, brand names, and franchise agreements								ZS/Z	Z	Z	Z		
Business, Professional, Scientific, and Technical	2400	Perform professional, scientific, and technical services													
Professional services	2410	Services provided depend on worker skills and knowledge rather than equipment													
legal services	2411	Title abstract, lawyers, notaries								ZS/Z	Z	Z	Z		
accounting, tax, bookkeeping, payroll services	2412									ZS/Z	Z	Z	Z		
architectural, engineering, surveying and related services	2413	Architectural, engineering, building inspection, surveying and mapping, and laboratory testing (except medical, veterinary, or auto emission)								ZS/Z	Z	Z	Z		
graphic, industrial, interior design services	2414	Interior, industrial, and graphic design								ZS/Z	Z	Z	Z		
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues								ZS/Z	Z	Z	Z		
scientific research and Development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences									ZS			Z	
advertising, media, and photography services	2417	Advertising, public relations, media buying agencies, direct mail advertisers, market research, translation providers								ZS/Z	Z	Z	Z		

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3-41

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners									ZS	ZS		Z	
Administrative services	2420	Typical office establishments in any business area. Use as a default category for most office buildings (nursing staffing)													
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning								ZS/Z	Z	Z	Z		
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.								ZS/Z	Z	Z	Z		
employment agency	2423	Provide employee placement, temporary help								ZS/Z	Z	Z	Z		
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, etc.								ZS/Z	Z	Z	Z		
collection agency	2425	Collect payments, compile credit information, repossess tangible assets								ZS/Z	Z				
Travel arrangement and reservation services	2430	Promote or sell travel, includes convention and visitors' bureaus								ZS/Z	Z	Z	Z		
Investigation and security services	2440	Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems									Z				
Services to buildings and Dwellings	2450	Provide pest control, janitorial services, landscaping, carpet cleaning, etc.													
extermination and pest control	2451													Z	
janitorial	2452													Z	
landscaping	2453										Z			Z	
carpet and upholstery cleaning	2454										Z			Z	
packing, crating, and convention and trade show	2455										Z				
Food Services	2500	Prepare meals, snacks, and beverages													
Full-service restaurant	2510	Provide services to patrons who order and are served while seated or in combination with takeout								Z	Z	Z			

Amended

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3-42

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Cafeteria or limited service restaurant	2520	Provide services to patrons who order or select items and pay before eating; may be consumed on premises, taken out, or delivered								Z	Z				
drive-through restaurants	2521	Provides drive-in, drive-through or drive-up service to patrons; includes most fast-food restaurants									Z				
Snack or nonalcoholic bar	2530	Prepare and serve specialty snacks, such as ice cream, frozen yogurt, cookies, coffee, juices for consumption on or near the premises, snowball stand								Z	Z	Z			
Bar or drinking place	2540	Bars, taverns, nightclubs primarily serving alcoholic beverages; may provide limited food and entertainment								Z	Z				
Mobile food services	2550	Prepare and serve meals and snacks for immediate consumption from motorized vehicles									ZS/ C	ZS		ZS	
Caterer	2560	Provide single event-based food services, including banquet halls with catering for wedding receptions, etc.								Z	Z	Z		Z	
Food service contractor	2570	Provide food services at institutional, governmental, commercial, or industrial locations based on contracts									Z			Z	
Vending machine operator	2580	Retail merchandise through vending machines that they service									Z			Z	
Personal Services	2600	Catch-all category for personal service establishments not classified elsewhere such as bail bonding, wedding planning, psychic services, etc.													
Personal care	2610	Hair, nail, and skin care and related personal care													
hair, nail, and cosmetic skin care	2611	Barber or beauty shop								Z	Z	Z			
dieting and weight reducing	2612									Z	Z	Z			
tanning salon	2614									Z	Z	Z			
electrolysis, ear piercing, and other personal care services	2616									Z	Z	Z			
Dry cleaning and laundry	2620														

Amended

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3-43

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
coin-operated laundromat	2621									ZS/Z	Z	Z			
dry cleaning and laundry	2622									ZS/Z	Z	Z			
linen and uniform supply	2623										Z			Z	
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.									Z			Z	
Parking Lot and parking garage	2640									Z	Z				
Special Services	2650														
massage therapist	2651									Z	Z				
tattoo parlor	2652									Z	Z				
adult establishment	2653										ZS				
adult cabaret	2654										ZS				
Pet and Animal Sales or Service (except Veterinary)	2700	Retails pets and other animals (except for farming purposes) and pet supplies, grooming, training, and care taking													
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies								Z	Z	Z			
Animal and pet services and kennels	2720	Boarding, grooming, sitting, and training (except veterinary and horse boarding)													
animal services	2721	grooming and training	Z								Z	Z			
animal boarding	2722	sitting and boarding	Z	Z							Z			Z	
pet cemetery	2723										Z				
MANUFACTURING AND WHOLESALE TRADE	3000	When captive services such as accounting are provide by a separate establishment, they are classified in the appropriate function code and not in manufacturing													
Foods, Textiles, and Related Products	3100	Produce food, tobacco, textiles, and leather													
Food and beverages	3110	Includes bakery and candy establishments that produce for later consumption; ice manufacturing												Z	
Tobacco manufacturing	3120													Z	
Textiles	3130	Textile mills, apparel manufacturers												Z	

Amended

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3-44

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Leather and leather substitute products	3140	Leather and leather substitutes such as rubber footwear												Z	
Wood, Paper, and Printing Products	3200														
Wood products	3210	Except furniture												Z	
Paper and printing materials	3220	Manufactures paper and offer printing-related products												Z	
printing and related support activities	3221	Establishments do not manufacture the stock that they print; for publishers and publishers that also print, use publishing or information codes									ZC			Z	
Furniture and related products	3230	Includes mattresses, window blinds, cabinets, fixtures												Z	
Chemicals, and Metals, Machinery, and Electronics Manufacturing	3300	Transform or refine chemicals or metals, and manufacture products from chemicals or metals													
Petroleum products	3310	Transform crude petroleum into usable products												C	
Chemicals, plastics, and rubber products	3320													C	
Nonmetallic mineral products	3330	Manufacture bricks, ceramics, glass, cement, concrete, statuary, stone products												C	
Primary metal manufacturing	3340	Manufacture basic metal products, such as bars, rods, wires, and castings or finished products												C	
Machinery manufacturing	3350	Make machinery for particular applications, such as construction, ventilation, heating and cooling												Z	
Electrical equipment, appliance, and components manufacturing	3360	Manufacture computers, communication equipment, lighting equipment, batteries, motors, appliances												C	
Transportation equipment	3370													Z	
Miscellaneous Manufacturing	3400	Use for manufacturing establishments not classified elsewhere													
Jewelry and silverware	3410										ZC			C	
Dolls, toys, games, and musical instruments	3420										ZC			Z	

Amended

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3-45

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Office supplies, inks, etc.	3430	Except paper									ZC			Z	
Signs	3440										ZC			Z	
Wholesale Trade Establishment	3500	Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses									ZC			Z	
Warehousing and Storage Services	3600	Operate warehouse and storage facilities for general merchandise, refrigerated goods													
Office and warehousing	3610										ZC			Z	
Warehousing	3620													Z	
Tankfarm	3630													C	
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000														
Transportation Services	4100	Serve passengers and cargo movements													
Air transportation	4110	Provide transportation for passengers or cargo using aircraft, excludes air courier (see 4160)													
air passenger transportation	4111	Provide scheduled and nonscheduled air transportation for passengers													C
air freight transportation	4112	Provide scheduled and nonscheduled air transportation of cargo without transporting passengers													C
airport and support establishment	4113	Provide air traffic control, operate airports and support airport operations such as rental of hangar space													C
aircraft and accessories	4114	Aircraft maintenance and repair (except factory conversions)													C
other air transportation	4115	Hot air balloon rides, helicopter rides, aerial tram and cable cars													C
Rail transportation	4120	Provide passenger and freight transportation and rail transportation support; use this category for establishments providing both transportation and support services, otherwise use the more specific subcategory													
rail passenger transportation	4121	For passengers only								Z					

Amended

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3-46

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
rail freight transportation	4122	For freight systems only													
rail transportation support establishment	4123	Provide specialized services such as repair, maintenance, loading and unloading													
Road, ground passenger, and transit transportation	4130	Urban transit systems, charter and school bus transportation, taxis													
local transit systems--bus, special needs, and other motor vehicles	4133	Single-mode local transit systems other than rail									Z				
non-local and charter bus	4134	Non-local passenger buses for charter or for special needs transportation for elderly, infirm, or handicapped									Z			Z	
school and employee bus transportation	4135	Provide buses and other motor vehicles to transport pupils or employees												Z	
sightseeing	4136	Scenic or sightseeing land transportation								Z	Z				
taxi and limousine service	4137	Provide passenger transportation by automobile or van									Z			Z	
towing and other road and ground services	4138	Tow vehicles									Z			Z	
Truck and freight transportation services	4140	Provide over-the-road transportation of cargo using motor vehicles													
general freight trucking, local	4141	Provide local general freight trucking												Z	
general freight trucking, long-distance	4142	Provide long-distance freight trucking												Z	
Courier and messenger services	4160	Provide air, surface, or combined courier delivery services of Parcels and messages									Z			Z	C
Postal services	4170	Operate the national postal service, including establishments that sort, route, and deliver on a contract basis									Z			Z	
national post office	4171									Z	Z			Z	
Pipeline transportation	4180	Use transmission pipelines to transport products, such as crude oil or natural gas													
Communications and Information	4200	Produce or distribute information													
Publishing	4210	Issue copies of works for which they usually possess copyright													

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
newspapers, books, periodicals, etc.	4211	Publish newspapers, magazines, books, databases, greeting cards, calendars, maps, and similar works								Z	Z		Z	Z	
software publisher	4212	Publish and reproduce computer software								Z	Z	Z	Z		
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings													
motion picture and video production, publishing, and distribution	4221	Produce or distribute motion pictures, videos, television programs, or commercials									Z	Z	Z	Z	
motion picture viewing and exhibition services	4222	Operate movie theaters, drive-ins, film festival exhibitions								Z	Z				
sound recording, production, publishing, and	4223	Produce, distribute, or publish music and musical recordings or provide sound recording									Z			Z	
Tele-communications and broadcasting	4230	Provide point-to-point communications; if multiple services are shared between the same facilities, use this general category; if separate facilities are maintained for each type of service, then use a specific classification													
radio and television broadcasting	4231	Operate broadcasting studios and facilities for over the air or satellite delivery of radio and television programs								Z	Z			Z	
cable networks and distribution	4232	Operate studios and facilities or cable systems, direct-to-home satellite systems									Z			Z	
wireless telecommunications	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound, or full motion picture video, cell towers									Z			Z	
towers and antennas 50ft tall or less	4233a		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
towers and antennas taller than 50 ft	4233b			C							C				C
telephone and other wired tele-communications	4234	Operate telephone networks	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Information services and data processing industries	4240	News syndicates and information data processing services													
online information services	4241	Internet access and service providers									Z	Z	Z	Z	

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3-48

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
library or archive	4242	Provide library or archive services									Z	Z	Z	Z	
news syndicate	4243	Supply information such as news reports, articles, pictures and features to the news media									Z		Z	Z	
Utilities and Utility Services	4300	Provide utility services such as electric power, gas, water and sewage removal													
Electric power	4310	Provide electric power generation, transmission, control, and distribution													
service distribution lines	4315		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
electric substations	4316										Z			Z	Z
Natural gas, petroleum, fuels	4320	Operate gas distribution systems, gas marketers, gas brokers, transmit and distribute gas													
natural gas service	4329	Provide natural gas service distribution to retail customers (includes distribution lines and valves)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Water, steam, air conditioning supply	4330	Public and private utility establishments that offer drinking water, water treatment, water supply, or hot or cool air supply													
drinking water	4331	Operate water treatment plants, filtration plants, pumping stations												Z	Z
water service	4339	Provide water service distribution to retail customers (includes distribution lines pumps and valves)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Sewer, solid waste, and related services	4340	Collect, treat, and dispose of waste materials													
hazardous waste collection	4341	Operate treatment and disposal facilities for hazardous waste, combine, collect, or haul hazardous waste materials												C	
hazardous waste treatment and disposal	4342	Remediate and clean contaminated buildings, soil, or ground water, abate asbestos, lead paint and other toxic material												C	
solid waste collection	4343	Collect or haul hazardous waste, non-hazardous waste, or recyclable materials, operate waste transfer stations									C			C	Z

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3-49

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
solid waste combustor or incinerator	4344	Operate combustors and incinerators for the disposal of non-hazardous solid waste, includes compost dumps												C	
solid waste landfill	4345	Operate landfills for the disposal of non-hazardous solid wastes												C	
waste treatment and disposal	4346	Operate facilities for separating and sorting recyclable materials from non-hazardous waste streams												C	Z
septic tank and related services	4347	Pump septic tanks and cesspools, rent or service portable toilets												C	
wastewater treatment plants	4348													Z	Z
wastewater service	4349	Provide wastewater service distribution to retail customers (includes collection lines and lift stations)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
ARTS, ENTERTAINMENT, AND RECREATION	5000														
Performing Arts or Supporting Establishments	5100	Produce or organize and promote live presentations, excludes nightclubs													
Theater, dance or music establishment	5110	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment								Z	Z				
Sports team or club	5120	Professional or semi-professional sports teams or clubs participating in live sporting events													
Racetrack establishment	5130	Operate racetracks for events													
horse track	5131		Z	Z											
dog track	5132														
automotive track	5133														
Promoter of sports, performing arts, similar events	5140	Organize, promote, and manage performances, events													
Agent for management services	5150	Agents representing artists, athletes, entertainers, etc.								Z	Z	Z	Z	Z	
Independent artist, writer, or performer	5160	Independent individuals engaged in art, productions								Z	Z	Z	Z	Z	
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, zoos, and similar establishments													

Amended

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Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Museum	5210									Z	Z	Z	Z		
Historical or archeological institution	5220	Archeological sites, battlefields								Z	Z	Z	Z		Z
Zoos, botanical gardens, arboreta	5230													C	Z
Amusement, Sports, or Recreation Establishment	5300	Operate facilities offering activities and provide services													
Amusement or theme park establishment	5310	Operate a variety of attractions such as mechanical rides, water rides, games									C				
Games arcade establishment	5320	Operate arcades and parlors, except gambling, billiard, or pool								Z	Z	Z			
Casino or gambling establishment	5330	Except casino hotels, includes riverboat casinos, bingo halls, and video gaming terminals, or provide services such as Lotteries or off-track betting													
Miniature golf establishment	5340										Z				
Golf course	5350														
public golf course	5351	may include country club	Z	Z	Z	Z	Z	Z	Z						Z
private golf course	5352	may include country club			Z	Z	Z								Z
golf course resort	5353	may include club house, guest accommodations and/or residences that may be individually owned, but fall within the management of the resort													C
Marina or yachting club facility operators	5360	Operate docking and storage facilities for pleasure craft owners													
Fitness, recreational sports, gym, athletic club, multipurpose facility	5370	Includes archery and shooting ranges, horseback riding, ball parks and courts, fitness clubs, and more													
public facilities	5371		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			Z
private facilities	5372									Z	Z	Z	Z	Z	
Horse Riding Stables	5373	not constructed pursuant to a residential Development approval	Z	Z											Z
Bowling, billiards, pool	5380									Z	Z	Z			
Skating rink, roller skating	5390										Z				

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Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Camps, Camping, and Related Establishments such as trailer parks	5400	Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, trailer parks	C	C											
Natural and other Recreational Parks	5500	All parks without special economic functions	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000														
Educational Services	6100	Offer teaching and learning													
Nursery or preschool	6110			Z		Z	Z	Z	Z	Z	Z				
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level													
elementary	6121		C	C	C	C	C				Z				C
middle or junior	6122										Z				C
senior or high	6123										Z				C
special needs education services	6125	Offer specialized services such as for the physically or mentally disabled									Z				
adult education services	6126										Z				
College or university	6130										Z				C
Technical, trade, or other specialty school	6140	Offer vocational and technical training													
beauty schools	6141										Z				
business management	6142	Offer courses in office procedures, secretarial skills, and basic office skills									Z				
computer training	6143	Except computer repair									Z				
driving education	6144										Z				
fine and performing arts education	6145	Dance, art, drama, and music schools									Z				
flight training	6146	Offer aviation and flight training									Z				

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
sports and recreation education	6147	Offer instruction in athletic activities									Z				
Public Administration	6200	All government functions, includes federal, state and local government agencies													
Legislative and executive functions	6210	Government and public administrative offices								Z	Z	Z	Z		
Judicial functions	6220	Civilian courts of law and correctional institutions								Z	Z	Z	Z		
court	6221									Z					
correctional institution or jail	6222	Facilities for the confinement, correction, and rehabilitation of offenders sentenced by a court												Z	
Other Government Functions	6300	Use this category for government owned establishments not classified elsewhere such as defense and national guard establishments								ZS	ZS			Z	
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services													
Fire and rescue	6410		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Police	6420	Includes combined police and fire departments	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Emergency response	6430	Provide ground or air transportation for medical relief purposes	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Health and Human Services	6500	Provide health care, social assistance, and associated services													
Ambulatory or outpatient care services	6510	Offer health care services directly to patients without providing inpatient services													
clinics and health spas (Ord. # 1716)	6511	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and other licensed or certified health care providers									Z	Z	Z		
family planning or outpatient care clinic	6512	Provide outpatient family planning services and outpatient care									Z	Z	Z		
medical or diagnostic laboratory	6513	Provide analytic or diagnostic services including medical imaging									Z				
blood or organ bank	6514										Z				

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Nursing, supervision and other rehabilitative services, except	6520	Provide inpatient nursing and rehabilitative services and can accommodate patients for extended care, includes convalescent homes, nursing homes, inpatient care hospices, alcoholism or drug addiction rehabilitation, mental health Halfway Houses, group homes, and psychiatric convalescent homes	C	C	ZS						ZS				
Hospital	6530										C				
Health care facility	6540	Maximum of 25 beds for overnight care									Z	Z			
Social assistance, welfare, and charitable services	6560	Provide social assistance directly to individuals, does not offer residential or accommodation services except for Homeless Shelters													
child and youth services	6561	Offer services such as adoption, foster care, drug prevention services									Z	Z	Z		
child daycare	6562	Provide care for infants and preschool children, offer pre-kindergarten education programs									ZS	ZS	ZS		
community food services	6563	Collect, prepare, and deliver food for the needy, food banks, meal delivery programs and soup kitchens									Z	Z			
emergency and relief services	6564	Provide food, shelter, clothing, medical relief, resettlement to disaster victims									Z	Z			
other family services	6565	Hotline centers, suicide crisis centers, self-help organizations, etc.									Z	Z			
services for elderly and disabled	6566	Does not include housing for the elderly									Z	Z			
veterans affairs	6567										Z	Z			
vocational rehabilitation	6568	Provide job counseling, job training, and other vocational services									Z	Z			
homeless shelters	6569	Provide temporary residential or accommodation services									C				
Religious Institutions	6600	Churches, temples, synagogues, mosques													
small institution		Up to 250 seats in largest seating area		ZS							ZS	ZS			
other institutions		More than 250 seats in largest seating area		ZS							ZS				

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Death Care Services	6700	Funeral homes, crematories, cemeteries													
Funeral home and services	6710	Includes funeral homes combined with crematories									Z	Z			
Cemetery or cremation services	6720														
cemetery accessory to religious institution			ZS	ZS							ZS	ZS			
free-standing cemetery															Z
crematorium											C			Z	
Associations, Non-Profit Organizations, Clubs	6800	Includes grant making, civic, professional, and similar organizations													
Labor or political organization	6810	Labor unions, political groups, and political fund-raising groups								Z	Z	Z	Z		
Business association or professional membership	6820	Promote the business interests of their members organization or of their profession								Z	Z	Z	Z		
Civic, social, or fraternal organization	6830									Z	Z	Z	Z		
CONSTRUCTION-RELATED BUSINESSES	7000	Build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services													
Building, Developing, and General Contracting	7100	Custom builders, general contractors, developers, land Applicants, and construction management firms									Z			Z	
Machinery Related	7200	Contractors that install or utilize specialized machinery not generally used by other contractors, machinery installation, excavation, wrecking and demolition, structural steel erection contractors												Z	
Special Trade Contractor	7300	Specialize in construction activities such as plumbing, painting and electrical work													
Carpentry, floor, and tile contractor	7310										Z			Z	
Concrete contractor	7320													Z	
Electrical contractor	7330										Z			Z	

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Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Glass and glazing contractor	7340	Excludes automotive glass establishments									Z			Z	
Masonry and drywall contractor	7350	Includes bricklaying, drywall, and plaster work									Z			Z	
Painting and wall covering	7360										Z			Z	
Plumbing, heating, and air conditioning	7370										Z			Z	
Roofing, siding, or sheet metal contractor	7380										Z			Z	
Heavy Construction	7400	Provide heavy non-building construction												Z	
MINING AND EXTRACTION ESTABLISHMENTS	8000														
Oil and Natural Gas	8100	Operate and develop oil and gas field properties													
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	9000	Grow crops, raise animals, harvest timber, and harvest fish and other animals, may be described as farms, greenhouses, nurseries, or hatcheries													
Crop Production	9100														
Outdoor Production	9110		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Greenhouse Production	9140														
Greenhouse - no on-premises sales	9141		Z	Z						Z	Z	Z			Z
Greenhouse - sales of products grown on premises	9142			Z							Z	Z			
Greenhouse - sales of products and related accessory products	9143										Z	Z			
Support Functions for Agriculture	9200	Includes dusting, spraying, fertilizing												Z	
Animal Production	9300	Keep, graze, breed or feed animals in farms or feedlots													
Cattle ranch	9310		Z	Z											
Dairy cattle	9320		Z	Z											
Hog farm	9330		Z	Z											
Poultry and egg production	9340	Commercial facilities	Z	Z											

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Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Domestic backyard chickens	9340a	The keeping of up to 10 hens (no roosters) for personal use	Z	Z	Z	Z	Z	Z	Z						
Sheep and goats	9350		Z	Z											
Fish	9360		Z	Z											
All other animals	9370		Z	Z											
bees	9371		Z	Z	Z	Z	Z	Z	Z						
horses	9372	See Exhibit 4-1 regarding minimum parcel size required for the keeping of horses. (Ord. # 1775)	Z	Z											
fur-bearing	9373		Z	Z											
Support functions	9380	Includes horse boarding and animal breeding	Z												
Forestry and Logging	9400		Z	Z											
Fishing, Hunting and Trapping	9500		Z	Z											
Unclassifiable or No Function	9900	Temporary placeholder until a code can be assigned													
Special Events	9910														
special home events (Ord. # 1716)	9911		ZS	ZS	ZS	ZS	ZS	ZS	ZS						C
Other (Ord. # 1716)	9912		ZS	ZS											ZS
Temporary Uses (Ord. # 1716)	9920	Temporary uses specifically authorized in applicable zoning districts by section 5.25 or 5.26	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Subdivisions	9930														
major	9931		C	C	C	C	C	C	C	C	C	C	C	C	C
minor	9932		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Combination Uses	9940		ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
Home Occupations	9950		ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS			
Development Patterns	9960														
Cluster Subdivisions (sec. 6.1)	9961				ZS	ZS	ZS	ZS	ZS						

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Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Conservation Subdivision (sec. 6.2)	9962		ZS	ZS											
Reserved	9963														
Small Lot Patterns (sec. 6.4)	9964							ZS	ZS						
Traditional Neighborhood Development (sec. 6.5)	9965							ZS	ZS						
Morganton Road (sec. 6.6)	9966														

(Ord. #1714; Ord. #1717; Ord. #1604; Ord. #1820; Ord. #1871, 8-24-20)

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Chapter 4. Development and Design Standards

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4.1. GENERALLY

The standards in this section are intended to be minimum standards for Development of buildings, sites and infrastructure. Stricter standards or relief from standards may be established through the procedures in chapter 2, the zoning district standards in chapter 3, the specific use standards in chapter 5 or the Development Patterns in chapter 6.

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4.2. LOT DEVELOPMENT STANDARDS

Lot development standards are summarized in Exhibit 4-1. Guidance for applying these is included in sections 4.2.1 (height), 4.2.2 (setbacks), and 4.2.3 (lot size, density and width).

4.2.1. Height

- (A) Subject to the provisions of this section, buildings and structures shall not exceed the maximum heights established in Exhibit 4-1.
- (B) The height of a building is the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.
(Ord. #1959; Ord. #2040)
- (C) A story includes any floor above the mean elevation of finished grade at the front of the building. Where floor levels are staggered, the number of stories is the number of Floors counting vertically from the point of the mean elevation of finished grade at the building front.
- (D) The base of any access door to a roof shall not be higher than six (6) inches above the lowest point of any parapet wall or six (6) inches above the lowest point of a roof’s surface, whichever is greater. The top of a roof access point shall not be greater than nine (9) feet above the base of the door.
- (E) Roofs with slopes greater than seventy-five (75) percent are regarded as walls.
- (F) In the CB, GB and PD Districts, buildings are limited to a maximum of three (3) stories with the ceiling of the top story not to exceed thirty-eight (38) feet in height. Buildings must have pitched or mansard roofs, or provide a parapet along any side facing a street.
(Ord. # 1716; Ord. #1959; Ord. #2040)
- (G) In the I districts, buildings are limited to a maximum of four (4) stories. Buildings must have pitched or mansard roofs, or provide a parapet

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along any side facing a street. Buildings that are taller than thirty-five (35) feet shall not be located within two-hundred (200) feet of a residential zoning district.

(Ord. #1959; Ord. #2040)

(H) The following buildings, where authorized by Exhibit 3-15, may be constructed to a Height of fifty (50) feet provided a sprinkler system and fire-resistant stairway enclosures shall be provided as required in the North Carolina State Building Code:

- (1) Government Offices;
 - (2) Schools;
 - (3) Religious Institutions;
 - (4) Libraries, Museums, Art Galleries, Art Centers and Similar Uses;
 - (5) Golf Course Club House, provided that the building shall be located no closer than 500 feet to any property line or public right-of-way; that there shall be no occupied Floor height above 28 feet; that the building shall not be more than three (3) stories; and that no Living Quarters shall be in the golf course club house;
 - (6) Hospitals, Clinics and Other Medical Facilities in Excess of 10,000 square feet of Floor area; and
 - (7) Post Offices.
- (I) Chimneys, church spires, water tanks, elevator shafts, scenery lofts and similar structural appendages not intended as places of occupancy are exempt from the height limitation set forth in this section, provided that not more than one-third (1/3) of the roof area is covered by such structures.
- (J) Heating and air conditioning equipment, solar collectors and similar equipment, fixtures and devices are exempt from the height limitation set forth in this section, provided that they are set back from the edge of the roof a minimum distance of one (1) foot for every foot the

feature extends above the roof surface. Screen or parapet walls shall be constructed to the height of any fixture taller than three (3) feet in height that would be visible from a street or residential property abutting the property.

(K) Towers and antennas are allowed in all zoning districts to the extent authorized in Exhibit 3-15 (table of authorized land uses), and subject to the provisions of section 5.23.

(L) Light standard heights shall not exceed the limits established in section 4.7(G).

(M) Flagpoles and similar devices shall be limited to thirty-five (35) feet in Height.

4.2.2. Setbacks

(A) **Setbacks Required.** Except as specifically provided in this section, authorized as part of a Variance, PDD or Certificate of Appropriateness approval, or allowed for a Development Pattern authorized in a specific zoning district, no portion of any building, excluding eaves, decks, patios, steps and uncovered porches may be located on any Lot closer to any Lot line or to the street right-of-way line or centerline than is authorized in Exhibit 4-1. All setbacks are expressed in feet and are minimum setbacks unless otherwise noted. Additional setbacks may be required to meet parking, landscaping, buffers or other standards specified in this chapter, the specific use standards of chapter 5 or the Development Pattern standards in chapter 6 of this UDO.

(B) **Allowed Setback Encroachments.** A step, stoop, open porch, awnings or other appurtenances may extend up to five (5) feet into the front setback, provided such features do not impede pedestrian circulation or extend more than twenty-five (25) percent into the minimum setback.

(C) Setback Measurement

- (1) Setback distances shall be measured from the property line or street right-of-way line to a point on the Lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.).
 - (2) If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured at a right angle to such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline.
- (D) All setbacks are subject to compliance with adopted Fire Code provisions.
- (E) The following structures shall comply with all setback requirements:
- (1) Gas pumps and overhead canopies or roofs; and
 - (2) Substantially opaque fences or walls that exceed (6) six feet in height.
- (F) Private roads or driveways that serve more than three (3) Lots, more than three (3) Dwelling Units or any non-residential use projected to generate traffic equivalent to three (3) or more Dwelling Units shall be treated as public streets for purposes of measuring front and exterior side setbacks.

4.2.3. Lot Size, Density and Lot Width

- (A) **Minimum Lot Size Established.** Except as specifically provided in this section, authorized as part of a PD approval, or allowed for a Development Pattern authorized in a specific zoning district, minimum Lot size shall comply with Exhibit 4-1. Larger Lots may be required to meet parking, landscaping, buffers or other standards specified in this chapter or Chapter 5 of this UDO.

- (B) **Adequate Facilities Required.** The minimum Lot sizes set forth in this section are permissible only if adequate public water and sewer facilities are or can be made available to serve every Lot in accordance with the provisions of this chapter of the UDO. [For example, in some areas zoned RS-1 that are not served by public sewer, Lots may have to exceed the 10,000 square feet minimum required below in order to accommodate septic tanks. In such cases and in cases where Lots of less than 15,000 square feet are proposed and such Lots do not have access to sewage treatment facility or county sewer lines, the Health Department-Environmental Health Division shall review and approve proposed plans as provided in sections 4.15.11 and 4.15.12.
- (C) **Additional Area Required for Additional Dwelling Units.** The "Additional Area" in the third column applies to the area required for each Dwelling Unit in addition to the first Dwelling Unit. In districts permitting Two-Family or Multi-Family Dwellings, where the area of the property is such that a portion remains after full requirements have been met for other Dwelling Units on the same property, the following rules shall apply in determining density and no relaxation of these rules shall be permitted by a variance. If otherwise permitted by the regulations of a district:
- (1) A total of two (2) Dwelling Units shall be permitted on a Lot containing area for one (1) Dwelling Unit and 95% of the area for the second.
 - (2) A total of three (3) Dwelling Units shall be permitted on a Lot containing area for two (2) Dwelling Units and 90% of the area required for a third.
 - (3) A total of four (4) Dwelling Units shall be permitted on a Lot containing area for three (3) Dwelling Units and 85% of the area for a fourth.
 - (4) One additional Dwelling Unit shall be permitted on a Lot containing area for four (4) or more Dwelling Units and 80% of the area required for the additional Dwelling Unit.

(D) **Core Area Exemption.** There shall be no minimum Lot area requirement for determining density in the following areas:

- (1) The portion of the CB district bounded by Connecticut Avenue, Massachusetts Avenue, Bennett Street and Ashe Street;
- (2) The block bounded by new Hampshire Avenue, Page Street, Pennsylvania Avenue, and Bennett Street; and
- (3) The block bounded by Broad Street, Wisconsin Avenue, Bennett Street and Illinois Avenue.

(E) **Combination Uses.** When a Combination Use consists of different residential Dwelling Unit types, the total number of Dwelling Units permissible on the entire Tract shall be determined by dividing the area of the Tract by the minimum square footage per Dwelling Unit. The mix of Dwelling Unit types and setback requirements may limit the ability to achieve the theoretical maximum density.

(F) **Credit for Dedicated Lands.** If an Applicant agrees to dedicate and the Town agrees to accept a portion of a tract that lies within an area designated on any officially adopted Town plan as part of a proposed public park, greenway or bikeway, then the total acreage of the dedicated area and the remaining area of the tract intended to be

used for residential purposes shall be used to calculate the maximum permissible density for the remainder of the subdivision, subject to minimum lot width requirements.

(G) **Minimum Lot Width.**

- (1) Exhibit 4-1 establishes minimum Lot widths.
- (2) Minimum Lot width is the shortest straight line connecting side Lot lines between the front and rear setbacks.
- (3) No Lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that could be used for purposes that are permissible in that zoning district and could satisfy any applicable setback requirements for that district. Lots specifically created for equestrian access purposes and only as permitted in RE and RR districts are exempt from this requirement.
- (4) No Lot created after the effective date of this chapter that is less than the recommended width shall be entitled to a variance from any building setback requirement.

(Ord. #1871)

Exhibit 4-1: Building Height, Setbacks and Lot Dimensions

Zoning District	Maximum Height	Front Setback	Setback From Street Centerline	Exterior Side Setback	Interior Side Setback	Rear Setback	Minimum Lot Size	Additional Area Required Per Additional Dwelling Unit	Lot Width
RE	35'	40'	70'	15'	15' ⁽¹⁾	30' ⁽¹⁾	5 acres ⁽⁴⁾		100' min.
RR	35'	40'	70'	15'	15' ⁽¹⁾	30' ⁽¹⁾	30,000 sq.ft. ⁽⁵⁾		100' min.
RS-1	35'	30'	60'	15'	10' ⁽¹⁾	30' ⁽¹⁾	10,000 sq.ft.		45' min.
RS-2	35'	30'	60'	15'	10' ⁽¹⁾	30' ⁽¹⁾	20,000 sq.ft.		45' min.
RS-3	35'	30'	60'	15'	10' ⁽¹⁾	30' ⁽¹⁾	30,000 sq.ft.		45' min.
RM-1	40'	25'	55'	15'	10' ⁽¹⁾	30' ⁽¹⁾	10,000 sq.ft.	3,600 sq.ft.	45' ⁽⁸⁾ min.
RM-2	40'	25'	55'	15'	10' ⁽¹⁾	30' ⁽¹⁾	10,000 sq.ft.	6,000 sq.ft.	45' ⁽⁸⁾ min.
CB ⁽²⁾	45'	5' maximum	Not applicable	5' maximum	No minimum	No minimum	No Minimum	1,500 sq.ft.	50' maximum
GB ⁽³⁾	45'	No minimum	No minimum	No minimum	No minimum	No minimum	No Minimum ^(6,7)	3,600 sq.ft.	No minimum
NB ⁽³⁾	35'	15'	45'	15'	20'	20'	No Minimum ⁽⁷⁾	3,600 sq.ft.	No minimum
OS ⁽³⁾	35'	15'	45'	15'	20'	20'	No Minimum ⁽⁷⁾	3,600 sq.ft.	No minimum
I ⁽³⁾	50' (see §4.2.1(G))	40'	70'	15'	10'	20'	50,000 sq.ft. ^(4,5)		No minimum

Table Notes:

- (1) Side and rear setbacks for Accessory Buildings and structures (excluding fences) that are twelve (12) feet or less in height measured from average grade of the footprint of the building to the highest point of the roof shall have a minimum setback of five (5) feet. The setback shall be increased two (2) feet for every for every one (1) foot of height for Accessory Buildings exceeding twelve (12) feet in height.
- (2) See CB district design standards for exceptions to maximum setbacks.
- (3) Whenever a Lot in a GB, NB, OS or I district has a common boundary line with a Lot in a Residential District, the interior side or rear setback requirement along the common boundary line for the property in the GB, NB, OS, or I district shall be the greater of the minimum setbacks for the applicable districts. [For example, where the side boundary line of a Lot in an "I" district abuts a side boundary of a Lot in a "RR" district, the minimum side setback shall be 15 feet.]

- (4) Minimum parcel size for keeping horses is 10 acres, unless the parcel was created by an instrument recorded at the Moore County Registry on or prior to December 12, 1989, in which case the minimum parcel size for keeping horses is 4.59 acres. Parcels no more than 16 feet wide at any point and no less than 50 feet long may be created between existing parcels for purpose of equestrian access.
- (5) Minimum parcel size for keeping horses is 10 acres, unless the parcel was created by an instrument recorded at the Moore County Registry on or prior to June 11, 2002, in which case the minimum parcel size for keeping horses is 4.59 acres. Parcels no more than 16 feet wide at any point and no less than 50 feet long may be created between existing parcels for purpose of equestrian access.
- (6) The minimum area for Lots with frontage directly on an arterial shall be 40,000 sq.ft.
- (7) The minimum area for lot for a single dwelling unit shall be 10,000 square feet.
- (8) Minimum Lot width is not applicable to townhome Development.

(Ord. #1714; Ord. #1716; Ord #1775; Ord. #1871, 8-24-20; Ord. #1887, 11-23-20; Ord. #1890, 1-6-21)

4.3. LANDSCAPING

This section shall be known as the Town of Southern Pines Landscaping Code or Landscaping Code.

4.3.1. Findings and Purpose

The Council finds that:

- (A) The natural conditions (topography, vegetation and wildlife) typify the North Carolina Sandhills and Longleaf Pine Ecosystems, which are unique within North Carolina. These elements are of economic value to the Town and make it a desirable place for both residents and visitors.
- (B) The natural conditions are a strong aspect of the visual character of the Town and contribute to the economic prosperity.
- (C) The purposes of the landscaping standards are, in part:
 - (1) To create an appearance in all zoning districts, where manmade Development is situated within an urban forest; or
 - (2) To create plantings that screen or buffer visual pollution within the Town.
- (D) Development should preserve and/or create landscape conditions typical of the surrounding ecosystem and site conditions using native and culturally adapted plant materials in appropriate settings.
- (E) Growth and Development necessitates removal of trees, shrubs and soils. The landscaping plans shall address preservation of existing vegetation and soils.
- (F) The general goal is to improve property and community appearance, allow for the ecological benefits provided by plants, prevent the

overcrowding of land and enhance the privacy and welfare of citizens by providing transition between differing land uses.

4.3.2. Applicability

- (A) The landscaping and buffering standards of this section shall apply to the following Development, except as specifically provided in this section, authorized as part of a Variance, PD~~P~~, Architectural Compliance Permit or Certificate of Appropriateness approval, or allowed for a Development Pattern authorized in a specific zoning district:
 - (1) All new multi-family, commercial, mixed-use and industrial Development;
 - (2) ReDevelopment that increases the number of required parking spaces by ten (10) or more spaces;
 - (3) Any expansion of a parking lot by ten (10) or more parking spaces.
- (B) All requirements shall run with the land use and shall apply against any owner or subsequent owner.
- (C) Land used toward achieving the requirements shall be on the same Lot or on property under the same permanent possession or control as the Lot on which the use is located.
- (D) The Airport Hazard Overlay District (see section 3.6.7) includes a tree restriction in the approach zone to a height that projects above the upper surface of the approach zone. Within the approach zone is a clear zone in which trees are prohibited.

4.3.3. Street Trees

- (A) Street trees are an essential part of the Town streetscape. The Town seeks to maintain existing trees where possible and to encourage the planting and continuance of the established street tree patterns.
- (B) To accomplish this objective the following shall apply:
- (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.

- (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.

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	- At least 50 percent of large trees shall be evergreens - Longleaf pines shall be a minimum 2 inch caliper and 8 feet tall - Other large trees shall be a minimum 2 inch caliper
Small Trees	One tree per 400 square feet	- At least 20 percent and not more than 30 percent of small trees shall be deciduous - At least 50 percent of evergreen trees shall be species other than pines - Small trees shall be a minimum 1.5 inch caliper
Shrubs	For buffers 20 feet or narrower – one shrub per 50 square feet	- Not more than 30 percent of shrubs shall be deciduous - 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
	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

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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.

(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;
 - (4) Service areas;
 - (5) Outside storage or operation areas;
 - (6) Dumpsters;
 - (7) HVAC units and other mechanical equipment;
 - (8) Dog runs and dog pens; and
 - (9) Fuel pumps.
- (C) Required landscape screens shall provide a visual obstruction from adjacent properties in conformance with the following standards:
- (1) The screen may be composed of view-obscuring vegetation, wall, or fence, which may be used individually or in combination.
 - (2) The minimum result shall be an opaque screen that obscures views from the ground to a height of the object being screened or a maximum height of fifteen (15) feet.
 - (3) Plant materials shall be at least five (5) feet tall at the time of installation and reach the desired height within five (5) years of planting.

- (4) When a combination of features is proposed, one-third (1/3) of the surface area of all walls or fences that face off-site must be screened by plant material within three (3) years. Additionally, landscape screen areas shall be sufficient to allow for the mature growth of plant materials when used.

(Ord. #1696)

4.3.6. Landscaping for Vehicle Use Areas

- (A) Purpose. To reduce reflected sunlight and headlight glare from parked vehicles, as well as to maintain a separation between vehicles and other uses and to reduce the effects on the environment of vehicle parking facilities, the following standards are provided.
- (B) Applicability.
- (1) The standards of this section apply to all new Development outside the CB district that requires Architectural Compliance Permit or **PD** approval and includes parking for five (5) or more vehicles, a drive-up window or gasoline pumps.
 - (2) Areas used for vehicle sales Lots and/or service, parking and business transactions such as areas adjacent to gasoline pumps (even if under a canopy) and areas for drive up service, shall be considered parking areas and shall comply with perimeter landscaping requirements.
 - (3) Internal parking Lot landscaping standards only apply to Vehicle Use Areas that encompass over 5,000 square feet, excluding areas under canopies, parking structures, loading and service areas and portions of drives with no parking on either side for a distance of twenty-five (25) feet or more.
 - (4) Landscape screens are required for parking lots with seventy-five (75) or more parking spaces.
 - (5) Parking Lot shading requirements are required for parking lots with fifteen (15) or more parking spaces.

(C) Required Plantings

- (1) Exhibit 4-5 establishes the planting requirements for Vehicle Use Areas.
- (2) At least 250 square feet of contiguous pervious growing area shall be required for each large tree and the area shall have a minimum dimension of ten (10) feet. At least 125 square feet of contiguous pervious growing area shall be required for each small tree and the area shall have a minimum dimension of ten (10) feet.
- (3) This screen planting may be combined with other required parking Lot planting as necessary. (For example, internal shade

trees may be interspersed with screening shrubs on landscape screens.)

(D) Islands and Medians

Minimum curb radii of five (5) feet are required on the corners of all tree islands and medians to allow for free movement of motor vehicles around planting materials. All islands shall have raised edging around them to further protect plants from being run over by motor vehicles. Medians without raised edging shall be protected by devices to stop vehicles from driving into the planted areas.

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Exhibit 4-5: Vehicle Use Area Planting Requirements

Area	Minimum Required Planting Rate	Additional Conditions
Perimeter Landscaping – between Vehicle Use Areas and property lines excluding driveways and traffic visibility triangles	• 1 large tree, excluding longleaf pines shall be planted per 30 feet. • 1 evergreen shrub shall be planted per 3 feet or a combination of a wall and landscaping may be used.	• Trees compatible with power lines shall be substituted for large trees where overhead power lines are located. • Large trees shall be a minimum 2-inch caliper when planted. • Shrubs shall be at least 18 inches tall at time of planting and shall grow to a minimum height of 36 inches and a minimum crown diameter of 30 inches within three years of planting. • Walls shall be stone or brick and shall be at least 36 inches in height and shall have shrubs planted between the wall and the property line so that at least one third of the surface of the wall is screened within three years.
Internal Parking Lot Landscaping	• At least 15 percent of the paved Vehicle Use Area shall be used for planting trees and or shrubs. • Large trees shall be planted so that at least 20 percent of the parking Lot shall be shaded at maturity. • At least 1 large tree shall be planted per 250 square feet of required landscape area. • At least one small tree shall be planted per 125 square feet of required landscape area. • At least one evergreen shrub shall be planted per 35 square feet of required landscape area.	• Parking areas shall be laid out to prevent cars from striking plants. • Large trees shall be a minimum 2-inch caliper when planted. • No parking space shall be further than 75 feet from the trunk of a large tree • Landscape screens shall not be more than 120 feet apart, shall be parallel to parking aisles and shall be at least 6 feet in width. • Plants shall be at least 4 feet tall at time of planting. • Large trees shall be evenly distributed throughout the parking area. • For purposes of calculating the percent of the parking Lot shaded, each large tree is assumed to have a crown with a diameter of 30 feet. • Small trees may be substituted for up to 30 percent of the large tree requirement at a rate of two small trees for each large tree. • Large trees shall not be planted less than 20 feet apart and small trees shall not be planted less than 15 feet apart. • Evergreen trees, when used, shall be either pruned or located to facilitate safe sight distances within parking lots. • Shrubs must be located within five feet of the paved area and shall be located to facilitate safe sight distances.

Note: Trees shall be required at the following rates, either in combination of small and large trees or with large trees only to add up to the required landscape area.

4.3.7. Cleared Areas

- (A) All areas cleared of existing vegetation shall be re-vegetated as soon as possible after being disturbed. Cleared areas for the purpose of this ordinance shall not include the building footprint and the area within fifteen (15) feet of the building footprint.
- (B) Such disturbed areas shall be replanted with domesticated grass and trees of a species proven to thrive well in the area. Disturbed areas shall be replanted with one tree for each 700 square feet of disturbed area. Trees shall be a minimum two (2) inch caliper at planting.

4.3.8. Variations

- (A) The Planning Director may modify buffer and landscape standards where:
 - (1) There are special considerations of site design and/or topography.
 - (2) There is existing healthy vegetation that is sufficient to meet the requirements of this section in part or in whole.
 - (3) There exists a unique relationship to other properties.
 - (4) The plantings or planting area would conflict with utilities, easements, or overhead power lines, or encroach upon trees within the public right-of-way.
 - (5) Proposed street widening not provided by the developer will consume the landscaping area.
- (B) The Planning Director may require alternative or additional planted buffers or landscaping when a modification of the requirements of this part is warranted in order to meet the intent of the stated standards.

4.3.9. Plant Material and Installation Standards

- (A) Lists of acceptable large trees, small trees and other plant materials are included in Appendix F. Other plants may be used based on sound horticultural practices. All plant material shall meet or exceed size and shape relationships specified in the latest edition of *The American Standard for Nursery Stock* published by the American Association of Nurserymen. All sizes specified refer to size at time of planting. Neither a building permit shall be issued nor grading begun until a plan for buffers and landscaping has been approved.
- (B) List plants and size standards on the landscape plan as specified in the latest edition of one of these two references: the *Manual of Landscape Plants*, Dir. or *Landscape Plants of the Southeast*, Halfacre.
- (C) The landscape will be installed by a North Carolina licensed Landscape Contractor.
- (D) The installation will meet or exceed the procedures and techniques referenced in the latest edition of the *North Carolina Landscape Contractor's Study Manual*.
- (E) The Town will conduct inspections of the landscape installation to include:
 - (1) Site preparation - conditions of the site ready for landscape installation;
 - (2) Drainage and irrigation - inspect prior to back-filling trenches;
 - (3) Planting - inspect during installation of plants, other than grass or ground cover;
 - (4) Surface inspection - inspect turf, mulch, ground cover;
 - (5) Final inspection - final irrigation test for coverage and working order, quantify and qualify all plants according to plan and ordinance standards. This inspection must be completed prior to the Development receiving a Certificate of Occupancy.

(F) The Town will collect a fee for all inspections.

(G) Longleaf Pine Transplanting

- (1) All Longleaf Pines shall be transplanted only during the times between December 1 and April 15. During non-planting times, a bond shall be posted to assure installation during the planting schedule.
- (2) All Longleaf Pines shall be transplanted using a minimum 40-inch tree spade.

4.3.10. Drainage

Adequate soil drainage is required for all parking and landscape screen areas. Adequate soil drainage is defined as the natural movement of water to the subsoil. Any soil that has been disturbed by grading is considered compacted due to construction activity and will require drainage. Undisturbed areas shall not require drainage improvements.

4.3.11. Maintenance Responsibility

(A) **Maintenance Required.** Unless otherwise stated, the owner of any property where landscaping is required shall be responsible for the maintenance of all required materials and continued compliance with this section 4.3. Landscaped areas shall be kept in a proper, neat and orderly appearance and free from refuse and debris. The property owner shall replace all unhealthy or dead plant material. Failure to maintain the required landscape materials shall constitute a zoning violation and shall be remedied in accordance with the provisions in this UDO.

(B) **Irrigation**

- (1) An automatic irrigation system shall be installed in accordance with landscaping plans approved at the time of site plan approval. Such system must have underground water supply lines with sprinkler heads and/or drip emitters and shall be operated during growing season.

- (2) Applicants are encouraged to design creative landscaping that achieves the objectives of this Landscaping Code while minimizing the need for irrigation.

(C) **Landscape Management.** The management of preserved and installed plants shall include mulching, remediation of soils damaged during construction and weed control.

- (1) **Mulch:** Trees A four-inch layer of organic mulch beneath the canopy shall be provided to reduce water loss, moderate temperatures and protect against compaction.
- (2) **Remediation of Soils Damaged During Construction:** Two treatment options to reduce compaction and improve soil structure are:
 - (a) Holes and fractures can be created to increase air space by physically auguring openings.
 - (b) Organic mulch can be placed around the tree beneath the canopy.
- (3) **Weed Control:** Weed control of unwanted woody and herbaceous vegetation is required necessary to maintain the desired character of landscaped areas.

(D) **Protection of Vegetation During Construction**

Undisturbed vegetated areas shall be protected during construction. No storage of materials, fill or equipment shall be allowed within the Protected Area and shall be so noted on the grading and erosion control plans and posted on the protection fence. A protection fence constructed of a material resistant to degradation by sun, wind and moisture for the duration of the construction shall be installed at the same time as the erosion control measures and shall remain in place until all construction in the vicinity of the trees is complete. Site plans and erosion control plans shall include a detail of the proposed tree protection fence and its location.

4.3.12. Request for Extension of Compliance

- (A) The Town recognizes that land Development occurs continuously, and that vegetation used in landscaping or screening should be planted at certain times to insure the best chance of survival. To ensure compliance and to reduce the potential expense of replacing landscaping or screening materials that were installed at an inappropriate time or under unfavorable conditions for planting, an extension of compliance with landscaping requirements may be allowed for a period not longer than ninety (90) days.
- (B) In the event of an extension, the Applicant shall provide a letter acknowledging a performance guarantee (letter of credit or performance bond) adequate to cover one hundred and fifty (150) percent of the installed landscaping costs.

(Ord. # 1716)

- (C) The letter shall also acknowledge that the Applicant for the Building Permit is aware of all landscaping and screening requirements and will comply with those requirements within ninety (90) days or discontinue use of the property.
- (D) If the initial letter of request for extension of compliance with landscaping requirements has expired and conditions are still deemed unsuitable for planting, the Applicant may request one additional extension of up to ninety (90) days. Failure to comply with the provisions of this section within the time noted in the letter of request for the extension of compliance with landscaping requirements shall be deemed a violation of this ordinance.
- (E) The Applicant shall acknowledge that while a Conditional Certificate of Compliance may be issued, no Final Certificate of Compliance will be

¹ Single trees that have developed as individual specimens are the best candidates for retention. For the most part, trees that have developed as stands, particularly intermediate and suppressed trees will not function well as individuals. They are

issued while there is an active (pending) letter of request for extension of compliance with landscaping requirements, unless a performance guarantee (such as a letter of credit or performance bond) sufficient to cover 125 percent of the installed landscaping costs has been posted with the Inspections or Planning Department.

4.3.13. Existing Vegetation Credits

- (A) Existing healthy vegetation shall be preserved when possible and may be credited toward landscape requirements. Vegetation to be saved and protection measures to be used during grading and construction shall be specified on site plans. Protection measures maintain a radius of at least six (6) feet around existing plants or provide a radius of one (1) foot for each one (1) inch DBH of trees, whichever is greater.
 - (B) Credit given for protected trees shall be equal to the diameter breast height (DBH) of the tree in inches, divided by two (2) inches, but no fraction thereof. Trees so credited must have a minimum DBH of two (2) inches and be shown on the grading, erosion control and landscape plans. Protection of natural groups of trees is encouraged, with each tree within the grouping being credited as if standing alone; however, the protected ground area or tree save area shall encompass all trees within the grouping.¹
- (Ord. #1959; Ord. #1981)*
- (C) The site plan shall:
 - (1) Indicate trunk locations, DBH and drip lines of all trees and/or tree stands to be preserved (Note: When stands of trees will be preserved well away from construction areas, it is not necessary to plot accurate trunk locations);

prone to failure and decline when their neighbors are removed. Not only are the trees unstable, but they contribute little to the appearance or landscape quality of the new project.

- (2) Specify that the natural grade shall be maintained within the tree protection zone; and
- (3) Specify that no storage, dumping of materials, parking construction trailers, fires, etc., shall be allowed within the tree protection zone.
- (D) At the start of grading involving the lowering of the existing grade around a tree or stripping of topsoil, a clean, sharp, vertical cut shall be made at the edge of the tree protection area defined in section 4.3.13(A) at the same time as other erosion control measures are installed. The tree protection fencing shall be installed on the side of this cut farthest away from the tree trunk. This procedure shall be incorporated as a note on the grading and erosion control plans.
- (E) Additionally, all utility lines and drainage channels shall be minimized within the drip lines of trees to be saved and preferably located adjacent to driveways and in groupings as allowed by good engineering practices. If excavation or storage must occur within the tree protection zone, the landscape architect or consulting arborist will determine where tunneling, handwork and root pruning are required. Root pruning shall be completed before grading begins. When all such provisions are not fulfilled, existing trees will be considered unprotected and may not be used to satisfy landscape requirements of this section 4.3.

4.4. TREE AND ECOSYSTEM PROTECTION

4.4.1. Purpose

Southern Pines supports an abundance of natural resources, including land, forests, streams, lakes, wildlife and natural beauty. Increasing urbanization threatens the quality of the natural resources that make it a special place to live and work. The natural environment affects the economic, historic and aesthetic value of the Town. Establishing standards for the protection of natural resources represents prudent stewardship of the land and good business. The purposes include:

- (A) To preserve and enhance the quality of the water in rivers, streams, ponds and lakes that flow into and out of Southern Pines;
- (B) To minimize future flooding problems by guiding Development away from flood prone areas;
- (C) To preserve the water carrying capacity of watercourses and the natural water storage capacity of the flood plain;
- (D) To protect land and watercourses from pollutants, sedimentation and erosion;
- (E) To retain open spaces in order to protect their environmentally sensitive character;
- (F) To protect and conserve Significant natural resources from degradation due to urbanization. Such natural resources include wildlife and plant life habitats, wetland areas and riparian areas;
- (G) To minimize the impact of Development by controlling the location, intensity, pattern and design of Development and construction activities;
- (H) To enhance the aesthetic appearance of Southern Pines as a means of improving quality of life and attracting new businesses and residents; and
- (I) To protect environmentally sensitive lands while recognizing the legitimate expectations of property owners and Southern Pine's economic Development goals.

4.4.2. Applicability

Except as herein exempted, all public rights-of-way within the Town and its extraterritorial jurisdiction are hereby protected. The provisions of this section 4.4 shall not apply to:

- (A) Trees, vegetation and land disturbing activity normally associated with the landscaping construction or modification on any non-public land,

unless the property owner voluntarily registers a specimen tree or group of trees.

- (B) Routine maintenance of existing vegetation outside the public right-of-way, such as pruning, watering and fertilizing.
- (C) The removal of dead trees and/or trees and other plants that have been diagnosed and determined to be diseased beyond treatment.

4.4.3. Permitted Uses

A plan showing protection measures shall be required from any person or property owner for the following activities on undeveloped land.

- (A) Construction of any kind on public rights-of-way
- (B) No person shall remove, cut above ground or otherwise disturb the vegetation or the soil within the critical root zone of any specimen tree on public rights-of-way without first obtaining approval of a Landscape Protection Plan, Site Plan, PD Concept Plan or Preliminary Subdivision Plat showing protection measures.
- (C) All Development activities on a site, including installation of public and private utilities, shall conform to the provisions of an approved plan showing tree protection measures.

4.4.4. Ecosystems

There are three basic ecosystems, which occur within the Town's jurisdiction.

- (A) **Piedmont Transition:** Areas with these conditions generally have silty loam surface soils and silty clay subsoil, hardwood-loblolly pine vegetation association and slopes of 5-12%. The overall appearance is much like North Carolina piedmont forests and farmlands.
- (B) **Lowland/Wetland:** Areas fitting these conditions generally occur at the base of slope, flat alluvial or adjoining creeks and streams. The vegetation and soils are typical of low, wet sites. Such areas are not

well suited for Development but serve as natural resources. The overall appearance is typical of emergency of perennial streams and headwaters with lowland vegetation.

- (C) **Sandhills:** Areas exhibiting these conditions generally have sandy surface soils with sandy or loam-clay subsoil, longleaf pine vegetation association and 2-12% slopes. The overall appearance is dominated by longleaf pine forest conditions.

4.4.5. Specimen Trees

- (A) Specimen trees include all of the following: A specimen tree is any healthy living tree that:
 - (1) Has a DBH of twenty-four (24) inches or more; or
 - (2) A DBH of twelve (12) inches or more in the case of the following species: Ilex species (Holly), Magnolia species, or Pine species
- (B) Is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association; or
- (C) Provides unique habitat for any endangered or threatened wildlife species protected by Federal law.

4.4.6. Construction Activity on or Adjacent to Public Rights-of-Way

A permit for Right-of-Way Encroachment and Construction shall be required for:
(Ord. # 1716)

- (A) Any excavation of trenches or tunnels for the installation or repair of utilities taking place within the critical root zone of any specimen tree on public land.
- (B) Protection of trees in construction area:
 - (1) All trees to be saved on public right-of-ways near any excavation or construction of any building, structure, or new

streets shall be guarded with protective fencing or other equally effective measures. All construction material, dirt or other debris shall be kept outside the Protected Area.

- (2) No person shall deposit, place, store or maintain upon any street right-of-way, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree growing therein.

4.4.7. Preservation and Removal on Private Property

The following provisions apply to Specimen Trees on private land:

- (A) Specimen trees shall be shown on all Preliminary Development Plans and located by survey on required site plans. The Planning Director may visit the site to determine the accuracy of identification. The location and identification of specimen trees shall be required if such trees are within one hundred (100) feet of areas of a Development site where soil disturbance or construction activity is proposed.
- (B) Proposed Development should be designed to maximize the preservation of specimen trees. Where specimen trees exist, flexible approaches such as adjustments to Lot layout, placement of buildings and paved surfaces and location of utilities should be pursued in order to save them.
- (C) Saving a specimen tree shall constitute sufficient evidence that the requirements have been met for a variance application.
- (D) No soil disturbance from construction, trenching or grading, or paving, or storage of equipment or materials shall take place within the critical root zone of any specimen tree to be preserved unless during Development application review it is determined there is no reasonable way the property can be developed without such disturbance.

4.5. OFF-STREET PARKING AND LOADING

4.5.1. Generally

This section 4.5 establishes the minimum requirements for the number of spaces and the design of parking areas. This section provides administrative flexibility for the Planning Director to adjust the number of required spaces and the design of spaces to provide for adequate parking, accommodate unique site conditions and capitalize on the benefits of parking opportunities on-street or in shared parking areas.

4.5.2. Applicability

The requirements of this section shall be applicable to all new Development and changes of use that create the need for parking or increase existing parking demands, except as specifically provided in this section, authorized as part of a Variance, PDU or Certificate of Appropriateness approval, or allowed for a Development Pattern authorized in a specific zoning district.

4.5.3. Parking Space Requirements

- (A) All Developments in all zoning districts other than in portions of the central business area as established herein shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the Development in question. No off-street parking shall be required in the area bounded by Connecticut Avenue, Massachusetts Avenue, Bennett Street and Ashe Street.
- (B) Exhibit 4-6 establishes the minimum number of required off-street parking spaces that shall be provided for specified land uses. When determining the number of parking spaces, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.
- (C) The number and design of parking spaces for the disabled shall comply with the North Carolina State Building Code requirements for

handicapped parking. Bicycle parking shall be designed and located in a manner that is consistent with the Town's Bicycle Transportation Plan.

- (D) The Town Council recognizes that Exhibit 4-6 does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the Planning Director is authorized to determine the parking requirements using this table as a guide.

Exhibit 4-6: Minimum Number of Required Parking Spaces

Land Uses	Minimum Vehicle Parking Spaces	Minimum Bicycle Parking Spaces
RESIDENTIAL AND GUEST ACCOMMODATIONS		
1 and 2 family residences	2 spaces per Dwelling Unit	
Single-Family, attached, including Townhouses and Condominiums	2 spaces per Dwelling Unit	
Multi-Family		1 space per 10 Dwelling Units
0-1 bedrooms	1 space per Dwelling Unit plus 1 space per 5 Dwelling Units for visitors	
2-3 bedrooms	2 spaces per Dwelling Unit plus 1 space per 5 Dwelling Units for visitors	
4 or more bedrooms	2.5 spaces per Dwelling Unit plus 1 space per 5 Dwelling Units for visitors	
Multi-Family, assisted or subsidized	Multi-Family Dwelling Units developed or sponsored by a public or nonprofit agency for limited income families or the elderly require only 1 space per Dwelling Unit	
Congregate living, including nursing homes and intermediate care facilities		
Adults and families	3 spaces for every five beds	
Children under age 16	1 space for every 3 beds plus 1 space for 400 square feet of administrative area	
Rooming house, bed and breakfast, and tourist home	1 space for each guest room plus 2 additional spaces for the resident owner or manager.	

Land Uses	Minimum Vehicle Parking Spaces	Minimum Bicycle Parking Spaces
Hotels and motels	1 space for each room to be rented plus additional spaces (in accordance with other sections of this table) for restaurant or other facilities.	
RETAIL, SALES AND SERVICE		
Vehicle and boat sales	1 space per 200 square feet of Gross Floor Area.	
Gasoline and vehicle fuel sales	1 space per 200 square feet of Gross Floor Area of building devoted primarily to gas sales operation, plus sufficient parking area to accommodate vehicles at pumps without interfering with other parking spaces	
Automotive repair	1 space per 200 square feet of Gross Floor Area	
Car wash	Conveyor type-1 space for every three employees on the maximum shift plus reserve capacity equal to five times the capacity of the washing operation. Self-service type-2 spaces for drying and cleaning purposes per stall plus 2 reservoir spaces in front of each stall.	
Heavy consumer goods	1 space per 400 square feet of Gross Floor Area	
Other retail sales	1 space per 200 square feet of Gross Floor Area	1 space per 5,000 square feet
Open air markets	1 space per 1,000 square feet of Lot area used for storage, display or sales.	1 space per 5,000 square feet
Banks and credit unions	1 space per 200 square feet of Gross Floor Area	1 space per 5,000 square feet of floor area
Financial, real estate, travel and legal services	1 space per 300 square feet of Gross Floor Area	1 space per 5,000 square feet of floor area
Other professional offices	1 space per 400 square feet of Gross Floor Area	1 space per 5,000 square feet of floor area
Animal services	1 space per 200 square feet of Gross Floor Area	
Restaurants (<i>Ord. # 1716</i>)	1 space per 100 square feet of Gross Floor Area plus one space per 100 square feet of outdoor seating area	1 space per 5,000 square feet of floor area
Personal care and other consumer services	1 space per 200 square feet of Gross Floor Area	1 space per 5,000 square feet of floor area
Laundromats and dry cleaners	1 space per 200 square feet of Gross Floor Area	

Land Uses	Minimum Vehicle Parking Spaces	Minimum Bicycle Parking Spaces
MANUFACTURING, WAREHOUSING AND WHOLESALE		
Manufacturing with on-site sales	1 space per 200 square feet of sales and administrative area plus one space per 600 square feet of production area	
Manufacturing with no on-site sales	1 space for every two employees on the maximum shift except that, if permissible in the commercial districts, such uses may provide 1 space per 200 square feet of Gross Floor Area	
Warehouse and outdoor storage facilities	1 space for every two employees on the maximum shift but not less than 1 space per 5,000 square feet of area devoted to storage (whether inside or outside).	
Self-service storage	1 space per 50 storage units	
Wholesale	1 space per 400 square feet of Gross Floor Area.	
TRANSPORTATION, COMMUNICATION AND UTILITIES		
Transportation services	1 space per 200 square feet of administrative floor area	
Carriers, package delivery and postal services	1 space per 200 square feet of Gross Floor Area	1 space per 5,000 square feet of floor area
Recycling centers	1 space for every employee on maximum shift.	
ARTS, ENTERTAINMENT AND RECREATION		
Theaters and stadiums	1 space for every four seats	1 space per 5,000 square feet of floor area
Libraries/museums	1 space per 300 square feet of Gross Floor Area	1 space per 2,500 square feet of floor area
Indoor recreation	1 space for every 3 persons that the facilities are designed to accommodate when fully utilized (if they can be measured in such a fashion-example tennis courts or bowling alleys) plus 1 space per 200 square feet of Gross Floor Area used in a manner not susceptible to such calculation.	1 space per 5,000 square feet of floor area
Country clubs	1 space per 200 square feet of area within enclosed buildings, plus	
Public recreation, outdoor	1 space for every 3 persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.	1 space per 10,000 square feet of recreation area

Land Uses	Minimum Vehicle Parking Spaces	Minimum Bicycle Parking Spaces
Commercial recreation parks	Miniature golf course, skateboard park, water slide and similar uses-1 space per 300 square feet of Lot area devoted to the activity plus 1 space per 200 square feet of building Gross Floor Area; Driving range-1 space per tee plus 1 space per 200 square feet in building Gross Floor Area; Par Three Course-2 spaces per golf hole plus 1 space per 200 square feet of building Gross Floor Area.	1 space per 10,000 square feet of recreation area
Stables	1 space per horse that could be kept at the stable when occupied to maximum capacity.	
Golf resort	1 space for every two employees on maximum shift plus additional spaces (in accordance with other sections of this table) for restaurants, golf and country clubs and Dwellings.	
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE AND OTHER INSTITUTIONS		
Nursery schools/day care	1 space per employee plus 1 space per 200 square feet of Gross Floor Area	
Elementary and middle schools	1.175 spaces per classroom in elementary schools,	3 spaces per classroom
High schools	5 spaces per classroom	3 spaces per classroom
Colleges and universities	1 space per 150 square feet of Gross Floor Area	1 space per 2,400 square feet of academic space
Trade Schools	1 space per 100 square feet of Gross Floor Area	
Hospitals and clinics	2 spaces per bed or 1 space per 150 square feet of Gross Floor Area, whichever is greater.	
Medical and dental offices	1 space per 150 square feet of Gross Floor Area. May be reduced to 1 space per 300 square feet for single practitioners	
Emergency services	1 space per 200 square feet of Gross Floor Area	
Religious institutions	1 space for every four seats in the portion of the church building to be used for services plus spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses, plus 1 space for every 200 square feet of Gross Floor Area designed to be used neither for services nor residential purposes.	
Death care services	1 space per 100 square feet of area open to the public plus 1 space per 200 square feet of other areas.	

Land Uses	Minimum Vehicle Parking Spaces	Minimum Bicycle Parking Spaces
Associations, non-profit organizations and private clubs	1 space per 100 square feet of meeting area plus 1 space per 200 square feet of administrative area	
CONSTRUCTION RELATED BUSINESSES		
Contracting offices	1 space for every 400 square feet of office space plus 1 space for every 1000 feet of storage area. Equipment and employee parking shall be located in a screened area behind the Principal Structure.	
AGRICULTURE AND FORESTRY		
Agricultural uses	1 space for every two employees on maximum shift	
Greenhouses with retail sales	1 space per 200 square feet of Gross Floor Area	
OTHER USES		
Home Occupations	2 spaces plus 1 space for each non-resident employee	

4.5.4. Flexibility in Administration Required

The Town Council recognizes that, due to the particularities of any given Development, the inflexible application of the parking standards set forth in Exhibit 4-6 may result in a Development either with inadequate or excess parking space. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private Lots. The latter situation results in a waste of money as well as a waste of space that could more desirably be used for Development or environmentally useful open space. Therefore, the Planning Director may permit reductions in the number of spaces or require more parking if the Planning Director finds in writing and notes on the building permit or zoning permit approval that such deviations are more likely to satisfy actual parking needs in accordance with this section.

(A) The Planning Director may reduce the required number of spaces when:

- (1) The Applicant agrees that the reduction for a project serving the elderly shall apply only as long as a residential Development is oriented toward the elderly;

- (2) A business is primarily oriented to walk-in trade;
- (3) The site is a reuse of a constrained site in a CB, NB or OS district and the Planning Director finds that at least ninety (90) percent of the required parking can be provided on-site, off-site or through a shared parking agreement;
- (4) The Applicant has entered into an irrevocable agreement secure off-site parking;
- (5) The Applicant has entered into an agreement for shared parking pursuant to section 4.5.10; or
- (6) The Applicant has submitted and the Director concurs with a parking study, prepared by qualified professional.
 - (a) Such a study must illustrate that the parking requirements do not accurately apply to the specific Development proposal.
 - (b) The data submitted must include, at a minimum, the size and type of the proposed Development, the mix of uses,

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the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses.

- (c) The data must be obtained either from relevant studies published in refereed journals or other secondary source of comparable authority; or from primary studies of no fewer than three comparable Developments within the regional market.

- (B) The Planning Director may require an increase in the number of parking spaces when:

- (1) The proposed use is located near a concentration of similar uses and there is a record of citizen complaints about a lack of sufficient parking; or
- (2) The Planning Director finds that the proposed use differs operationally from the typical parking generation for a comparable use shown in Exhibit 4-6.

- (C) The Planning Director may allow aisle widths to be reduced by up to one (1) foot per lane from the minimums established in Exhibit 4-7 for constrained infill and reDevelopment sites if the parking spaces accessed from such aisles are increased in width by at least one-half (1/2) foot.

(Ord. #1714)

4.5.5. Parking Space and Aisle Dimensions

- (A) Except as otherwise provided in this section, parking spaces and aisles shall comply with the minimum dimensions established in Exhibit 4-7.

- (B) In parking areas containing ten (10) or more parking spaces:

- (1) Up to twenty (20) percent of the parking spaces may contain a rectangular area of only eight (8) feet in width by sixteen (16) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
- (2) Up to five (5) percent of the required parking spaces may be designated for motorcycle or motor scooter parking in spaces measuring at least four (4) feet wide by (8) feet long.

- (C) Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-two (22) feet by eight (8) feet.

- (D) Driveways that are not parking aisles shall be not less than ten (10) feet in width for one-way traffic and twenty (20) feet in width for two-way traffic, except that ten (10) feet wide driveways are permissible for two-way traffic when:

- (1) The driveway is no longer than fifty (50) feet;
- (2) It provides access to not more than six (6) spaces; and
- (3) Sufficient turning space is provided so that vehicles need not back into a public street.

(Ord. # 1716)

Exhibit 4-7: Parking Space Design Standards

A Parking Angle (degrees)	B Standard Stall Width (feet)	C Stall Depth from Curb (feet)	D Aisle Width 1-way/2- way (feet)	E Curb Length (feet)	Minimum Lot Width (feet) (2 rows plus aisle)
0	8	8	10/22	22	28
30	9	15	10/22	18	40
37.5	9	16	11/22	15.1	43
45	9	17	13/22	12.7	47
52.5	9	18	15/22	11.4	51
60	9	19	18/22	10.4	56
90	9	19	24/24	9	62

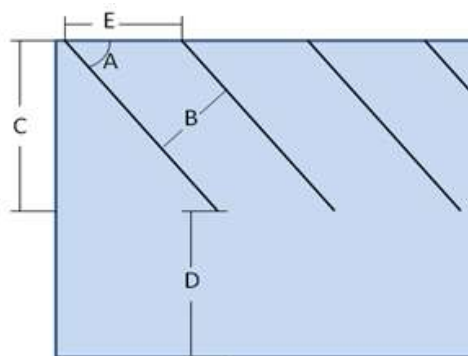


Table Note: Letters A-E in the first 5 columns correspond with the angles and dimensions shown to right.

4.5.6. Parking Lot Locations

- (A) In the CB zoning districts parking lots shall be located on the rear or interior side of any building. There shall be no parking between the front elevation of the building and street right-of-way. The CB areas falling within the DTO district are exempt from this requirement and can have a maximum of two (2) rows (one aisle with parking on both sides) of parking between the building and street.
- (B) In the NB zoning district a maximum of one row (an aisle with parking on one side) of parking is permitted between the building and street.
- (C) The standards in paragraphs (A) and (B) shall not apply to any back building where there is an intervening building between the back building and any street in the CB and NB districts.

- (D) In the GB zoning district, a Development with seventy-five (75) or fewer parking spaces shall have a maximum of two (2) rows of parking spaces between any street and the front elevation of a building. All other parking must be located on the side or rear of the building. Developments with more than seventy-five (75) parking spaces must have parking on at least (3) three sides of the building with not more than thirty (30) percent of the parking spaces located in the front of the building.

4.5.7. General Design Requirements

- (A) Except for Single-Family and Duplex driveways and authorized head-in parking within the public right-of-way, parking spaces shall be designed to prohibit backing and driving forward directly into a public

right-of-way. All other parking spaces shall be designed so that vehicles do not have to back across a sidewalk.

- (B) Except for spaces serving single-family residences, parking spaces shall be designed to prohibit any space from being inaccessible when any other space is occupied.
- (C) At the end of any dead-end parking aisle, a vehicle maneuvering area measuring at least twenty-four (24) feet wide by six (6) feet deep shall be provided.
- (D) The placement of barrier curbs is required to:
 - (1) Protect all landscaped areas from vehicular damage;
 - (2) Ensure that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way;
 - (3) Ensure that vehicles do not extend over sidewalks;
 - (4) Protect building walls or other structures from damage.
- (E) Non-continuous curbs or wheel stops shall be used where stormwater drains into landscaping, detention or retention areas.
- (F) Vehicle Use Areas of all Developments shall be designed so that sanitation, emergency and other public service vehicles can serve such Developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
- (G) Circulation Areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

4.5.8. Vehicle Use Area Surfaces

- (A) Vehicle Use Areas that (i) include lanes for drive-in windows or (ii) contain parking areas that are required to have more than ten (10) parking spaces and that are used regularly at least five (5) days per

week shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion and dust. Specifications for surfaces meeting the standard set forth in this section are contained in Appendix E.

- (B) Vehicle Use Areas that are not provided with the type of surface specified in paragraph (A) shall be graded and surfaced with crushed stone, gravel or other suitable material (as provided in the specifications set forth in Appendix E) to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties or other similar devices. In addition, whenever such a Vehicle Use Area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the Vehicle Use Area that opens onto such streets), shall be paved as provided in paragraph (A) for a distance of fifteen feet back from the edge of the paved street. This paragraph shall not apply to Single-Family or Two-Family Residences or other used that are required to have only one (1) or two (2) parking spaces.
- (C) Parking spaces in areas surfaced in accordance with paragraph (A) shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with paragraph (B) shall be demarcated whenever practicable.
- (D) Vehicle Use Areas shall be properly maintained in all respects and kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

4.5.9. Access between Parking Lots

The Town Council encourages property owners to provide access between parking lots that abut one another to facilitate traffic circulation from one parking Lot to another. Access points between parking lots shall be at least ten (10) feet in width for one-way traffic and twenty (20) feet in width for two-way traffic.

4.5.10. Shared Parking

- (A) One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.
- (B) The Planning Director may approve the joint use of parking spaces for uses generating parking demands at different times subject to the Applicant's demonstration that the available parking will be sufficient for both uses and the provision of a shared parking agreement pursuant to paragraph (D) of this section. For example, if a parking Lot is used in connection with an office building on Monday through Friday but is generally 90% vacant on weekends, another Development that operated only on weekends could be credited with 90% of the spaces on that Lot. Or, if a church parking Lot is generally occupied only to 50% of capacity on days other than Sunday, another Development could make use of 50% of the church Lot's spaces on those other days.
- (C) If the joint use of the same parking spaces by two (2) or more Principal Uses involves satellite-parking spaces, then the provisions of section 4.5.11 are also applicable.
- (D) Shared parking is permitted by agreement only. The agreement must:
 - (1) Be in writing and executed by all owners of the properties affected;
 - (2) Specify the parking being shared and the hours of operation by the uses involved;
 - (3) Be enforceable by the Town and approved by the Planning Director and the Town Attorney;
 - (4) Be recorded in the office of the clerk of court by the owner(s) of the property affected and a copy furnished to the Planning Director.

- (E) An affidavit stating that the shared parking agreement is valid and no change in use or hours of operation of the affected properties has occurred shall be submitted annually to the Planning Director.
- (F) A violation shall occur if a use is operated at a time other than during the hours of operation specified in the shared parking agreement. The Planning Director may revoke the certificate of use or occupancy for any use operated in violation of a shared parking agreement.
- (G) Reserved parking spaces may not be shared.

4.5.11. Satellite Parking

- (A) If the number of off-street parking spaces required by this chapter cannot reasonably be provided on the same Lot where the Principal Use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby Lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as "satellite" parking spaces.
- (B) All such satellite parking spaces (except spaces intended for employee use) must be located within 600 feet of a public entrance of a Principal Building housing the use associated with such parking, or within 600 feet of the Lot on which the use associated with such parking is located if the use is not housed within any Principal Building. Satellite parking in the CB district shall be located within 1,200 feet of the public entrance to the Principal Building. Satellite parking spaces intended for employee use may be located within 1,200 feet of the Use. Satellite parking spaces must be located in a zoning district that permits parking lots for the applicable Use. All distances in this paragraph refer to the walking distance along sidewalks.
- (C) The Applicant wishing to take advantage of the provisions of this section must present an agreement that complies with the provisions of 4.5.10(D). The Applicant also must Sign an acknowledgment that the continuing validity of his permit depends upon his continuing ability to provide the requisite number of parking spaces.

4.5.12. Special Provisions for Parking for Existing Buildings

The Planning Director may authorize the reuse of a building in reliance on reasonably available on-site, on-street and satellite parking when:

- (A) There exists a Lot with one or more structures on it constructed before the effective date of this chapter;
- (B) A change in use that does not involve any enlargement of a structure is proposed for such Lot;
- (C) The parking requirements of Exhibit 4-6 that would be applicable as a result of the proposed change cannot be satisfied on such Lot because there is not sufficient area available on the Lot that can practicably be used for parking; and
- (D) It is a continuing condition of the permit authorizing the Use that the Applicant will secure satellite parking when it does become available.

4.5.13. Loading and Unloading Areas

- (A) Except within the Historic Overlay District, whenever the normal operation of any Development requires that goods, merchandise or equipment be routinely delivered to or shipped from that Development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate such uses in a safe and convenient manner.

(Ord. #1714)

- (B) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the Development in question. Loading spaces shall be at least twelve (12) feet wide by fifty-five (55) feet long and have an overhead clearance of at least fourteen (14) feet.
- (C) Exhibit 4-8 lists the number of spaces required to comply with this section. However, the Planning Director may require up to ten (10)

percent fewer or more loading spaces if the resulting number reasonably satisfies the use's loading requirements.

Exhibit 4-8: Required Loading Spaces

Gross Leasable Area of Building	Number of Required Spaces
1,000 - 19,999	1
20,000 - 79,000	2
80,000 - 127,999	3
128,000 - 191,000	4
192,000 - 255,000	5
256,000 - 319,000	6
320,000 - 391,999	7
Plus one (1) for each additional 72,000 square feet or fraction thereof.	

- (D) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can:
 - (1) Maneuver safely and conveniently to and from a public right-of-way; and
 - (2) Complete the loading and unloading operations without obstruction or interfering with any public right-of-way or any parking space or parking Lot aisle.
- (E) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off street parking area be used to satisfy the area requirements for loading and unloading facilities.
- (F) The Planning Director may authorize the reuse of a building in reliance on reasonably available loading spaces when:
 - (1) There exists a Lot with one or more structures on it constructed before the effective date of this chapter;
 - (2) A change in use that does not involve any enlargement of a structure is proposed for such Lot; and

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

4.6. SIGNS

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

4.6.1. Purposes

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

- (A) Encourage the effective use of Signs as a means of communications in the Town;
- (B) Maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic Development and growth;
- (C) Improve pedestrian and traffic safety;
- (D) Minimize the possible adverse affect of Signs on nearby public and private property;
- (E) Foster the integration of Signage with architectural and landscape designs;
- (F) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height and excessive size (area) of Signs that compete for the attention of pedestrian and vehicular traffic;
- (G) Allow Signs that are compatible with their surroundings and aid orientation, while precluding the placement of Signs that contribute to Sign clutter or that conceal or obstruct adjacent land uses or Signs;
- (H) Encourage and allow Signs that are appropriate to the zoning district in which they are located and consistent with the category of use, activity and function to which they pertain;
- (I) Curtail the size and number of Signs and Sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
- (J) Establish Sign size in relationship to the scale of the Lot and building on which the Sign is to be placed or to which it pertains;
- (K) Categorize Signs based upon the function that they serve, and tailor the regulation of Signs based upon their function;
- (L) Preclude Signs from conflicting with the principal permitted use of the site and adjoining sites;
- (M) Regulate Signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;
- (N) Except to the extent expressly preempted by state or federal law, ensure that Signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe Signs;
- (O) Preserve, conserve, protect and enhance the aesthetic quality and scenic beauty of all districts of the Town;
- (P) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- (Q) Protect property values by precluding, to the maximum extent possible, Sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness or movement;
- (R) Protect property values by ensuring that Sign types, as well as the number of Signs, are in harmony with buildings, neighborhoods and conforming Signs in the area;

- (S) Regulate the appearance and design of Signs in a manner that promotes and enhances the beautification of the Town, and that complements the natural surroundings in recognition of the Town's reliance on its natural surroundings and beautification efforts in retaining economic advantage for the community; and
- (T) Enable the fair and consistent enforcement of these Sign regulations.

4.6.2. Applicability

The provisions of this Sign Code are applicable to all Signs, except as specifically provided in this section, authorized as part of a Variance, PDU or Certificate of Appropriateness approval, or allowed for a Development Pattern authorized in a specific zoning district.

4.6.3. Substitution of Noncommercial Speech for Commercial Speech

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

(Ord. # 1716)

4.6.4. Severability clause.

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

(Ord. # 1716)

4.6.5. Determining the Number of Signs

- (A) For the purpose of determining the number of Signs, a Sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single Sign.
- (B) A multi-sided Sign shall be regarded as one Sign.
- (C) One (1) Logo Emblem Sign is allowed in addition to the permitted number of wall signs.

4.6.6. Computation of Sign Area

- (A) The surface area of a Sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display together with any material or color forming an integral part of the background of the display or used to differentiate the Sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
- (B) If the Sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the Sign area. The area between a Wall Sign and a Logo Emblem Sign is exempt from the computation of Sign area. In the instance an establishment has a Wall Sign and Logo Emblem Sign on the same frontage, the area between the Wall Sign and the Logo Emblem Sign will not count towards the computation of the Sign area; only the surface area of the Sign shall be included in the computation of the Sign area.

- (C) With respect to two-sided, multi-sided or three dimensional Signs, the surface area shall be computed by including the total of all sides designed either to attract attention or communicate information that can be seen at one time by any person from any vantage point. For example, with respect to a typical two-sided Sign where a message is printed on both sides of a flat surface, the Sign area of one side (rather than the sum total of both sides) shall be regarded as the total Sign area of that Sign, since one can see only one side of the Sign from any vantage point.
- (D) With respect to V-shaped Signs, the surface area shall be calculated as in paragraph (C) above provided that the angle of the intersecting Sign planes does not exceed ninety (90) degrees. If the angle of the intersecting Sign planes exceeds ninety (90) degrees, Sign area shall be computed as it would for a one-sided Sign.
- (E) In computing items of information, letters less than three (3) inches in height, if contained in a Wall Sign, shall not be counted.

4.6.7. Total Sign Area

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

- (D) **Other Commercial Districts.** Subject to the other provisions of this section, the maximum Sign area permitted on any Lot in a commercial district other than the GB district or I district shall be determined by multiplying the number of feet of street frontage of the Lot by one-half (0.5) feet. However, in no case may the total Sign area exceed one-hundred (100) square feet.
- (E) **Multiple Frontage Lots.** If a Lot has frontage on more than one (1) street, then the total Sign area permitted on that Lot shall be the sum of the Sign area allotments related to each street on which the Lot has frontage. However, the total Sign area that is oriented toward a particular street may not exceed the portion of the Lot's total Sign area allocation that is derived from frontage on that street.
- (F) **Lots with No Frontage.** Whenever a Lot has no street frontage on any Lot boundary and an Applicant desires to install on such a Lot a Sign that is oriented toward a street, then the total Sign area permitted on that Lot shall be the Sign area that would be allowed if the Lot boundary closest to the street toward which such Sign is to be oriented fronted on such street.
- (G) **Wall Signs.** The area of any Sign located on a wall of a structure may not exceed fifty (50) percent of the total surface area of the wall on which the Sign is located.
- (H) **Signs within the Historic District Overlay.** Subject to other provisions of this section, the maximum total sign area permitted for signs for commercial entities located within the Historic District Overlay is fifteen (15) square feet for establishments with frontage on one street and twenty-five (25) square feet for establishments with frontage on two streets. Residential properties and dwellings located within the Historic District Overlay are limited to a maximum total sign area of four (4) square feet.

(Ord. #1775)

4.6.8. Freestanding Sign Area

- (A) For purposes of this section, a side of a Freestanding Sign is any plane or surface included in the calculation of the total Sign area as provided in section 4.6.6. For example, Wall Signs typically have one side. Freestanding Signs typically have two sides (back-to-back), although four-sided and other multi-sided Signs are also common.
- (B) A single side of a Freestanding Sign may not exceed thirty-five (35) square feet on Lots with less than four-hundred (400) feet of frontage and fifty (50) square feet on Lots with four-hundred (400) or more feet of frontage on the street toward which the Sign is primarily oriented.
- (C) With respect to Freestanding Signs that have no discernible "sides", such as spheres or other shapes not composed of flat planes, no such Freestanding Sign may exceed the maximum total surface area allowed under paragraph (B) of this section for a single side of a Freestanding Sign.

4.6.9. Number of Signs Allowed**(A) Freestanding Signs**

- (1) Except as authorized by this section, no Development shall have more than one (1) Freestanding Sign.
- (2) If a Development is located on a corner Lot that has at least one-hundred (100) feet of frontage on each of the two (2) intersecting public streets, then the Development may have not more than one (1) Freestanding Sign along each side of the Development bordered by such streets.
- (3) If a Development is located on a Lot that is bordered by two public streets that do not intersect at the Lot's boundaries (double front Lot), then the Development may have not more than one (1) Freestanding Sign on each side of the Development bordered by such streets.

- (4) For property with no less than nine-hundred (900) feet of frontage that abuts the US Highway 1 corridor that has topography substantially or completely blocking the view of a business Sign by passerby motorists from each direction, the positioning of one (1) additional Sign (no more than (2) two frontage Signs in total), one at each end of the property will be permitted. This is intended to provide the business with reasonable highway motorist exposure as other businesses have located on either side of the highway corridor. The additional Sign must conform to the requirements as specified in this section 4.6 of the UDO, and shall not to exceed sixteen (16) square feet in size.
- (5) All Freestanding Signs shall be of a shape that the ratio between the maximum and minimum dimensions shall not exceed 2 to 1.

(B) Wall and Logo Emblem Signs

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

4.6.10. Sign Location and Height Requirements

- (A) No Sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof surfaces constructed at an angle of seventy-five (75) degrees or more from horizontal shall be regarded as wall space. This provision shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.
- (B) No Wall Sign attached flat to a building may project more than twelve (12) inches from the building wall. Projecting Signs may, however, exceed the twelve (12) inch limit. One Projecting Sign not to exceed four (4) square feet in Sign area, may be allowed per establishment in the CB zoning district. The bottom edge of such Projecting Signs must be located at least eight (8) feet above the sidewalk.
- (C) No Sign or supporting structure may be located in or over the traveled portion of any public right-of-way unless the Sign is attached to a structural element of a building and an encroachment permit has been obtained from the Town.
- (D) No part of a Freestanding Sign may exceed a height, measured at average grade at the base of the Sign, established in Exhibit 4-9.

Exhibit 4-9: Maximum Sign Height

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

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

4.6.11. Sign Illumination and Signs Containing Lights

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

- (A) No Sign within one-hundred-fifty (150) feet of a residential zone may be illuminated between the hours of 12 midnight and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the Lot where it is located is entirely inconsequential.
- (B) Lighting directed toward a Sign shall be shielded so that it illuminates only the face of the Sign and does not shine directly into a public right-of-way or residential premises.
- (C) Subject to paragraph (E) of this section, illuminated tubing or strings of lights that outline property lines, sales areas, roof lines, doors, windows or similar areas are prohibited.
- (D) Subject to paragraph (E) of this section, any illuminated Sign shall be lighted with non-flashing and motionless illumination. Signs shall not include or have the appearance of animation or electronic changeable message(s).
- (E) Exceptions to these Sign illumination requirements as follows:
 - (1) Paragraphs (C) and (D) of this section do not apply to Temporary Signs erected in connection with the observance of holidays.
 - (2) Paragraph (C) does not apply to:
 - (a) Strings of miniature white lights in the **CB** District;
 - (b) Lights used on theater marquees in the Central Business District;
 - (c) A single lighted window sign measuring no larger than one square foot in area; and
 - (d) Architectural accent lights for which the source is completely screened from view from all streets, sidewalks and abutting property lines. Such accent lights shall be downlit, shall not illuminate more than thirty (30) percent

of the length of any wall and shall be subject to approval through the Architectural Compliance Permit process.

4.6.12. Subdivision and Multi-Family Development Entrance Signs

- (A) At any entrance to a residential subdivision or Multi-Family Development, there may be either one double faced identification Sign not to exceed thirty-two (32) square feet in size or two (2) single faced identification Signs not to exceed thirty-two (32) square feet per face. Such Signs must be of a Monument style and shall not exceed six (6) feet in height.
- (B) In addition to any entrance Signs, subdivisions may have Signs within the Development identifying specific sections within the subdivision. A section may have two (2) single face Signs not to exceed sixteen (16) square feet in size per face. The subdivision may have one (1) section Sign (up to two (2) Sign faces) for each thirty (30) Lots, Townhouses or Condominium Dwelling Units. Section Signs shall be available to PD districts and shall not be visible from the main thoroughfare or any other street from which the subdivision obtains access. Such Signs must be of a Monument style and shall not exceed six (6) feet in height.
- (C) At any entrance to an office/commercial/industrial Development there may be one double-faced Sign not to exceed one-hundred (100) square feet in size. Such Signs must be of a Monument style. Maximum height of such Sign(s) is ten (10) feet. To qualify for such Signage the Development must be a minimum of fifty (50) acres in size; the Development is limited to two (2) Signed entrances with a minimum one-thousand (1,000) feet of separation between Signs on the same street. Such Signs shall be located parallel to the entrance road outside of any Traffic Visibility Triangle.
- (D) At any entrance to an office-subdivision there may be one (1) double-faced Sign not to exceed thirty-two (32) square feet in size. Such Signs

must be of Monument style. Maximum height of such Sign(s) is seven (7) feet. To qualify for such a Signage the Development must be a minimum of ten (10) acres in size. The Development is limited to two (2) Signed entrances with a minimum one-thousand (1,000) feet of separation between Signs on the same street. Such Signs shall be parallel to the entrance road outside of any Traffic Visibility Triangle.

4.6.13. Shopping Center Signs

- (A) Shopping Centers are required to maintain a Unified Sign Plan.
- (B) Signs in Shopping Center Developments are restricted to Monument Signs, Wall Signs, Projecting Signs, Canopy Signs and certain Temporary Signs delineated in section 4.6.16.
- (C) One (1) Monument Sign per Shopping Center is permitted. However, for Developments having multiple arterial street frontages one additional Monument Sign may be approved for each arterial street frontage. Monument Sign area is calculated at one (1) square foot of Sign area for each linear foot of street frontage or one-hundred (100) square feet of Sign area, whichever is less. Monument Signs shall not exceed a height of ten feet. Additional Monument Signs may be permitted for outparcel buildings within a Shopping Center Development provided that:
 - (1) There is only one (1) Freestanding Sign per out-parcel;
 - (2) The maximum Sign area for the Monument Sign is thirty-two (32) square feet;
 - (3) The maximum height of the Monument Sign is ten (10) feet; and
 - (4) The Sign is not located within one hundred (100) feet of any other Freestanding Sign.
- (D) One Wall Sign per separate business establishment is permitted. A second Wall sign may be established if the business establishment has

frontage on more than one street or if the business establishment's parking is not located between the establishment and street.

Allowable Wall Sign area is determined as follows:

- (1) Establishments with a building frontage of fifty (50) feet or less shall have no Sign greater than thirty-five (35) square feet.
 - (2) Establishments with a building frontage greater than fifty (50) feet shall have a maximum Wall Sign area of one (1) square foot of Sign area for each 1 foot of building frontage or two-hundred (200) square feet of Sign area, whichever is less.
- (E) One (1) projecting sign per separate business establishment is permitted. Projecting signs may exceed the twelve (12) inch limit for signs attached to a wall. Projecting signs are not to exceed four (4) square feet in sign area. The bottom edge of such projecting signs must be located at least eight (8) feet above the sidewalk.

4.6.14. Landmark Signs

- (A) Landmark Signs are monument structures identifying the name of a specific sub-area or major mixed-use Development. Landmark Signs shall only display the name of the sub-area or overall Development and shall not depict the name of any businesses or subdivisions within the project area.
- (B) Landmark Signs are only permitted in the PD (Planned Development) zoning classification.
- (C) The location and number of Landmark Signs permitted within a Development will be determined during the Planned Development application process for the entire Development. For existing Developments eligible for Landmark signs, the location and number of Landmark Signs will be determined by the Town of Southern Pines Planning Staff.
- (D) No Landmark Sign shall be located within one thousand two hundred (1,200) feet of another Landmark Sign.

- (E) If a Landmark Sign is used as part of commercial Development project, the Sign shall be counted as an authorized Monument Sign.
- (F) The Town Council will approve the architectural design of Landmark Signs through the Architectural Compliance Permit process. Landmark Signs must compliment the character and architectural design of the Development. Landmark Signs must also be consistent with other permitted signage to create a unified signage character for the entire Development.
- (G) Landmark Signs shall not exceed the following dimensional restrictions:
 - (1) The maximum height for a Landmark Sign is twenty-five (25) feet;
 - (2) The base of the structure shall not exceed one hundred square feet; and
 - (3) The maximum profile area of the Landmark Sign shall not exceed one-hundred and fifty (150) square feet. Profile area is the area within the maximum height and width extent of the sign as viewed horizontally from any side.
- (H) Illumination of Landmark Signs must be internal to the sign monument or lit from above in a downward fashion. No up-lighting of these signs will be permitted.

4.6.15. Signs Exempt from These Regulations

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

- (A) Signs not exceeding four square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as (i) Signs giving property identification names or numbers or names of occupants, (ii) Signs on mailboxes or paper tubes, and (iii) Signs posted on private property relating to private parking or warning the public against trespassing or danger from

animals. In the HCO district, such Signs shall not exceed two (2) Signs per zoning Lot nor two (2) square feet in area per display surface and shall not be taller than three (3) feet in height

- (B) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational Signs and traffic, directional or regulatory Signs.
- (C) Official Signs of a non-commercial nature erected by public utilities.
- (D) Flags, pennants or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device. However, the number of such flags, pennants or insignia shall be limited to three (3) per premises.
- (E) Legal notices, identification and informational Signs and traffic directional or regulatory Signs erected by or on behalf of a governmental body.
- (F) Memorial Signs or tablets and names and construction dates of buildings when cut into any masonry surface or mounted bronze Plaque.
- (G) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts or lights.
- (H) Signs directing and guiding traffic and parking on private property that do not exceed four (4) square feet each and that bear no advertising matter visible from public right-of-way.
- (I) Church bulletin boards and church identification Signs that do not exceed one (1) per abutting street and sixteen (16) square feet in area. A maximum of two (2) off-premises church identification Signs may be permitted provided that each Sign does not exceed two square feet in area.

- (J) Devices, depictions, letterings, or symbols painted on or otherwise affixed to currently licensed motor vehicles and not used in violation of this chapter.
- (K) School identification Signs that do not exceed one per abutting street and sixteen (16) square feet in area. The Development in which the school is located cannot exceed (1) one Sign per street frontage per section 4.6.9.

4.6.16. Certain Temporary Signs Not Requiring Permits

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

(Ord. # 1919)

- (A) Signs containing the message that the real estate on which the Sign is located (including buildings) is for sale, lease or rent, together with information identifying the owner or agent.
 - (1) Such Signs may not exceed six (6) square feet in area and shall be removed immediately after sale, lease or rental.
 - (2) For Lots of less than five (5) acres, a single Sign on each street frontage may be erected. For Lots of five (5) acres or more in area and having a street frontage in excess of four hundred (400) feet, a second Sign not exceeding six (6) square feet in area may be erected.
 - (3) Each Sign shall be located no closer than ten feet to the paved portion of a road (street) or ten (10) feet from the edge of the travel portion of a non-paved road (street).

- (4) In the HCO districts such Signs may include up to sixteen (16) square feet per display surface for property zoned non-residential or located within an approved planned Development
- (5) All such Signs shall be removed not more than seven (7) days after sale, rental or lease of the premises.
- (B) Construction site/opening soon identification Signs. Construction Signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractor, funding sources and related information. Not more than one such Sign may be erected per site and it shall not exceed four (4) square feet in area per display surface for Single-Family or Duplex construction or thirty-two (32) square feet in area for Multi-Family or non-residential construction. Such Signs shall not be erected prior to the issuance of a building permit and shall be removed within ten (10) days after the issuance of a Certificate of Occupancy. One "Opening Soon" Sign may be permitted per building site provided such Sign does not exceed thirty-two square feet in area and is erected for a period not to exceed sixty (60) days.
- (C) Signs attached temporarily to the interior of a building window or glass door, such Signs, individually or collectively, may not cover more than fifty percent of the surface area of the transparent portion of the window or door to which they are attached.
- (D) Displays, including lighting, erected in connection with the observance of holidays. Such Signs shall be removed within ten (10) days following the holidays.
- (E) Signs erected in connection with elections or political campaigns. The maximum allowable Sign area of any such Sign shall be six (6) square feet. Each Sign shall be located no closer than ten (10) feet to the paved portion of a road or ten (10) feet from the edge of the travel portion of a non-paved road and may not be attached to a tree or other living plant material. No more than one Sign per candidate shall be permitted for each street frontage per Lot. Such Signs may only be erected within two (2) weeks of the date of the primary, general or

special election and must be removed within two (2) days following the primary, general or special election voting day for which the signs are intended to serve. If the period of time between a primary and a general or special election for which the primary is serving is less than four (4) weeks, measured from the date of the primary voting day to the date of the general or special election voting day, the signs shall be allowed to remain in place. Such Signs may be erected at officially designated polling places on the day of the election and shall be limited to one (1) Sign per candidate.

- (F) Banners and other Signs indicating that a special event such as a fair, carnival, circus, or festival is to take place on the Lot where the Sign is located. Such Signs may be erected up to one (1) week before the event and must be removed not later than three (3) days after the event.
- (G) Temporary Signs announcing the openings of new businesses, provided such Signs are on the premises in which the business is located do not exceed thirty-two (32) square feet of display area per business site and are displayed for a period not to exceed thirty (30) days.
- (H) Yard, auction or garage sale Signs announcing yard or garage sales, provided such Signs do not exceed one (1) Sign per site of such sale nor four (4) square feet in area per display surface and are removed within twenty (24) hours of erection.
- (I) Temporary Off-Premises directional and instructional Signs concerning an annual public event may be allowed on private property and public street rights-of-way provided that the following conditions are met:
 - (1) A \$100.00 fee is paid to the Planning Department. A maximum of \$75.00 of the fee is refundable at such time as the administrator is assured that all such Signs erected have been removed.

- (2) The Signs contain only directional and instructional information solely for the purpose of directing pedestrian and/or vehicular traffic to an annual non-profit and non-commercial activity or function.
 - (3) The public event or function for which the Signs are proposed is undertaken by a bona-fide non-profit, civic, religious, charitable or fraternal organization. The Signs not exceed four (4) square feet in area and not exceed a height of three (3) feet.
 - (4) The Signs shall be independently free-standing ground Signs (not attached to a tree or other living plant material, utility poles or building) and be located so as not to infringe on a sight distance triangle.
 - (5) The Signs shall be erected for no more than one day prior to the start of the event and removed one day after the completion of the event but in no case shall such Signs be erected for a total period to exceed seven (7) days.
- (J) Signs or banners indicating the following special events: Rockingham NASCAR races, Stoneybrook Steeplechase, professional golf tournaments, Springfest/Tour de Moore, Autumnfest, Elk's National Golf Tournament or other special events recognized by resolution of the Town Council, public service messages by the Police or Fire Departments. Such Signs or banners may be erected up to one (1) week before the event and must be removed not later than the first business day after the event. Maximum size of temporary banners shall be forty (40) square feet. Not more than one (1) Sign or banner shall be allowed per business. Such Signs or banners must be produced by a commercial Sign company.
- (K) Banners indicating the 50th, 75th and 100th year celebration for churches. Such banners shall be a maximum size of forty (40) square feet and shall be permitted for one (1) year.
- (L) Banner flags displayed on any theater in the Central Business (CB) District when they are used to call attention to a forth coming or current performance or event at the theater. Banner flags shall not exceed thirty (30) square feet in size. Banners shall be erected no more than ten (10) days prior to an event and must be removed within two (2) days after the event.
- (M) In the C.B. district, Signs placed by the occupant of the premises within twelve (12) feet of the premises if:
- (1) The Sign does not interfere with vehicular or pedestrian traffic;
 - (2) The Sign's area is no greater than six square feet;
- The Sign is removed when the premises are not open for business.
- (Ord. #1703)*
- 4.6.17. Miscellaneous Restrictions and Prohibitions**
- (A) No Off-Premises Signs (except those exempted from regulation or from permit requirements under sections 4.6.13 and 4.6.14) may be located in any district. Off-Premises Signs are prohibited in all HCO Districts, except those which existed on March 1, 1995 in, the Town of Southern Pines that:
- (1) Are located along federal aid primary highways for which Sign compensation is regulated by state and federal law; and
 - (2) Were erected and are permitted and maintained in compliance with state regulations.
- (B) All Signs, including the supports, frames and embellishments thereto, shall be located outside of any public right-of-way.
- (C) No Sign shall be attached, affixed or painted on any utility pole, light standard, telecommunications pole, any tree or other natural object.

- (D) No Sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
- (E) Signs shall not include or have the appearance of animation or changeable information. Without limiting the foregoing, banners, streamers, animated display boards, pennants and propellers are prohibited. The restriction of this section shall not apply to exempt flags, pennants or insignia.
- (F) Freestanding Signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the Sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.
- (G) No Portable Signs except those meeting the requirements of Section 4.6.16 shall be allowed in any zoning district.
- (H) Canopy Signs are permitted when suspended or attached to the underside of a canopy provided such Signs do not exceed six (6) square feet in area and shall be located at least eight feet above the sidewalk.
- (I) Flags, pennants or insignia of any governmental or non-profit organization shall be limited to three (3) per premises.
- (J) The Sign area of a Sign permanently painted, affixed or placed in a building window that is visible from a street right-of-way shall be restricted to no more than forty (40) percent of the total window area.
- (K) Awning signs shall be located on the awning valance and shall not exceed twelve (12) square feet in area or cover more than twenty (20) percent of the awning area.
- (L) No Sign on a vehicle shall be located in any zoning district when the vehicle on which the Sign appears is placed so that the practical effect of the Sign on the vehicle is to advertise the entity or activity to which

the Sign refers rather than to identify the vehicle, unless the vehicle is being used off-premises in the regular course of business or is being operated, loaded, or unloaded.

- (M) Nothing in this code shall be interpreted to allow for the use of Dynamic Digital Signs (electronic message centers, television screen type) or apparatus as part of a permissible Sign. This provision is not intended to limit the use of LED bulbs to illuminate signs.

(Ord. # 1716)

- (N) **Traffic Safety Precautions.** Notwithstanding any other provision in this section, the following restrictions shall apply to Signs to preserve the safety of pedestrian, bicycle and vehicular movement:
 - (1) No permanent Sign or part thereof shall be located within a Traffic Visibility Triangle as defined by the Town or N.C.D.O.T., nor within the public right-of-way.
 - (2) No Sign shall make use of the words "STOP", "SLOW", "CAUTION", "DANGER" or any other word, phrase, symbol, light or character in such manner as is reasonably likely to be confused with traffic directional and regulatory Signs.
 - (3) No Sign shall be erected so that by its location, color, nature or message is likely to be confused with or obstruct the view of traffic Signals or Signs or is likely to be confused with the warning lights of an emergency or public safety vehicle.
 - (4) No Sign shall contain flashing lights.
 - (5) No sign shall be located within any public or private right-of-way except as specifically approved through the PD process.
- (O) Signs in Residential Districts
 - (1) Lighting of Signs in Residential and Planned Development districts is permitted with only direct illumination. All fixtures must be concealed and spillover of light must be minimal.

- (2) No Sign shall be erected or displayed in any Residential or Planned Development district except as exempted by section 4.6.15, or specifically allowed by this Sign Code.

4.6.18. Non-Conforming Signs

Non-Conforming Signs are subject to the provisions of Chapter 7 of this ordinance.

4.6.19. Sign Removal

Any Temporary Sign erected in violation of the provisions of this chapter may be removed immediately by the administrator. Any Sign so removed shall be retained at a designated municipal facility until recovered by the Sign owner following payment to the Town of a \$5.00 fee per Sign. Any Sign not recovered within 10 days will be destroyed.

4.6.20. Discontinued Signs

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

4.6.21. Non-Conforming Signs

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

- (A) Expansion and Improvement. A non-conforming Sign shall not be enlarged, expanded or otherwise improved, except for change of text or Sign panels, routine maintenance or repair.

- (B) Moving. A non-conforming Sign shall not be moved in whole or in part to any other location unless the move results in the entire Sign being brought into compliance with all applicable regulations of this UDO.
- (C) Loss of Non-Conforming Status. If a Sign is destroyed by any means, by more than fifty (50) percent of the replacement cost of the Sign, it shall not be reestablished except in compliance with all applicable regulations.
- (D) Repairs. Repairs to damage to a non-conforming Sign shall be completed within three (3) months of the time of such damage or the Sign shall be removed.
- (E) Signs in existence on the effective date of this ordinance that do not comply with the provisions regulation the use of strobe lights, zip lights, flashing lights, rotating beacons, flags, streamers or strings of lights shall be made to conform with the provisions of this UDO within ninety (90) days of its adoption.

4.6.22. Signs Within the Historic District Overlay

- (A) Signs in the Historic District shall obtain a Certificate of Appropriateness prior to any installation, with the exception of certain temporary signs not requiring a permit.
- (B) Signs in the Historic District are restricted to Monument Signs, Wall Signs, Projecting Signs, Canopy Signs, Awning Signs and certain Temporary Signs as set forth in UDO Section 4.6.16.
- (C) One (1) Monument Sign per parcel is permitted. However, the Monument Sign shall be located on private property and subject to the following:
 - (1) When multiple tenants share a structure located on a single parcel, only one (1) Monument Sign is permitted.
 - (2) The maximum sign area for the Monument Sign is ten (10) square feet.

- (3) The maximum height of the Monument Sign is four (4) feet; and
- (4) The Monument Sign is not located within any site distance triangle and does not interfere with any vehicular or pedestrian way.
- (D) One (1) Wall Sign per separate business establishment is permitted. A second Wall Sign may be established if the business establishment has frontage on more than one street or if the business establishment's parking is not located between the establishment and the street. Wall Signs shall not exceed six (6) square feet in area.
- (E) One (1) Projecting Sign per separate business establishment is permitted. Projecting Signs may exceed the twelve (12) inch limit for signs attached to a wall. Projecting Signs are not to exceed four (4) square feet in sign area. The bottom edge of such Projecting Signs must be located at least seven (7) feet above the sidewalk.
- (F) Canopy Signs are permitted when suspended or attached to the underside of a canopy provided such signs do not exceed four (4) square feet in area and shall be located at least seven (7) feet above the sidewalk.
- (G) Awning Signs are permitted to be located on the awning valance and shall not exceed six (6) square feet in area or cover more than twenty (20) percent of the awning area.
- (H) The sign area of a sign permanently painted, affixed or placed in a building window that is visible from a street right-of-way or pedestrian way shall be restricted to no more than forty (40) percent of the total window area.

(Ord. #1775)

4.7. FENCES AND WALLS

All fences and walls shall comply with the requirements of this section unless specifically approved as part of a [Final Planned Development Plan](#),

Architectural Compliance Permit, Conditional Zoning or Special Use Permit, Variance or Certificate of Appropriateness.

- (A) Except as otherwise provided in this section, fences that are no taller than six (6) feet may be built along interior side and rear property lines.
- (B) Exterior side yard fences that are no taller than six (6) feet shall be at least two feet from the right-of-way and no closer than two (2) feet from the inside edge of the sidewalk.
- (C) Fences in front yards are discouraged, but must be:
 - (1) Located least two (2) feet from the right-of-way and no closer than two (2) feet from the inside edge of the sidewalk;
 - (2) Less than sixty (60) percent opaque;
 - (3) Be designed as picket or wrought-iron style fences (chain link and chicken wire are prohibited); and
 - (4) Not exceed four (4) feet in height, except that wrought iron and split rail style fences may be up to five (5) feet tall.

(Ord. #1714)

- (D) Perimeter chain link fences that are installed in any Institutional, Commercial or Residential Development must locate the fence no closer to the property line than the middle of the setback or buffer. Existing vegetation cannot be removed in the setback/buffer. If berms are located in the buffer or setback then the fence must be behind the berm, inside the Development. The fence cannot be taller than (6) six feet from ground level and must be of a non-reflective color such as brown, black or dark green.
- (E) Fences shall be considered to be structures that are subject to the zoning district setback requirements if they are located in a yard adjacent to a street right-of-way, exceed (6) six feet in height and are substantially opaque.

- (F) No fence shall obstruct any traffic safety visibility zone.
- (G) Barbed wire, razor wire or other fence materials designed to cut or puncture are prohibited in all districts, except in the I and GB districts. In the HCO districts, such fences shall be limited to side and rear property lines that are screened from the highway corridor and abutting residential properties.
- (H) Deer fences may be erected around gardens provided that the fences are located at least ten (10) feet from the nearest property line.
(Ord. #1714)

4.8. LIGHTING

4.8.1. Title

The provisions contained in this section 4.7(G) shall be known and may be cited as the Southern Pines Lighting Code (or Lighting Code).

4.8.2. Purposes

The general purpose of this section is to protect and promote the public health, safety and welfare, the quality of life, the ability to view the night sky, and ongoing operations on Fort Bragg by establishing regulations and a process of review for exterior lighting. These provisions establish standards for exterior lighting to:

- (A) Protect against direct glare and excessive lighting;
- (B) Provide safe roadways for motorists, cyclists and pedestrians;
- (C) Protect and reclaim the ability to view the night sky, and help preserve the quality of life and the tourist experience;
- (D) Prevent Light Trespass in all areas of the Town's jurisdiction or adjacent jurisdictions;
- (E) Promote efficient and cost-effective lighting;
- (F) Ensure that sufficient lighting can be provided where needed to promote safety and security;

- (G) Allow for flexibility in the style of lighting fixtures;

- (H) Provide lighting guidelines.

(Ord. # 1716)

4.8.3. Applicability

- (A) All applications for design review, special use, subdivision and/or building permits shall include lighting plans showing location, type, height and lumen output of all proposed and existing fixtures. The Applicant shall provide enough information to verify that lighting conforms to the provisions of this lighting code. The Planning Director shall have the authority to request additional information in order to achieve the purposes of this Lighting Code.
- (B) All exterior lighting installed after the effective date of the ordinance codified in this Lighting code in any and all zoning districts in the Town shall be in conformance with the requirements established herein and any other applicable ordinances. All Existing Lighting in any and all zoning districts in the Town shall be addressed as follows:
- (1) All existing lighting located on a subject property that is part of an application for an architectural compliance permit, special use, or subdivision, or building permit approval is required to be brought into conformance with this lighting code. Conformity shall occur prior to issuance of certificate of occupancy, final inspection or Final Plat recordation, when applicable. For other permits, the Applicant shall have a maximum of thirty (30) days from date of permit issuance to bring the lighting into conformance.
 - (2) All existing exterior commercial lighting that is not in conformance with this lighting code shall be brought into conformance within two (2) years from the date of adoption of this lighting code. Where the property owner can provide a valid lease agreement for existing lighting, the Board of Adjustment may grant a variance to this provision subject to

appropriate conditions to bring lighting closer to compliance with these regulations through shielding or other appropriate actions.

- (3) **Moving.** Non-conforming lighting shall not be moved to any other location unless the move results in the entire light being brought into compliance with all applicable regulations of this UDO.
- (4) **Loss of Non-Conforming Status.** If a light is destroyed or rendered inoperable for any reason other than failure of the bulb it shall not be repaired unless such repair will bring the light into compliance with all applicable regulations of this UDO.

(Ord. #1716; Ord. #1919)

4.8.4. Exemptions

The following are exempt from the requirements of the Lighting Code:

- (A) Outdoor lighting fixtures on advertisement Signs on interstates and federal primary highways;
- (B) Outdoor lighting fixtures existing and legally installed prior to the effective date of this Lighting Code; however, when Existing Lighting fixtures become irreparable, their replacements are subject to all the provisions of this Lighting Code;
- (C) Navigational lighting systems at airports and other lighting necessary for aircraft safety;
- (D) Outdoor lighting fixtures that are necessary for worker safety;
- (E) Holiday lights for the period from October 25th to January 15th, except that flashing holiday lights are prohibited on commercial properties. Flashing holiday lights on residential properties are discouraged. Holiday lights are encouraged to be turned off after bedtime and after close of businesses; and

- (F) Vehicular lights and all temporary emergency lighting needed by the Fire and Police Departments, or other emergency services.
- (G) Outdoor accent lighting for single-family residential properties provided that each light fixture emits no more than one thousand (1,000) lumens.
- (H) Lighting at Town parks.

4.8.5. General Standards

All exterior lighting shall be full cut-off fixtures with the light source fully shielded, with the following exceptions:

- (A) **Unshielded Luminaires.** When a light source or luminaire has no cutoff the standards in Exhibit 4-10 shall be met. Note that one (1) lumen per square foot equals one (1) foot candle

Exhibit 4-10: Standards for Unshielded Luminaires

Standard	Maximum Permitted Average Maintained Illumination at Ground Level**	Maximum Permitted Height of Light Source*
Residential Districts	0.20 lumen per square foot	16 feet
Commercial Districts	0.20 lumen per square foot	16 feet
Industrial Districts	0.30 lumen per square foot	20 feet

* Measured from the ground to light source.

** Measured at the property line.

Examples of Unshielded Luminaires

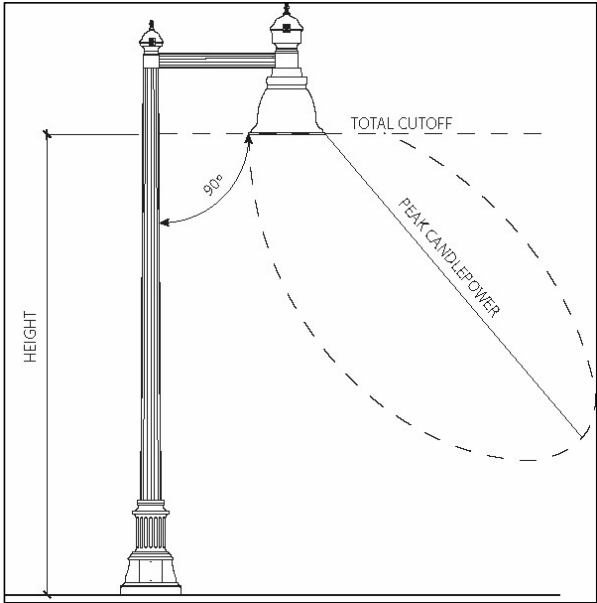


(B) **Luminaires with Total Cutoffs.** When a luminaire has total cutoff at ninety (90) degrees, the standards in Exhibit 4-11 shall be met.

Exhibit 4-11: Standards for Luminaires with Total Cutoffs

Standard	Maximum Permitted Average Maintained Illumination**	Maximum Permitted Height of Light Source*
Residential Districts (not including Multi-Family)	0.50 lumen per square foot 1.00 lumen per square foot	16 feet 25 feet
Commercial and Industrial Districts	2.00 lumens per square foot 3.00 lumens per square foot	30 feet 40 feet.

* Measured from the ground to light source.
**Measured at the property line



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Examples of Luminaires with Total Cutoffs



(C) **Luminaires with Cutoffs Less Than 90 Degrees.** When a luminaire has total cutoff of light at an angle less than ninety (90) degrees and is located so that the light source is completely shielded from the direct view of an observer five (5) feet above the ground any property line, then the maximum permitted illumination and the maximum permitted height of the luminaire shall meet the standards in Exhibit 4-12.

Examples of Luminaires with Cutoffs Less than 90 Degrees



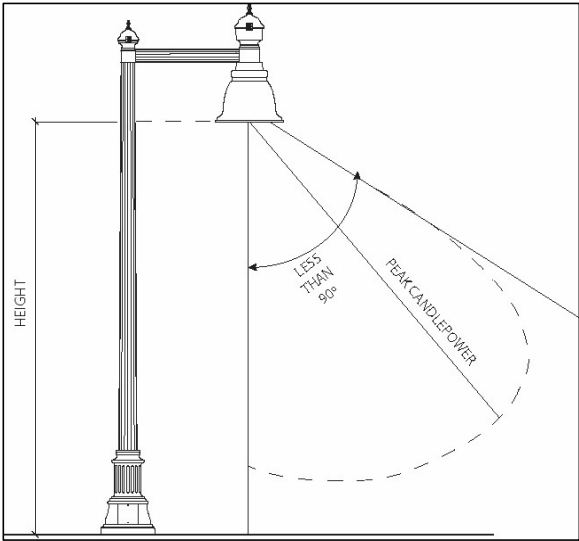
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Exhibit 4-12: Standards for Luminaires with Cutoffs Less Than 90 Degrees

Standard	Maximum Permitted Illumination**	Maximum Permitted Height of Light Source*
Residential District	0.50 lumen per square foot 1.00 lumen per square foot	20 feet 25 feet
Commercial District	2.00 lumens per square foot 3.00 lumens per square foot	30 feet 40 feet
Industrial	4.00 lumens per square foot	40 feet

* Measured from the ground to light source.

** Measured at the property line.



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- (D) **Motion Sensor Lighting.** Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light shall not be triggered by activity off the property.
- (E) **Non-Essential and Security Lighting.** All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.
- (F) **Floodlamps and Area Lights.** All floodlamps and area lights shall be aimed downward at least forty-five (45) degrees and no portion of the light bulb shall extend below the bottom edge of an external shield. Any floodlamp or area light emitting 1,000 or more lumens shall be aimed downward at least sixty (60) degrees. The light source of floodlamps and area lights shall not be visible from adjacent properties or the public right-of-way. Flood lights with directional shielding and photocells with timers that allow a flood light to go on at dusk and off by eleven p.m. are encouraged.
- (G) **Uplighting.** Uplighting is prohibited in all zoning districts, except in cases where the fixture is shielded by a roof overhang or similar structural shield from the sky and the light fixture(s) will not cause light to extend beyond the structural shield, and except as specifically permitted in this Lighting Code.
- (H) **Flag Poles.** Upward flagpole lighting is permitted for governmental flags only and provided that the maximum output is one thousand three hundred (1,300) lumens. Flags are encouraged to be taken down at sunset to avoid the need for lighting.
- (I) **Canopy Lights Service Stations.** The average lighting level for new and existing service stations shall be no greater than three (3) lumens per square foot under the canopy. All lighting shall be recessed to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property
- (J) **Towers.** All radio, communication and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.
- (K) **Temporary Lighting.** Temporary lighting that conforms to the requirements of this Lighting Code shall be allowed. Non-conforming temporary exterior lighting may be permitted by the Planning Director only after considering (1) the public and/or private benefits which will result from the temporary lighting; (2) any annoyance or safety problems that may result from the use of the temporary lighting; and (3) the duration of the temporary non-conforming lighting. The Applicant shall submit a detailed description of the proposed temporary non-conforming lighting to the Planning Director.
- (L) **Outdoor Sports Field /Outdoor Performance Area Lighting**
- (1) These standards shall not apply to properties subject to State or Federal safe lighting standards.
 - (2) Because of their unique requirements for nighttime visibility and their limited hours of operation, ball fields, playing fields and tennis courts are exempted from the exterior lighting standards of paragraphs A, B and C of this section. These outdoor recreational uses must meet all other requirements of this Lighting Code.
 - (3) The outdoor recreational uses specified above shall not exceed a maximum permitted post height of eighty (80) feet.
 - (4) The outdoor recreational uses specified above may exceed a total cutoff angle of ninety (90) degrees, provided that the luminaire is shield to prevent light and glare spillover to adjacent right-of-way or residential property. The maximum

permitted illumination at the property line shall not exceed two (2) lumens per square foot.

(M) Lighting of Outdoor Display Areas

- (1) Outdoor display areas shall have a maximum point of illuminance of twenty (20) lumens per square foot.
- (2) All light fixtures shall meet the IESNA definition of Cutoff Fixtures. Forward throw fixtures (type IV light distribution, as defined by the IESNA) are required within twenty-five (25) feet of any public street right-of way.

(N) Sign Lighting. Lighting fixtures illuminating Signs *shall* be aimed and shielded so that direct illumination is focused exclusively on the Sign. (Ord. #1703)

4.8.6. Additional Regulations

Notwithstanding any other provision of this section to the contrary:

- (A) No flickering or flashing lights shall be permitted.
- (B) Light sources or luminaries shall not be located within a required buffer except along pedestrian walkways.
- (C) Measurement
 - (1) Metering equipment. Lighting levels shall be measured in lumens per square foot with a direct reading, portable light meter. The meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five (5) percent. It shall have been tested, calibrated and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of the date of its use.
 - (2) Method of measurement. The meter sensor shall be mounted not more than six (6) inches above ground level in a horizontal position. Readings shall be taken by qualified personnel only

after the cell has been exposed long enough to provide a constant reading.

4.8.7. Public Lighting Requirements

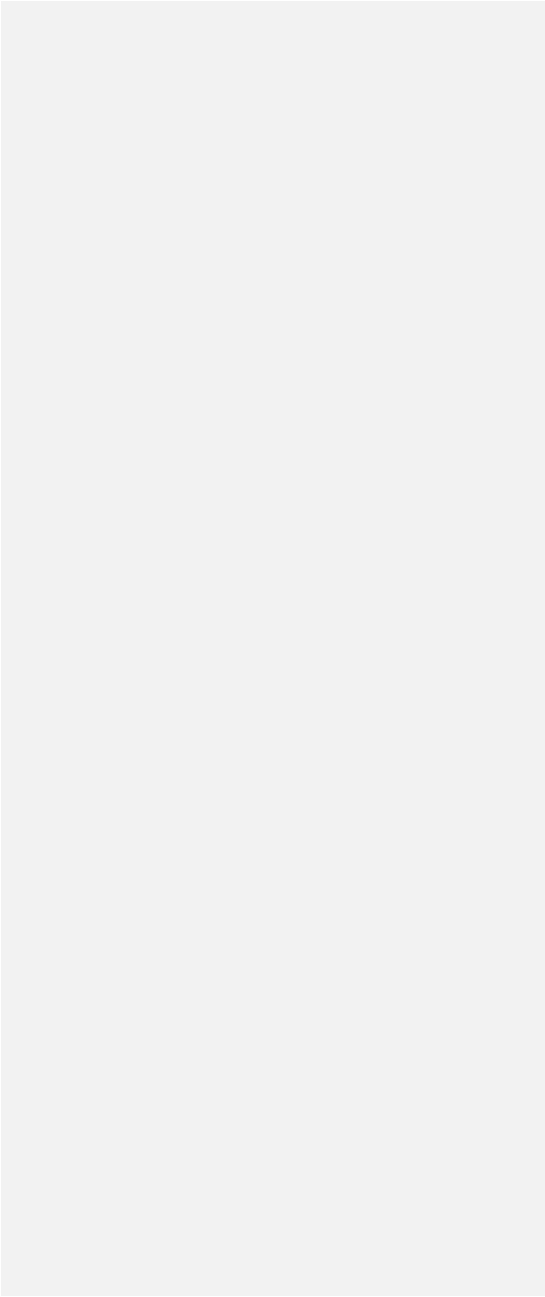
- (A) Subject to paragraph (B), all public streets, sidewalks and other common areas or facilities in subdivisions created after the effective date of this chapter shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks and other common areas or facilities.
- (B) To the extent that fulfillment of the requirement established in paragraph (A) would normally require street lights installed along public streets, this requirement shall be applicable only to subdivisions located within the corporate limits of the Town. Streetlights shall be placed at each intersection and at such block spacing as may be required by the Public Service director.
- (C) All roads, driveways, sidewalks, parking lots and other common areas and facilities in unsubdivided Development shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots and other common areas and facilities.
- (D) All entrances and exits in substantial buildings used for non-residential purposes and in two-family or multi-family residential Developments containing more than four (4) Dwelling Units shall be adequately lighted to ensure the safety of persons and the security of the buildings.
- (E) Where ownership of street lighting facilities such as poles and standards, luminaries, lamps, etc., will be retained by the electrical power supplier, the type of street lighting facilities to be installed shall be acceptable to both the Town of Southern Pines and the supplier of electrical power.

- (F) The Town of Southern Pines shall be responsible for street light maintenance and energy consumption on standards lighting upon acceptance of the subdivision and/or system, unless provision is made under subsection (i) below, for the responsibility to be assumed by an entity other than the Town of Southern Pines.
- (G) Standard street lighting is established as shown in Exhibit 4-13.
- (H) Acceptable standard fixtures shall be cut-off, enclosed or shoe box style. All poles must be special metal, wood pole, special decorative square metals or system metal as provided by local electric power supplier and approved by the Town Engineer. Acceptable non-standard fixtures are fixtures provided by the local electric power supplier that meet the standards set forth in Exhibit 4-13.

Exhibit 4-13: Standard Street Lighting

Street Classification	Height of Light Standard	Approximate* Interval Spacing	High Pressure Sodium	Pattern Location
Major Thoroughfares (Multi-Lane Divided)	25'	250'	28,500 Lumen	Poles located in median with double mast arm installations or two single poles at opposite corners at intersections, double mast arm installations at major median openings, and single alternating mast arms at all other locations.
Collector Thoroughfares (Four-Lane Undivided)	25'	250'	28,500 Lumen	Poles located in parkway with single mast arm placed on alternating sides at required interval and two poles at opposite corners of each intersection.
Collector Thoroughfares (Three-Lane Undivided)	20' - 25'	One light at each intersection and at midblock locations where the block length is greater than 600 feet. Spacing for midblock lights shall be no greater than 450 feet.	28,500 Lumen or 9,500 Lumen	Poles located in parkway with single mast arms placed on alternating sides at required interval.
Minor and Local Thoroughfares (Three-Lane Undivided and Smaller)	16' - 20' - 25'	Lights will be installed at each intersection, cul-de-sac, hazardous location, midblock locations where the block length is greater than 900 feet. Spacing for midblock lights shall be no greater than 600 feet.	9,500 Lumen	Poles located in parkway with single mast arms. All lights may be placed on one side of the street.

* The Town Engineer may vary locations for particular street arrangements provided required illumination levels are maintained.



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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 or authorized Development Pattern, every residential Development shall be developed so that at least five (5) percent of the total area of the Development remains permanently as usable open space.
- (B) For purposes of this section, usable open space means an area that:
 - (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) 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) Subdivided residential Developments of less than twenty-five (25) Dwelling Units are exempt from the requirements of this section unless the Town agrees that it will accept an offer of dedication of such open space and in that case the offer of dedication shall be made.

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.

4.9.3. Dedication of Open Space

- (A) If any portion of any Lot proposed for residential or commercial Development lies within an area designated on the officially adopted recreation master plan as a neighborhood park or part of the greenway system or bikeway system, the area so designated (not exceeding five (5) percent of the total Lot area) shall be included as part of the area set aside to satisfy the requirement of section 4.9.1. This area shall be dedicated to public use.
- (B) If more than five (5) percent of a Lot proposed for residential Development lies within an area designated as provided in paragraph (A), the Town may attempt to acquire the additional land in the following manner:
 - (1) The Applicant may voluntarily dedicate the additional land to the Town;

- (2) The Applicant may be encouraged to develop an integrated subdivision, cluster Development or some other applicable Development Pattern and to dedicate the common open space created thereby; or
- (3) The Town may purchase or condemn the land.

4.9.4. Homeowners Associations

Homeowners associations or similar legal entities that are responsible for the maintenance and control of common areas, including open space, shall be:

- (A) Established before any Lot in the Development is sold or any building occupied;
- (B) Be granted clear legal authority to maintain and exercise control over such common areas and facilities;
- (C) Have the power to compel contributions from residents of the Development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

4.9.5. Flexibility in Administration Authorized

- (A) The requirements set forth in this article concerning the amount, size, location and nature of recreational facilities and open space to be provided in connection with residential Developments are established by the Town Council as standards that presumptively will result in the provision of that amount of recreational facilities an open space that is consistent with officially adopted Town Plans. The Town Council recognizes, however, that due to the particular nature of a Tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the Permit Issuing Authority is authorized to permit minor deviations from these standards whenever it determines that:

- (1) The objectives underlying these standards can be met without strict adherence to them; and
- (2) Because of peculiarities in the Applicant's Tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

- (B) Whenever the Permit Issuing Authority approves a deviation from these open space standards pursuant to paragraph (A), the official record of action taken on the Development application shall contain a statement of the reasons for allowing the deviation.

4.9.6. Open Space Linkages

Where a trail, natural area or public park is dedicated to or acquired by the Town, such area may be credited toward the minimum amount of common open space required.

4.9.7. Open Space Design Criteria

All required open space shall meet the following design criteria, as applicable:

- (A) Water bodies, retention areas, detention basins and wetlands basins, may constitute up to forty (40) percent of required open space, provided that retention facilities are designed to provide safe access to water. Unless otherwise approved by the Town Council, side slopes to retention facilities shall provide at least six (6) feet of horizontal run for each foot of vertical rise.
- (B) At least thirty (30) percent of required open space must be dry land with a slope of less than ten (10) percent unless otherwise approved the Town Council.
- (C) Unless otherwise approved by the Town Council, open space shall be continuous, contiguous with open space on abutting properties and accessible to the public.

4.9.8. Connectivity Required

To the maximum extent practicable, common open space shall be organized to create integrated systems of open space that connect with the following types of lands located within or adjacent to the Development:

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

4.10. DEVELOPMENT DESIGN STANDARDS

(Ord. #1716)

4.10.1. Applicability

- (A) The commercial building design standards of this section are applicable to the new Development and reDevelopment of all commercial structures in any zoning district. The standards may be modified pursuant to Architectural Compliance Permit or Certificate of Appropriateness approval. For purposes of this section, reDevelopment does not include any project that is considered routine maintenance, such as painting, re-roofing or replacement or repair of existing doors, windows, trim or existing walls. Remodeling that involves the change of an exterior portion of a building shall comply with these standards for portion of the building being changed.
- (B) These commercial building design standards apply in a variety of settings, and the Town shall apply discretion to modify standards where the character and function of a site and neighboring Development justify such modifications.

- (C) The large-scale retail Development standards in section 4.10.6 provide an alternative Development Pattern for Developments with buildings encompassing 25,000 or more square feet of retail and service space.

(Ord. #1703)

4.10.2. Purpose and General Principles

The integration of proposed Development, building, or site improvement into the existing fabric of the Town is of critical public concern. The intent of design requirements is to assure respect for the character of the Town and reduce incompatible and adverse impacts on the community.

- (A) Proposed Development shall be located and configured in a manner that is visually harmonious with the terrain and vegetation of the Parcel and with nearby Parcels.
- (B) The design and configuration of structures and their materials and colors shall be visually harmonious with the overall appearance, history and heritage of the Town.
- (C) Structures shall demonstrate the general principles of good design including, but not limited to those dealing with form, mass, scale, height, texture and color. Specific consideration shall be given to compatibility with adjacent structures and neighborhoods and surrounding areas of the Town where the structures reflect the characteristics set forth in this section.

4.10.3. Site Design Requirements**(A) Building Continuity**

- (1) Buildings along a block face shall provide a continuous frontage, particularly where maximum setbacks (build-to lines) require buildings to be constructed close to the front property line. Building fronts may be recessed for allowed courtyards and outdoor dining facilities as provided in this section.

- (2) Gaps between buildings along the fronts of blocks shall be limited to pedestrian and vehicle access and intersecting streets.
- (3) For Developments on sites of five (5) or more acres, Outlots or outblocks with liner buildings may be used to separate large surface parking areas from the street, provided that the liner buildings extending along at least sixty (60) percent of the frontage.

(B) Connection to Street

- (1) Pedestrian connections measuring at least five (5) feet in width shall be provided between sidewalks and all buildings on a site.
- (2) On sites of five (5) or more acres shall provide designated and marked pedestrian ways along internal drives or between parking aisles.
- (3) The Town Council may waive the requirement for internal pedestrian ways when for Developments with two (2) or fewer rows of parking (one travel aisle) separate the building from the sidewalk.

(C) Front Yards

- (1) **Purpose.** With the exception of limitations established in for the CB district, an Applicant may establish a front yard for any portion of any building front subject to compliance with the provisions of this section. Applicants are encouraged to provide front yards that include widened sidewalks, galleries, arcades, courtyards and other places for customers and the public to gather, provided that the front yards:
 - (a) Improve the visual quality and character of the street;
 - (b) Promote pedestrian traffic and the use of public transit;
 - (c) Are readily accessible and ADA compliant;

- (d) Enhance access between outdoor and indoor spaces; and
- (e) Enhance public safety and security, while promoting more effective use of the public realm.

- (2) **Front Yard Improvements.** Where provided, Front Yards shall include a combination of the items listed in Exhibit 4-14 provided that the item is specifically allowed in the applicable portion of the setback area, as indicated by the letter "A" in the exhibit. If not allowed, the item is prohibited. Front Yards also may be used for building access improvements. In addition to the items listed below, the Town may approve the installation of decorative bike racks, planter pots and pedestrian furniture.

- (3) **Front Yard Design Standards.** To achieve the purposes of this section, front yards shall be designed so that they are visible, avoid clutter, incorporate high quality, durable materials. In addition to complying with other district requirements, front yards and façades shall meet the following design standards:
 - (a) Flooring and walking surfaces shall be constructed of durable, non-slip materials that complement sidewalk paving. Changes in colors shall be used to highlight steps.
 - (b) The shape and design (including landscaping) of the space shall provide visibility of the entire space from the sidewalk.
 - (c) Lighting shall be adequate to illuminate the entire space, but lighting sources shall be hooded or directed so that they are not visible to pedestrians on the sidewalk.
 - (d) Except as provided in this paragraph, fencing is prohibited. Front yards may be enclosed by decorative walls, posts with decorative ropes or chains or other decorative enclosures approved by the Town, provided that the enclosure is not taller than thirty (30) inches. Decorative

fencing that is not higher than forty-two (42) inches may be authorized to enclose commercial use of front yards.

- (e) Other than furniture for dining areas and outdoor displays subject to special use approval, front yard improvements shall be limited to seating, decorative waste receptacles, fountains, water features and landscaping.

- (4) **Maintenance.** The owner of the front yard shall be responsible for operations, maintenance and physical improvements in the front yard. Failure to adequately maintain front yards in reasonable order and condition constitutes a violation of this section. The Planning Director is hereby authorized to give notice to the owner or occupant, as the case may be, of any

violation, directing the owner to remedy the same within twenty (20) days.

(Ord. # 1919)

- (D) **Landscape.** Landscaping shall comply with the provisions of Section 4.3.
- (E) **Parking.** Parking shall comply with the provisions of section 4.5 and applicable zoning district standards. Within the CB district, parking lots may not be established between any building and Broad Street or between any building and a street on any corner Lot within the Historic District Overlay.

Exhibit 4-14: Items Authorized in Front Yards

Front Yard Items	Location	Distance from Back of Sidewalk (in feet)			
		$d \leq 5$	$5 \leq d < 15$	$15 \leq d < 25$	$d \geq 25$
Patio Paving/Hardscape	Behind the back edge of the sidewalk	A	A	A	A
Groundcover		A	A	A	A
Lawn			A	A	A
Hedge				A	A
Clustered Ornamentals	Along building façade		A	A	A
			A	A	A
Planting Beds: Shrubs, seasonal plantings	At the front property line or along the back edge of a sidewalk outside of the right-of-way	A	A	A	A
Small trees planted on 25 feet centers		A	A	A	A
Large Trees planted on 50 feet centers		A	A	A	A
Decorative Fence 42-inch maximum height		A	A	A	A
Masonry Wall with Hedge 32-inch maximum height					A
Masonry Wall with clustered ornamentals or groundcover			A	A	A

Notes:

1: d = distance measured in feet

2: A = allowed item

3: < = is less than

4: $\leq$ = is less than or equal to5: $\geq$ = is greater than or equal to

4.10.4. Building Design Requirements**(A) Building Orientation and Entries**

- (1) The front of buildings shall face and have the primary customer entry facing that street. Corner Lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block may be required to have entries on each street frontage.
- (2) Maximum spacing or distance between customer entries shall not exceed the standards established in Exhibit 4-15.

(B) Building Dimensions

- (1) In the CB and DTO districts, buildings or building segments shall be taller than wide.
- (2) In other districts, the width of buildings or building segments shall not be more than twice the building height.
- (3) Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.
- (4) Large scale retail structures shall comply with Section 4.10.6.

(C) Building Materials. The exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows. The Permit Issuing Authority may approve:

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

Exhibit 4-15: Maximum Spacing Between Entries

Zoning District	Maximum Spacing	Additional Provisions
NB and OS	100 feet	At least one entry required per business
CB	50 feet	May be increased if recommended by Historic District Commission
DTO	100 feet	May be increased to one per business for non-retail uses
GB and HCO	150 feet	May be increased for buildings located at least 40 feet back from sidewalk and buildings with common entries serving multiple businesses.
PDP		To be determined at time of Final Development Plan approval

- (2) Alternative materials satisfying minimum building code standards on walls that are screened and not visible from any public street, walkway or residential zoning district.
- (3) Alternative materials satisfying minimum building code standards for structures located within a planned golf course Development that are compatible with the Development and the proposed location within the Development.

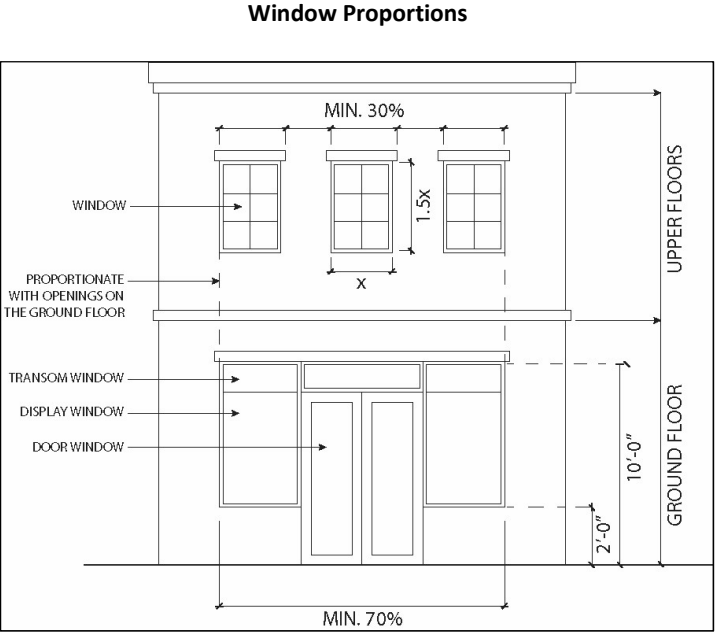
(D) Windows

- (1) Windows shall be glazed in non-reflective, clear glass.
- (2) The following standards apply in the CB district
 - (a) On the ground floor a minimum of seventy (70) percent of the street-facing building façades between the elevations of two (2) and ten (10) feet above the sidewalk must be comprised of windows with at least eighty (80) percent transparency or doors. In the DTO district, this minimum window requirement is forty (40) percent.

(b) On upper Floors a minimum of thirty (30) percent of the street-facing walls of all structures, including parking garages, above the first Floor shall be comprised of clear, windows with at least sixty (60) percent transparency or other openings for parking structures approved by the Planning Director. Openings shall be horizontally aligned

with openings on adjacent buildings, vertically aligned, or proportionate with openings on the ground Floor of the building.

(c) Window height shall be at least one and one-half (1.5) times the width.



Amended

11-15-22

4-59

- (3) In other zoning districts, windows and doors shall comprise at least twenty-five (25) percent of street-facing building façades between the elevations of two (2) and ten (10) feet above the grade of the building entry.

(E) Awnings

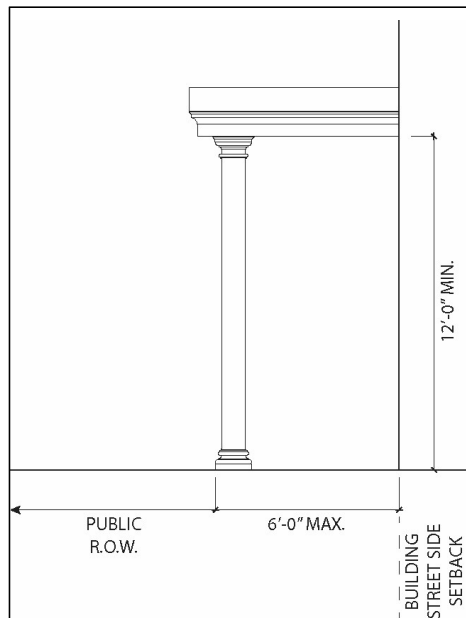
- (1) Awnings are encouraged and may encroach over the sidewalk within the CB district and may encroach up to six (6) feet into any street side setback in other districts.
- (2) The minimum clearance between the lowest point of an awning and sidewalk shall be eight (8) feet.
- (3) In the CB and DTO districts Awnings shall be canvas or material of similar appearance and flexibility unless otherwise approved

by the Town Council. In other districts, awnings shall be canvas or material of similar appearance and flexibility or metal. Street facing awnings shall not be taller than six (6) feet unless specifically approved by the Town Council.

(F) Galleries and Arcades

- (1) Galleries and arcades are encouraged and may encroach up to six (6) feet into any street side setback but may not encroach into public right-of-way.
- (2) The minimum clearance for arcades and galleries shall be twelve (12) feet between the sidewalk and the ceiling of the gallery or arcade.

Commented [BG7]: Planning staff is not aware of awning materials besides canvas, flexible materials that look like canvas but resist weather, mildew and sun better than canvas, or metal. If there is something like a solid plastic molded awning, it can be reviewed and approved by Town Council.



(3)

(G) Roofs

- (1) In the CB district horizontal parapets with cornices shall be required along Broad Street. Parapets, gable or hip roofs may be used along other streets in the CB district. Parapet height should vary between adjacent buildings.
- (2) In other districts, buildings may use parapets with cornices, gable or hip roofs. Changes in parapet height or design, gables or other changes in the roofline as viewed from any public

Sample of Gallery



Sample of Arcade



street shall be required for any building that is wider than one hundred (100) feet. For buildings that are wider than one hundred (100) feet, changes in rooflines shall be used to avoid uninterrupted planes of longer than two hundred (200) feet)

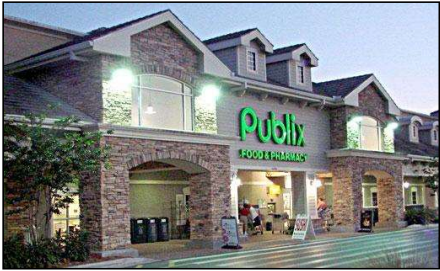
- (3) Shingles or standing seam, non-reflective metal shall be used on all roofs visible public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited.

Amended

11-15-22

61

Rooflines illustrated



Amended

11-15-22

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(H) Mechanical Equipment

Mechanical equipment shall be screened from view from the street and shall not be located between the street and the building.

(I) Loading Zones and Garage Bays

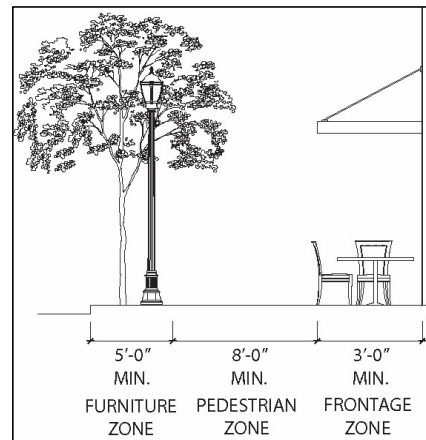
Garage doors and loading bays shall face an interior Lot line alley or service drive and shall not face a street or residential district unless buffered or screened in accordance with sections 4.3.4 and 4.3.5.

(J) Signage

Signage shall comply with the standards in section 4.6 and any applicable zoning district standards.

4.10.5. Frontage

- (A) **Frontage Zone.** A zone extending at least three (3) feet in depth from the building shall be established along sidewalks and paved walkways abutting buildings. Where this area is covered by a awning, gallery or arcade, customer dining areas may be established, provided that tables and chairs do not extend into the pedestrian zone and that the tables and chairs are moved indoors when business closed.
- (B) **Pedestrian Zone.** A paved walkway area of at least eight (8) feet in depth from the frontage zone shall be provided parallel to the front of a building, which shall be kept open and free of any obstructions. This dimension may be reduced by the Town Council in the CB district due to limited right-of-way. For single business buildings that are set back at least forty (40) feet from the nearest right-of-way, pedestrian zones shall be at least twelve (12) feet in width.
- (C) **Furniture Zone.** Between the pedestrian zone and the street shall be a furniture zone, with a depth of five (5) feet. Lighting, landscaping, bike racks, waste receptacles and street furniture may be approved for use in this area.

Images of Frontage, Pedestrian and Furniture Zones

4.10.6. Large Scale Retail Development**(A) Purposes**

- (1) To ensure that Large Scale Retail buildings are compatible with surrounding Development;
- (2) To ensure that buildings are design for sustainable economic uses; and
- (3) To facilitate future reDevelopment if such buildings are abandoned.

(B) Applicability

The standards of this section shall apply to any new building with a retail business occupying 25,000 square feet or more of floor area and any new retail building serving 25,000 square feet or more of Gross Floor Area to one or more businesses from a common entry or interior space.

(C) Design Requirements

In addition to complying with the use, site and building design standards of this UDO, the following provisions shall apply:

- (1) **Utility Design.** Utilities shall be designed to accommodate future subdivision of the space into retail spaces no larger than 20,000 square feet with independent exterior entrances.
- (2) **Entries.** Building façades shall be designed with entries that are no further than one hundred and fifty (150) feet apart. Building entries should be clearly defined, visible entrances, providing access from the front of the building to the pedestrian zone, and featuring no less than three of the following:
 - (a) Canopies or porticos;
 - (b) Awnings;
 - (c) Overhangs
 - (d) Recesses/projections;

(e) Arcades;

(f) Raised corniced parapets over the door;

(g) Peaked roof forms or arches;

(h) Outdoor patios; or

(i) Display windows.

(3) **Building Materials.** Predominant wall materials shall have the appearance of brick. Predominant wall materials shall cover at least eighty (80) percent of walls, exclusive of windows and doors. Stucco, stone and cementitious lap siding may be used as accent materials. Materials with the appearance of concrete block, smooth concrete, corrugated or standing seam metal are prohibited.

(4) **Building Articulation.** Front and street-facing side façades greater than one hundred (100) feet in length, measured horizontally, shall

(a) Incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the façade and extending at least twenty (20) percent of the length of the façade.

(b) Have a change in at least three of the following elements every one hundred (100) feet along all walls facing a public street or internal street: color change; texture change; material change; or architectural feature, such as an offset, projection, columns, canopies, arcades, or reveal with at least twelve (12) inches in depth.

(5) **Rooflines**

(a) Rooflines shall be varied in height, or at least every one hundred (100) feet along any side of a building facing a street. Hips, gables or changes in parapet elevation shall be used to provide relief in height.

- (b) Gable and hip roofs are allowed; parapets shall be used to conceal flat roofs and rooftop mechanical equipment from public view.
- (c) The parapet design shall be a minimum of three (3) feet in height and shall incorporate a three-dimensional cornice treatment.

Rooflines are defined by gables and changes in parapet walls.



4.10.7. Manufactured Home Parks

Manufactured home parks shall comply with the standards in this section in addition to other applicable provisions of this UDO.

- (A) The minimum Lot area for a manufactured home park is two (2) acres;
- (B) The minimum number of manufactured home spaces for a manufactured home park is ten (10) spaces.
- (C) Each manufactured home space shall contain a minimum of six thousand (6,000) square feet.
- (D) No manufactured home shall be located closer than twenty (20) feet from another manufactured home or any other Principal Building within the manufactured home park.

- (E) No manufactured home shall be located closer than forty (40) feet from a public street right-of-way or fifteen (15) feet from a private, interior manufactured home park street.
- (F) Usable open space in each manufactured home park shall be provided in accordance with section 4.9.
- (G) Except for management office and/or management services associated with the manufactured home park, no manufactured home shall be used for non-residential purposes.
- (H) The area beneath a manufactured home must be fully enclosed with durable skirting within sixty (60) days of placement in the manufactured home park.

4.10.8. Multi-Family Development Standards

(A) Applicability

- (1) The following Development standards shall apply to all Multi-Family structures in the Morganton Road Overlay district and Multi-Family Developments of ten (10) or more Dwelling Units in any zoning district in which such Dwelling Units are allowed.
- (2) No Multi-Family Development may include ten (10) or more Dwelling Units, except pursuant to a Planned Development approval.
- (3) The Development standards in this section may be modified pursuant to a PD approval.
- (4) In the RM-1 and RM-2 districts, no Multi-Family Residence may be located within two hundred (200) feet of the closest point of any other Multi-Family Residence, unless both structures are part of an integrated complex that includes no more than ten (10) Dwelling Units.

(Ord. #1714; Ord. # 1919; Ord. # 2000)

(B) Building Setbacks, Orientation and Lot Standards

- (1) Buildings shall be set back a minimum of ten (10) feet and a maximum of fifteen (15) feet from sidewalks public walkways or street right-of-way. Setbacks may be greater than fifteen (15) feet if the intervening distance consists of common open space.
- (2) The minimum spacing between the sides of Multi-Family Residential structures shall be twenty (20) feet.
- (3) Where practical, Dwellings should be located to face each other across common landscaped space with buildings no closer than (30) feet.

(C) Building Design. Multi-Family Developments shall:

- (1) Include variations in heights, color, setback, rooflines, trim, and building sizes to create visual diversity between structures;
- (2) Group buildings in clusters;
- (3) Articulate façades by including projections of at least five (5) feet at least once every fifty (50) feet along the façade,
- (4) Locate windows to provide easy surveillance of open spaces and walkways, without placing such windows within direct alignment with windows of adjacent structures;
- (5) Units above grade level should have access to private balconies of usable dimensions no smaller than ten (10) feet by six (6) feet;
- (6) Create areas for foundation planting by keeping hard surfaces away from front façades;
- (7) Design entrances to.
 - (a) Provide private entrances at grade level and adjacent to private open space to the greatest extent possible. Unless otherwise approved by the Town Council, no more than four (4) Dwelling Units shall share a common entrance.

- (b) Avoid aligning doors to separate Dwelling Units with each other unless screening is provided. However, entrances should be visible from the sidewalk or public walkway and other Dwelling Units, when practical.
- (c) Provide porches or roofed overhangs over building entrances.
- (d) Set back buildings or entries so that the entry paths extend at least ten (10) feet from sidewalk or public circulation walkway. These entry areas should be designed to provide semi-public gardens around the front entryways. Do not provide access to apartments via long-shared access galleries.

(Ord. #1714)

- (8) Provide a private garden, yard, patio or balcony for every Dwelling Unit.
- (9) The private open space of all Dwelling Units shall be visually and functionally accessible from inside the Dwelling.
- (10) Provide screening for yards where private activities are likely to occur and to delimit private from common open space.

(D) Pedestrian Improvements

- (1) Provide continuous walkways through the project and connecting Dwellings to and through common open space.
- (2) Minimize walkways that provide direct opportunities to cut through the project by strategically locating fences, low walls and planting areas within the site and near site entry points.
- (3) Provide storage space for strollers, bicycles, and so forth, close to the main entries of Dwellings or groups of Dwellings.

(E) Parking

- (1) Provide parking in small Lots that are designed and located to ensure that most parked vehicles are visible from one (1) or more Dwellings.
- (2) To the greatest extent practicable, parking shall not separate Dwelling Units from common open space.

(F) Open Space

- (1) Common usable open space shall comprise ten (10) percent of the total project area.
- (2) Open spaces shall be configured so that the ratio of building height to open space width is in the range of 1:3 or greater. Ratios as tight as 1:2 may be approved if landscaping effectively screens buildings from each other.
- (3) Common open space shall be configured in square or nearly square areas with sides of at least one hundred (100) feet.
- (4) To the greatest extent practicable, Dwelling Units shall have access to common open space without having to cross a street.
- (5) Play Areas
 - (a) Play areas for young children should be physically separated from potential traffic hazards.
 - (b) Provide a variety of hard-surfaces areas in the form pathways that are least five (5) feet wide and small areas off the circulation system for various children's activities.
- (6) For Developments with more than twenty (20) Dwellings, provide on-site; well-equipped and challenging play areas for school age children within a five (5) minute walk from each Dwelling Unit.
 - (a) Provide places for school age children to sit.

- (b) Where possible include a space for ball games on site (minimum 80 feet x 40 feet).

- (7) Provide retaining walls that can also be used for casual seating.
- (8) Where cluster Dwellings are included in a project, ensure some uniqueness for each cluster. Vary the design (size, dimensions, grading, planting, site furniture and play equipment) of the common open spaces of each cluster.
- (9) The number of Dwelling Units grouped around common and open space should range between twenty (20) to one hundred (100).

(Ord. #1703)

4.11. TRANSPORTATION (STREETS)**4.11.1. Generally**

These transportation provisions address the mobility needs within the Town of Southern Pines. In addition to addressing the design, function and access to public and private streets, these regulations address mobility for bicyclists and pedestrians and the necessary coordination of design between the public and private realms.

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

4.11.2. Street Classification

- (A) Whenever a new street is to be constructed, the street shall be defined by one of the classification provided in paragraph (B).
 - (1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;
 - (2) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but it is not conclusive;

- (3) Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both inside and outside of the subdivision.
- (B) The classification of streets shall be as follows:
- (1) Residential Alley: A very narrow paved, urban street or lane, which is used by slow-moving vehicles and pedestrian. A residential alley is intended to act as part a secondary vehicular street network.
 - (2) Residential Local: A street whose sole function is to provide access to abutting properties. A residential local street is intended to serve no more than two-hundred (200) trips per day.
 - (3) Cul-de-sac: A street that terminates in a vehicular turn-around that is no longer than 500 feet in length measured from the connection with the intersecting street to furthest paved point of the street turn-around.
 - (4) Residential Sub-collector: A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect local streets with collector streets. Including residences indirectly served through connecting streets, it is intended to serve not more than eight hundred (800) trips per day.
 - (5) Residential Collector: A street whose principal function is to carry high volumes of traffic between local, residential sub-collector streets, commercial collector and arterial streets but that may also provide direct access to abutting properties. It is intended to serve, directly or indirectly, more than eight hundred (800) trips per day.

- (6) Commercial Local: A street whose principal function is to provide access to businesses within commercial districts, carrying automobile and delivery truck traffic at relatively low speeds.
- (7) Commercial Collector: A street whose principal function is to carry high volumes of traffic between local and sub-collector streets and arterial streets but that may also provide direct access to abutting properties. A commercial collector is intended to serve, directly or indirectly, more than eight hundred (800) trips per day.
- (8) Arterial: A major street that is part of the NCDOT street system that serves as an avenue for the circulation of traffic into, out of, through or around the Town and carries high volumes of traffic. Design criteria are unique to the setting and shall be determined in coordination with NCDOT.
- (9) Marginal Access Street: A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties. Design criteria are unique to the setting and shall be determined in coordination with NCDOT.

(Ord. # 1716; Ord. #1745, 7-10-18)

4.11.3. Access to Lots

- (A) Every Lot must be accessible to a public street for the users of the Lot and emergency vehicles.
- (B) Lots that do not abut a public street may be authorized if they are accessible by a Private Drive pursuant to paragraphs (C) and (D) or a Private Street pursuant to section 4.11.14.

(C) A Private Drive may be approved as the sole access for a Lot or Parcel subject to the following conditions:

- (1) It accesses a public or private street and is located on a perpetual easement not less than twenty (20) feet in width;
- (2) The easement serves no more than three (3) Lots in the RS-3, RE or RR zoning district or no more than twenty-five (25) Dwelling Units in a RS-1, RM or PD zoning district;
- (3) Prior to recording of the plat, that delineates the Lot, restrictive covenants are recorded in the Moore County Registry that permanently establish the easement, provide for maintenance of the Private Drive and prohibit further division of any of the Lots served by the easement. If the Private Drive is part of a subdivision for Townhouses or Condominiums, the Lots may be served by a "Private Ingress/Egress/Access Easement" that is maintained by the "home owners association" and shall be clearly designated on Final Plat and in restrictive HOA documents.

(D) Private Drives shall meet the design and construction requirements to support and provide fire department access. Pavement width shall be at least twenty (20) feet, but may be increased based on curve radii and whether parking is allowed to encroach on the Private Drive. The HOA is responsible for ensuring fire department access at all times.

(Ord. #1715; Ord. #1630)

4.11.4. Access to Arterial Streets

Whenever a major subdivision borders on or contains an existing or proposed Arterial Street, no direct driveway access may be provided from the Lots within the subdivision onto the Arterial Street unless the Town Council finds that an internal street system or alternative access is not practicable. Whenever a minor subdivision borders on or contains an existing or proposed Arterial Street, no more than one (1) direct driveway access may be provided from the Lots within the subdivision onto the

Arterial Street unless the Town Council finds that an internal street system or alternative access is not practicable.

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

4.11.5. Entrances to Streets

(A) All driveway entrances and other openings onto streets within the Town's Planning Jurisdiction shall be constructed so that:

- (1) Vehicles can enter and exit from the Lot in question without posing any substantial danger to themselves, pedestrians or vehicles traveling in abutting streets; and
- (2) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

(B) Requests for new driveway entrances or requests for modifications to existing driveway entrances, when not associated with a rezoning or Special Use Permit application shall be reviewed and approved by the Town Engineer or designee. The Town Engineer or designee shall issue a driveway permit in such cases.

(C) Specifications for driveway entrances are set forth in Appendix B to this chapter. If driveway entrances and other openings onto streets are constructed in accordance with the foregoing specifications and requirements, this shall be deemed prima facie evidence of compliance with the standard set forth in paragraph (A).

(D) For purposes of this section, the term "prima facie evidence" means that the Permit Issuing Authority may (but is not required to) conclude from this evidence alone that the proposed Development complies with paragraph (A).

(Ord. #1745)

4.11.6. Coordination with Surrounding Streets

(A) The street system of a subdivision shall be coordinated with existing, proposed and anticipated streets outside the subdivision or outside

the portion of a single Tract that is being divided into Lots (hereinafter, "surrounding streets") as provided in this section. Where applicable, the street layout in all new subdivisions shall conform to the arrangement, width and location indicated on any official thoroughfare plan for state and local streets.

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

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

4.11.7. Street Connections Required

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

dead-end street or cul-de-sac in excess of one-thousand (1,000) feet may be created unless no other practicable alternative is available.

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

4.11.8. Relationship of Streets to Topography

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

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

4.11.9. Blocks

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

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

- (A) Street rights-of-way shall be designed and constructed in conformance with the provisions listed below unless otherwise allowed for by the Town Council as part of a Special Use Permit or Planned Development application. The Town Engineer may require modifications to these standards based on natural and built conditions to effectively serve the following functions:

- (1) To safely and efficiently carry motor vehicle traffic;
- (2) To provide a safe and convenient passageway for bicycle and pedestrian traffic; and
- (3) To serve as an important link in the Town's drainage system.
(Ord. # 1919)
- (B) Curbs and Gutters. All streets, except as provided in paragraph (C) and section 4.11.14, shall be constructed with curb and gutter and shall conform to the other requirements of this paragraph. Only standard ninety (90) degree curb may be used, except that concrete roll-type curb shall be permitted along local and residential sub-collector streets within residential subdivisions. Asphalt raised curb (wedge curb) may be permitted by the Town Council in subdivision extensions where the existing subdivision already has asphalt curb in fifty (50) percent or more of the existing footage of streets for the total Development that was approved under a master plan prior to the adoption of the UDO.
- (C) Public Streets without Curbs and Gutters. When the Town Council determines that due to site-specific drainage requirements and proposed street grade, shoulders and drainage swales would be more appropriate than curb and gutter, the streets shall be constructed according to the criteria indicated in Exhibit 4-18 or 4-19 as well as the construction standards and specifications in Appendix B. The Town Engineer may require modifications to these standards based on natural and built conditions to effectively serve the functions listed in paragraph (A) of this section.
 - (1) The standards in Exhibit 4-16, 4-17, 4-18, and 4-19, are minimums. Additional right-of-way may be needed to accommodate the streets due to road design and topographical conditions.
 - (2) Where curbs and gutters are not used, the installation, maintenance and repair of pipes and culverts under Private Streets, Private Drives and driveways shall be the responsibility

of the property owner(s) relying on such access to the Private Street.

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

- (D) If a substantial section of a proposed street does not abut property to which pedestrian access from the street will be needed, parking and sidewalks, as required by paragraph A of this section, may be waived by the Town Council. The remaining design standards of this section and the construction standards in Appendix B shall continue to apply.
(Ord. #1890, 1-6-21)
- (E) In circumstances when sidewalks otherwise would be required on both sides of the street, an unpaved greenway or multi-use path may be permitted if the Town Council determines that the proposed greenway or multi-use path provides an equal level of service (that paved sidewalks would provide) to the users of the facility. Such a greenway or multi-use path may be substituted for a sidewalk on one or both sides of the street if:
 - (1) If located adjacent to private streets, provisions are made that reasonably assures that the greenway or multi-use path will be installed and maintained in perpetuity as private without cost to the Town. If located adjacent to public streets, provisions are made that reasonably assures that the greenway or multi-use path will be installed without cost to the Town and then dedicated for public use; and,
 - (2) The Town Manager reviews and approves the appropriateness of the substitution and the adequacy of the provision for installation and maintenance.
- (F) Provision for Bicycles. All streets and stormwater improvements shall be designed to minimize bicycle safety hazards. Where sufficient right-of-way exists on collector and arterial streets, the Town may require the developer to establish bike lanes.

- (G) On-street Parking. On street parking shall not be allowed along public residential sub-collector, collector or arterial streets unless provisions are made for sidewalks or a Multi-User Trail.
- (H) Whenever the Permit Issuing Authority finds that a means of pedestrian access is necessary from the subdivision to schools, parks open space, playgrounds or other roads of facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the Applicant may be required to reserve an unobstructed easement of at least ten (10) feet in width to provide such access.
- (I) In industrial districts sidewalks may be installed on only one side of the street if the Tract being developed provides greenways that satisfy the following conditions:
- (1) The greenway is at least fifty (50) percent of the length of the required sidewalk on one side of the street;
 - (2) They provide reasonable connectivity to streets, sidewalks, and greenways within or adjoining the Development;
 - (3) They are constructed and maintained to the same standards as the Town's public greenways;
 - (4) The public is entitled to use the greenways to the same extent as the sidewalk;
 - (5) Provision is made that reasonably assures that the greenway will be installed and maintained in perpetuity as private without cost to the Town; and
 - (6) The Town Manager reviews the proposed greenway and the provisions for its installation and maintenance and determines that it satisfies the requirements set forth above.
- (J) No fence, wall, building shrub or tree trunk shall be located within two (2) feet of the outer edge the sidewalk except on commercial local streets.
- (K) Sidewalks are not required on a cul-de-sac serving only Lots of Single-Family residences when either:
- (1) The cul-de-sac is no more than three-hundred (300) feet in length; or
 - (2) The cul-de-sac is more than three hundred (300) feet in length and serves no more than six (6) residences or Lots, and the Planning Department, in consultation with Public Services Department, determines that there is no reasonable possibility that the street right-of-way to which the cul-de-sac connects will include a sidewalk.
- (L) Where a previous Special Use Permit was approved with greenways located on street right-of-way, greenways may be substituted for sidewalks in those approved greenway locations.
(Ord. # 1919)
- (M) The Town Council may approve alternative sidewalk arrangements in conjunction with planned Development, subdivision, special use or architectural compliance permit approval. Alternatives include the provision of Multi-User Trails in lieu of sidewalks, location of sidewalks within easements located adjacent to public right-of-way or other pedestrian accommodations that adequately provide for pedestrian circulation.
(Ord. # 1716; Ord. #1919)

Exhibit 4-16: Residential Street Design Standards

Street Type: Residential Local Streets
• Right-of-Way Minimum: 50 feet • Street Width: 27 feet from back of curb to back of curb • Travel Lane Width: 11 feet • Planting Strips: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the street for single-family frontage, both sides for multi-family, commercial or mixed-use frontage.
Street Type: Residential Sub-collector Streets
• Right-Of-Way Minimum: 60 feet • Street Width: 29 feet from back of curb to back of curb • Travel Lane Width: 12 feet • Curb and Gutter Width (90 degree curb): 2.5 feet • Planting Strips: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the street for single-family frontage, both sides for multi-family, commercial or mixed-use frontage.
Street Type: Residential Collector Streets: 2 – Lanes with Sidewalks without On-Street Parking
• Right-of-Way Minimum: 80 feet • Travel Lane Width: 12 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Bicycle Lane Width: 5 feet • Curb And Gutter Width: 2.5 feet • Planting Strips Minimum: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on both sides of the road

Amended

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Street Type: Residential Collector Streets: 2 – Lanes with Sidewalks with On-Street Parking
• Right-of-Way Width Minimum: 100 feet • Travel Lane Width: 12 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Bicycle Lane Width: 5 feet • Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet) • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on both sides of the road
Street Type: Residential Collector Streets: 2 – Lanes with Sidewalks and Multi-Use Path without On-Street Parking
• Right-of-Way Width Minimum: 80 feet • Travel Lane Width: 14 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the road • Multi-Use Path Width: 10 feet in width on one side of the road
Street Type: Residential Collector Streets: 2 – Lanes with Sidewalks and Multi-Use Path with On-Street Parking
• Right-of-Way Width Minimum: 100 feet • Travel Lane Width: 14 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet) • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the road • Multi-Use Path Width: 10 feet in width on one side of the road

Amended

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Street Type: Residential Collector Streets: 4 – Lanes with Sidewalks without On-Street Parking
• Right-of-Way Width Minimum: 100 feet • Travel Lane Width: 12 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Bicycle Lane Width: 5 feet • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on both sides of the road
Street Type: Residential Collector Streets: 4 – Lanes with Sidewalks with On-Street Parking
• Right-of-Way Width Minimum: 110 feet • Travel Lane Width: 12 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Bicycle Lane Width: 5 feet • Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet) • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on both sides of the road
Street Type: Residential Collector Streets: 4 – Lanes with Sidewalks and Multi-Use Path without On-Street Parking
• Right-of-Way Width Minimum: 110 feet • Travel Lane Width: 12 feet median side, 14 feet curb side • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the road • Multi-Use Path Width: 10 feet in width on one side of the road

Street Type: Residential Collector Streets: 4 – Lanes with Sidewalks and Multi-Use Path with On-Street Parking

- Right-of-Way Width Minimum: 110 feet
- Travel Lane Width: 12 feet median side, 14 feet curb side
- Median Width: 12 feet
- Median Mountable Curb and Gutter Width: 1.5 feet
- Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet)
- Curb and Gutter Width: 2.5 feet
- Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks
- Sidewalks: 5 feet in width on one side of the road
- Multi-Use Path Width: 10 feet in width on one side of the road

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

Exhibit 4-17: Commercial Street Design Standards**Street Type: Commercial Local Streets**

- Right-of-Way Width Minimum: 70 feet
- Street Width: 45 feet from back of curb to back of curb
- Travel Lane Width: 12 feet
- Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet)
- Curb and Gutter Width: 2.5 feet
- Sidewalks: 11 feet in width on both sides with planting wells included in the sidewalks. Planting wells should be 6 feet by 6 feet in width and located on both sides of the road with street trees planted in the strip between the pavement and sidewalks.

Street Type: Commercial Collector Streets: 2 – Lanes with Sidewalks without On-Street Parking

- Right-of-Way Width Minimum: 80 feet
- Travel Lane Width: 12 feet
- Median Width: 12 feet
- Median Mountable Curb and Gutter Width: 1.5 feet
- Bicycle Lane Width: 5 feet
- Curb and Gutter Width: 2.5 feet
- Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks
- Sidewalks: 5 feet in width on both sides of the road

Street Type: Commercial Collector Streets: 2 – Lanes with Sidewalks with On-Street Parking
• Right-of-Way Width Minimum: 100 feet • Travel Lane Width: 12 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Bicycle Lane Width: 5 feet • Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet) • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on both sides of the road
Street Type: Commercial Collector Streets: 2 – Lanes with Sidewalks and Multi-Use Path without On-Street Parking
• Right-of-Way Width Minimum: 80 feet • Travel Lane Width: 14 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the road • Multi-Use Path Width: 10 feet in width on one side of the road
Street Type: Commercial Collector Streets: 2 – Lanes with Sidewalks and Multi-Use Path with On-Street Parking
• Right-of-Way Width Minimum: 100 feet • Travel Lane Width: 14 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet) • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the road • Multi-Use Path Width: 10 feet in width on one side of the road

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Street Type: Commercial Collector Streets: 4 – Lanes with Sidewalks without On-Street Parking
• Right-of-Way Width Minimum: 100 feet • Travel Lane Width: 12 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Bicycle Lane Width: 5 feet • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on both sides of the road
Street Type: Commercial Collector Streets: 4 – Lanes with Sidewalks with On-Street Parking
• Right-of-Way Width Minimum: 110 feet • Travel Lane Width: 12 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Bicycle Lane Width: 5 feet • Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet) • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on both sides of the road
Street Type: Commercial Collector Streets: 4 – Lanes with Sidewalks and Multi-Use Path without On-Street Parking
• Right-of-Way Width Minimum: 110 feet • Travel Lane Width: 12 feet median side, 14 feet curb side • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the road • Multi-Use Path Width: 10 feet in width on one side of the road

Amended

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Street Type: Commercial Collector Streets: 4 – Lanes with Sidewalks and Multi-Use Path with On-Street Parking
• Right-of-Way Width Minimum: 110 feet • Travel Lane Width: 12 feet median side, 14 feet curb side • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet) • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the road • Multi-Use Path Width: 10 feet in width on one side of the road

Exhibit 4-18: Streets Design Standards without Curbs and Gutters

Street Type: Residential Local Streets with Sidewalks* *For Single-Family Developments Only
• Right-of-Way Width Minimum: 50 feet • Street Width: 27 feet • Travel Lane Width: 11 feet • Ditch Width: 8 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the road
Street Type: Residential Local Streets with Multi-Use Trails* *For Single-Family Developments Only
• Right-of-Way Width Minimum: 70 feet • Street Width: 27 feet • Travel Lane Width: 11 feet • Ditch Width: 8 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Multi-Use Path Width: 10 feet in width on one side of the road

Street Type: Residential Local Streets with Sidewalks and Multi-Use Trails* *For Single-Family Developments Only
• Right-of-Way Width Minimum: 70 feet • Street Width: 27 feet • Travel Lane Width: 11 feet • Ditch Width: 8 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the road • Multi-Use Path Width: 10 feet in width on one side of the road

Exhibit 4-19: Streets Design Standards without Curbs and Gutters

Street Type: Residential Private Alley
• Right-of-Way Width Minimum: 20 feet • Street Width: 20 feet from back of curb to back of curb • Travel Lane Width: 7.5 feet • Curb and Gutter Width: 2.5 feet

(Ord. #1745, 7-10-18; Ord. #1871, 8-24-20)

greater. ADT shall be calculated according to the trip generation rate in Exhibit 4-20.

4.11.11. General Street Layout

- (A) Local street connectivity is encouraged to improve mobility and to facilitate the free flow of traffic along Collector and Arterial Streets.
- (B) All permanent dead-end streets (as opposed to temporary dead-end streets shall be developed as cul-de-sacs in accordance with the standards set forth in paragraph (C) of this section. Except where no other practicable alternative is available, such streets shall be designed so as to provide access to no more than twenty (20) Dwelling Units or a maximum of 200 average daily trips (ADT, whichever is

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11-15-22

4-80

Exhibit 4-20: Trip Generation Rates

Use	ADT
Single-Family	9.44
Multi-Family and Single-Family Attached	7.32
Mobile Home	5.0
Retirement Community	3.7
Non- Residential	Most recent ITE trip generation rate determined to be appropriate trip generation rates approved by the Town Engineer

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

- (C) The right-of-way of a cul-de-sac shall have a radius of fifty-five (55) feet. The radius of the paved portion of the turn-around (measured to the outer edge of the pavement) shall be forty-three (43) feet. When a center island in a cul-de-sac is unpaved, the minimum pavement width shall be twenty (20) feet. Any unpaved center of the turn-around shall be landscaped.
- (D) Streets shall be laid out so that residential blocks do not exceed 1,500 feet, unless the Town Council determines that there is no other practicable alternative available.

*(Ord. #1871, 8-24-20)***4.11.12. Street Intersections**

- (A) Streets shall intersect as nearly as possible at right angles and no two (2) streets may intersect at less than a seventy-five (75) degree angle. Not more than two (2) streets shall intersect at any one point, unless the Town Engineer certifies to the Permit Issuing Authority that such an intersection can be constructed with no extraordinary danger to public safety.

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

- (B) Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than one-hundred-fifty (150) feet.
- (C) Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than four-hundred (400) feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between off-set intersecting streets shall be at least one-thousand (1,000) feet.

4.11.13. Construction Standards and Specifications

Construction and design standards and specifications for streets, sidewalks and curbs and gutters are contained in Appendix B and all such facilities shall be completed in accordance with these standards.

*(Ord. #1890, 1-6-21)***4.11.14. Private Streets in Subdivisions**

- (A) Unless the recorded plat of the land from which the Lots are created clearly shows a street to be public, the streets listed on the plat shall be considered private. The recording of a plat with streets listed as public shall constitute an offer of dedication of such street.
- (B) Except as otherwise approved in a PD, whenever multiple Lots are to be served by a Private Street:
- (1) The street must be built to the same standards and specifications as would apply if it were a Public Street.
 - (2) The Private Street shall serve only the Development in which it is located; it may not be designed to be extended to serve property outside the Development.

- (3) Permanent provision must be made, and shown to the satisfaction of the Town Council, for the street to be maintained properly by a landowner association or comparable mechanism.
- (C) Private Drives serving more than three (3) dwellings shall meet the design and construction requirements to support and provide fire department access. The access shall be comprised of a fire department approved material and the width shall be at least twenty (20) feet but may be increased based on curve radii and whether parking is allowed to encroach on the Private Drive. The HOA is responsible for ensuring fire department access at all times.
- (D) The recorded plat of any subdivision shall clearly identify Private Streets. Further, the initial purchasers of a newly created Lot served by a Private Street shall be furnished by the seller with a disclosure statement, in accordance with the provisions of G.S. 136-102.6, outlining the maintenance responsibilities for the Private Street.
- (E) No work done by the Town involving the maintenance or repair of a private street shall neither imply nor impose any subsequent maintenance responsibilities on the Town.

(Ord. #1745)

4.11.15. Street, Private Drive and Sidewalk Requirements in Un-subdivided Developments

The provisions of this section shall apply to all un-subdivided Development requiring PD or Architectural Compliance Permit approval.

- (A) Within un-subdivided Developments, all Public Streets, Private Streets and Private Drives shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic and shall comply with the design standards of section 4.11.10, except as modified by this section.
- (B) Whenever a Street in an un-subdivided Development connects two (2) or more sub-collector, collector or arterial streets in such a manner that any substantial volume of through traffic is likely to make use of

this road, such Street shall be constructed in accordance with the standards applicable to Public Streets and shall be dedicated. In other cases when roads in un-subdivided Developments within the Town are constructed in accordance with the specifications for Public Streets, the Town may accept an offer of dedication of such streets.

- (C) Private Drives serving more than three (3) dwellings shall meet the design and construction requirements to support and provide fire department access. Pavement width shall be at least twenty (20) feet, but may be increased based on curve radii and whether parking is allowed to encroach on the Private Drive. The HOA is responsible for ensuring fire department access at all times.
- (D) In all un-subdivided residential Development, sidewalks shall be provided linking Dwelling Units with other Dwelling Units, the Public Street, and on-site activity centers such as parking areas, laundry facilities and recreational areas and facilities. Notwithstanding the foregoing, sidewalks shall not be required where pedestrians have access to a road that serves not more than nine (9) Dwelling Units. The sidewalk requirement may also be waived where, in the opinion of the Planning Director, an adequate system of hiking and/or bicycling trails are provided which would offer acceptable pedestrian facilities and access.
- (E) Whenever the Permit Issuing Authority finds that a means of pedestrian access is necessary from an un-subdivided Development to schools, parks, playgrounds or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to reserve an unobstructed easement of at least ten (10) feet to provide such access.
- (F) The sidewalks required by this section shall be at least five (5) feet wide and constructed according to the specifications set forth in Appendix B.

(Ord. #1890)

4.11.16. Traffic Calming

- (A) Traffic calming devices are only applicable on local streets that are “primarily residential” in character. To allow flexibility for various land uses, like parks and schools, no exact standard or distance between traffic calming devices are set. However, “primarily residential” means at least seventy-five (75) percent of the properties with frontage on the street are in residential zoning districts or have existing land uses that are residential.
- (B) In new Developments, the developer shall meet with appropriate Town staff (Town Engineer, Street Superintendent, Town Planners, Public Services Director, Police Chief and Fire Chief) to determine the need, if any, for traffic control devices. Once the need is established, a visioning session with Town staff and developer shall be conducted to discuss the traffic calming measures that will best serve the new community/Development. After the visioning session, the developer shall submit to the Town, for review, the proposed traffic calming plan for approval or approval with modifications. Once approved by the Town, the traffic calming devices shall be incorporated in the proposed site plan or Engineering Plan.
- (C) Traffic calming measures that may be considered are listed below. However, the measures identified are not meant to exclude other measures as new ideas are being developed.
 - (1) Non-Physical measures may include, but not be limited to, speed enforcement, radar trailers, land striping, Signage, pavement marking legends, high visibility crosswalks, on street parking, raised pavement markings, streetscaping, multi-way stops, turn prohibitions and other restrictions, gateways/entryways and colored pavements.
 - (2) Vertical traffic calming measures may include, but not be limited to, textured pavements, speed tables, raised crosswalks and raised intersections.

- (3) Horizontal traffic calming measures may include, but not be limited to, traffic circles, roundabouts, curb extensions, chicanes, lateral shifts, neck-downs, realigned intersections, bulb-outs, two lane chokers, one lane chokers, center island narrowing and medians.
- (4) Diversion traffic calming measures may include, but not be limited to, street closures, diagonal diverters and semi-diverters.

(Ord. #1745)

4.11.17. Attention to Handicapped in Street and Sidewalk Construction

- (A) As provided in G.S. 136-44.14 whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with Appendix B and the published standards of the North Carolina Department of Transportation, Division of Highways.

(Ord. #1890)

- (B) In un-subdivided Developments, sidewalk construction for the handicapped shall conform to the requirements of Chapter 11 of the North Carolina State Building Code, as amended.

(Ord. #1745)

4.11.18. Addressing and House Numbers

- (A) Building/house numbers shall be assigned by the Town and the Moore County Addressing Coordinator. Numbers shall be placed on the structure visible from the roadway, if not, it shall be posted at the beginning of the driveway in a prominent location that is visible from both directions. If a driveway is shared, directional Signage shall be placed at any intersection.

- (B) New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

4.11.19. Bridges

All bridges shall be constructed in accordance with the standards and specifications of the North Carolina Department of Transportation, except that bridges on roads not intended for public dedication may be approved if designed by a registered, professional engineer.

4.11.20. Utilities

Utilities installed in public rights-of-way or along private roads shall conform to the requirements set forth in section 4.15.

4.11.21. Street and Sidewalk Improvements

The cost of installing street and sidewalk improvements required by this article shall be borne entirely by the developer. In no case shall the Town of Southern Pines be responsible for the cost of street and sidewalk improvements required by this section 4.11. Sidewalks shall be installed at the time of street construction or property secured in accordance with section 2.20.6. Damage to streets or sidewalks during site Development shall be repaired prior to issuance of a certificate of occupancy or prior to the reimbursement or release of any Subdivision Performance Guarantee.

(Ord. #1745; Ord. #1919)

4.11.22. Street Names and Traffic Signs

- (A) Street names shall be assigned by the developer subject to the approval of the Permit Issuing Authority and the Moore County Addressing Coordinator. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly

created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within Moore County, regardless of the use of different suffixes (such as those set forth in paragraph (B)).

- (B) Street names shall include a suffix such as the following:

- (1) Circle: A short street that returns to itself.
- (2) Court or Place: A Cul-de-sac or dead-end street.
- (3) Loop: A street that begins at the intersection with one street and circles back to end at another intersection with the same street.
- (4) Street, Avenue and other common suffixes not applying above: All Public Streets not designated by another suffix.

- (C) Street name and traffic Signs which meet the standards of the Town and the NCDOT specifications shall be placed at all street intersections. The cost to install street name and traffic Signs shall be borne by the developer. In the case of a subdivision with private streets, street and traffic Signs shall be constructed of a reflective material and shall meet the size and location requirements of the Town as determined by the Town Engineer.

- (D) If an owner, developer, homeowners association or Applicant of a site or subdivision desires to install specialty street name Signs and posts, or specialty traffic control Signs and posts that vary from the standard type Sign materials required by and used by the Town, that person or homeowners association must make a request in writing to the Town. All such requests must include detailed dimensional drawings of the proposed street name Signs and posts and/or traffic control Signs and posts and specifications for the material to be used in those Signs and posts.

- (E) The Town Engineer will review and approve all requests for such specialty street name Signs and posts and/or traffic control Signs and

posts that differ from standard Town type materials usually required by and used by the Town.

(F) If approved by the Town, the use of specialty Signs and posts in any subdivision or any site, that approval is subject to the Town receiving a letter from the owner developer or homeowners association specifically agreeing to each of the following:

- (1) All Sign faces shall be made of reflective Sign material conforming to the requirements of NCDOT. The Sign face dimensions and the positioning of the Sign and post with respect to the street pavement and/or the intersection must conform to the requirements of the Manual for Uniform Traffic Control Devices. The location of each specialty Sign and post must be approved by the Town of Southern Pines prior to installation of that Sign and post.
- (2) The developer, the owner, or the homeowners association shall be responsible for all installation costs associated with the specialty Signs and posts.
- (3) The developer, the owner, or the homeowners association shall be responsible for the perpetual maintenance of specialty Signs and posts for which they requested Town approval.
- (4) If the developer, the owner, or the homeowners association fails to fulfill its responsibility for maintenance of these specialty Signs and posts, the Town of Southern Pines shall install its standard Sign materials and the developer, the owner or the homeowners association shall be required to remove the specialty Signs and posts and at no cost to the Town. The cost of materials and installation of the standard street name Signs, standard traffic control Signs and posts needed to replace the specialty street name Signs, specialty traffic control Signs and posts that have not been properly maintained shall be borne by the owner, the developer or the homeowners association of the subdivision of the site, whichever is appropriate.

- (5) The developer, the owner or the Applicant shall inform purchasers of its property of the conditions and responsibilities of the homeowners association pertaining to perpetual maintenance responsibility for the specialty Signs and posts within the subdivision or on that site.

4.11.23. Pavement Markings and Pavement Materials

All pavement markings and materials in Public Street pavement shall be approved by the Permit Issuing Authority for the Public Street. Pavement markings and material changes to street pavement shall be limited to pedestrian crossings, lane markings, edge of pavement marking and traffic warning or control markings or materials approved by the Town Engineer and should be consistent with the standards of the Manual on Uniform Traffic Control Devices.

4.11.24. Sidewalk Accessibility

If there is an existing or proposed sidewalk adjacent to a proposed or developing piece of property then such Development must extend such a sidewalk to the primary entrance of the building.

4.12. TRANSPORTATION /TRAFFIC ANALYSES

4.12.1. Purpose.

The intent of this section is to provide the information necessary to allow decision-makers to assess the adequacy of available capacity to meet existing, projected and proposed demand at adopted levels of service. Traffic Impact Analyses (TIA) are intended for Developments having traffic impacts on major streets, multiple streets or multiple intersections. Traffic Design Analyses (TDA) are intended for Developments having more localized impacts. Where there is not sufficient available capacity to meet these demands, the traffic study should identify improvements required to accommodate proposed demand and maintain adopted levels of service. A traffic study will be required for Development applications exceeding specific trip generation thresholds established in this section.

4.12.2. Types of Studies and Applicability

(A) Traffic Impact Analysis (TIA)

- (1) Purposes: The purposes of a TIA will be to:
 - (a) Evaluate traffic operations and impacts at site access points under projected traffic loads;
 - (b) Evaluate the impact of site-generated traffic on affected intersections in the impact area;
 - (c) Evaluate the impact of site-generated traffic on the quality of traffic flow on public streets located in the Impact area;
 - (d) Evaluate the impact of the proposed Development on residential streets in the impact area;
 - (e) Ensure that site access and other improvements needed to mitigate the traffic impact of the Development meet commonly accepted engineering design standards;
 - (f) Ensure that adequate facilities for pedestrians, transit users and bicyclists have been provided; and
 - (g) Identify transportation infrastructure needs and related costs created by the Development and cost sharing for needed improvements.
- (2) Applicability: A TIA will be required prior to approval of a Preliminary Plat; Architectural Compliance Permit, Zoning Map Amendment, or Special Use Permit for Development that exceeds the following thresholds in one or more Development Applications submitted for a Parcel or contiguous Parcels under common ownership at the time of the adoption of this UDO or at the time of the Development application:
 - (a) The proposed Development will generate more than 1,000 average daily trips at full occupancy, according to most current version of the ITE Trip Generation Informational

Report or comparable research data approved by the Town Engineer; or

- (b) The proposed Development will concentrate three hundred (300) or more trips per day through a single access point.

(Ord. # 1919)

(B) Traffic Design Analysis (TDA). All Development projected to generate two hundred (200) average daily trips more than existing conditions that does not require a TIA shall be required to complete a Traffic Design Analysis (TDA). The purposes of a TDA will be to:

- (1) Ensure that the proposed street layout is consistent with adopted road design standards;
- (2) Ensure the proper design and spacing of site access points and identify where limitations on access should be established;
- (3) Ensure that potential safety problems have been properly evaluated and addressed;
- (4) Ensure that internal circulation patterns will not interfere with traffic flow on existing public streets;
- (5) Ensure that appropriate facilities for pedestrians, transit users and bicyclists have been provided in plans for the Development; and
- (6) Identify the transportation infrastructure needs and related costs created by the Development.

4.12.3. Waiver

The requirements of this section for a TIA or TDA may be waived by the Town Engineer upon determining that such report is not necessary to determine needed road improvements, that adequate capacity exists to serve the proposed Development, and that no unsafe or hazardous conditions will be created by the Development as proposed.

4.12.4. Preparation

The cost of TIA or TDA preparation shall be the responsibility of the Applicant. The Applicant shall retain the services of a qualified traffic engineer approved by the Town Engineer. A TIA shall be sealed by a licensed professional engineer.

4.12.5. Traffic Level of Service Standards

The standards for traffic service that shall be used to evaluate the findings of a TIA or TDA are:

- (A) Level of Service. Level of Service D (LOS D) or less congested shall be maintained at all arterial and collector street intersections. LOS C or less congested shall be maintained at all other street intersections. For multi-phase Developments, the applicable levels of service shall be maintained for each phase. No Development shall result in the decline in the level of service of an adjacent street by more than two (2) letters (e.g., a drop from LOS A to LOS D) unless specifically approved by the Town Council.
- (B) Number of Access Points. The spacing of access points shall comply with applicable Town, state and AASHTO standards.
- (C) Internal Circulation. On-site vehicle circulation and parking patterns shall be designed so as not to interfere with the flow of traffic on any public street and shall accommodate all anticipated types of site traffic at projected volumes.
- (D) Safety. Access points shall be designed to provide for adequate sight distance and appropriate facilities to accommodate acceleration and deceleration of site traffic pursuant to section 4.11.5.
- (E) Curb Space Use Plan. Details shall be provided on curb space use on public streets along the edge of the Development site when it is intended that such areas be used for parking, parking space access, delivery and loading zones, passenger zones, bus stops, fire zones and/or other official/emergency zones. This review shall include a description of existing conditions prior to Development, and proposed

changes resulting from the Development, including a description of any loss or gain in curb space use by the activities intended.

(Ord. #1745)

4.12.6. Traffic Analysis Contents

- (A) A TIA shall be based on peak hour traffic and shall contain information addressing the factors listed below.
 - (1) Project and Site Description. The analysis shall contain illustrations and narratives that describe the characteristics of the site and adjacent land uses as well as expected Development in the Impact area that will influence future traffic conditions. A description of the proposed Development including access plans, phasing plans and an indication of land use and intensity, shall be provided.
 - (2) Study Area. The analysis shall identify the geographic area under study and identify the critical intersections and access points to be analyzed. Unless an alternative is approved the Town Engineer, the study shall include: all intersections and driveways on or within 150 feet of the site; all intersections along collector or arterial streets within one-quarter (¼) mile of the site; and all intersections along arterial streets that the proposed Development is projected generate five (5) percent or more of the peak hour traffic.
 - (3) Existing Traffic Conditions. The analysis shall contain a summary of the data used in the analysis of existing traffic conditions, including:
 - (a) Existing Demand, including traffic count and turning movement information, including the source of and date when traffic count information was collected;
 - (b) Roadway characteristics, including the design configuration of existing roadways, existing traffic control measures

(speed limits, traffic signals, etc.) and existing driveways and turning movement conflicts in the Impact area; and

- (c) The existing LOS for roadways and intersections without project Development traffic using methods documented in the Special Report 209: Highway Capacity Manual, published by the Transportation Research Board, or comparable accepted methods of evaluation. LOS shall be calculated for the weekday am and pm peak hours and, in the case of uses generating high levels of weekend traffic, the Saturday or Sunday peak hour as determined by the Town Engineer.
- (4) Traffic Assignment. The TIA shall identify projected peak hour traffic volumes for applicable intersections and driveways in the study area. The Town Engineer shall identify applicable intersections, driveways and traffic distribution assumptions prior to completion of the study. Projected trip generation shall be based on latest data from the ITE or other studies approved in writing by the Town Engineer. This section will document all assumptions affecting the direction, volume and mode split of traffic generated by the project.
- (B) Analysis. The analysis shall be based on buildout and ten (10) year projections. The analysis shall compare existing demand plus projected demand plus proposed demand with planned capacity for the applicable projections.
- (C) Mitigation Alternatives. In situations where the LOS standards are projected to be exceeded for the buildout year for residential and the 10-year projection for commercial and mixed-use Developments, the analysis shall evaluate each of the following alternatives for achieving the traffic service standards:
 - (1) Identify additional right-of-way and street improvements needed to implement mitigation strategies;
 - (2) Identify suggested phasing of Development and transportation improvements where needed to maintain compliance with LOS standards;
 - (3) For Developments impacting constrained facilities, identify access, pedestrian, transit or other improvements required to mitigate the impacts of the proposed Development on the constrained facility.
 - (4) In the event that the proposed mitigation is not permitted by NCDOT, the Development shall provide the most effective mitigation to improve LOS allowed by NCDOT.
- (D) A TDA shall include the information required for a TIA, except as modified by the Town Engineer. The study area for a TDA shall include all street segments, intersections and driveways on or within 150 feet of the site.
(Ord. #1745)

4.12.7. Process for the Review and Preparation

The following steps provide an outline of the steps to be included in the preparation and review of a Traffic Impact Analysis:

- (A) The Applicant shall meet or correspond with the Town Engineer to determine whether a TIA needs to be prepared for a proposed Development application, and to identify study issues, assumptions, projections and time periods to be analyzed, analysis procedures, available sources of data, past and related studies, report requirements and other topics relevant to study requirements. NCDOT shall be contacted and coordinated with as appropriate when the TIA includes state or federal highways as points of access for a Development.
- (B) Following initial completion of a TIA, the report shall be submitted to the Planning Director and the Town Engineer and the applicant shall be responsible for distribution to all jurisdictions involved in the construction and maintenance of public roadways serving the

Development. If direct access is being proposed to a State Highway, the applicant shall also submit the TIA to NCDOT, if not previously submitted.

- (C) Within five (5) business days, the Town Engineer shall complete an initial review to determine the completeness of the analysis and shall provide a written summary to the Applicant outlining the need for any supplemental study or analysis to adequately address any deficiencies. A meeting to discuss the contents and findings of the report and the need for additional study may be requested by the Applicant. NCDOT approval shall be required for any traffic mitigation involving the state system.
- (D) Within thirty (30) days of submittal of a complete application, the Town Engineer shall prepare a report outlining recommendations that have been developed to address the findings and conclusions included in the analysis regarding the proposed Development's access needs and impacts on the transportation system. Depending on the type of application, the recommendations may be presented to the Planning Board and/or Town Council.
- (E) In the case of a TIA or TDA showing deficiencies requiring mitigation within the public right-of-way, negotiations based on the conclusions and finding resulting from the TIA or TDA shall be held with appropriate Town staff. The subsequent Development Approval or, at the option of the Applicant, a Subdivision Performance Guarantee or Development Agreement, shall identify the Applicant's and the Town's responsibilities for implementing identified mitigation measures.

(Ord. #1745; Ord. #1919)

4.12.8. Findings

- (A) If the proposed Development, either residential, commercial, or mixed-use, meets the applicable service level standards and the project only affects Town or private streets, the Town Engineer shall recommend acceptance of the traffic analysis and its findings.

- (B) If the proposed Development, either residential, commercial, or mixed-use, meets the applicable service level standards and the project affects any NCDOT street, the Town Engineer shall not make a recommendation to either accept or deny the traffic analysis until the Town Engineer is in receipt of an official comment from NCDOT.
- (C) If the proposed residential Development will not meet applicable service level standards at the buildout projections or if the proposed commercial or mixed-use Development will not meet applicable service level standards at the buildout or 10-year projections, the Town Engineer shall recommend denial of the traffic analysis unless the Applicant submits a mitigation plan that, in the opinion of the Town Engineer, addresses the deficiencies through one or more of the following actions:
 - (1) Reduce the size, scale, scope or density of the Development to reduce traffic generation;
 - (2) Divide the project into phases and with only one phase at a time being authorized until traffic capacity is adequate for the next phase of Development;
 - (3) Dedicate right-of-way for street improvements;
 - (4) Construct new street improvements;
 - (5) Expand the capacity of existing streets and/or intersections;
 - (6) Redesign ingress and egress to the project to reduce traffic conflicts;
 - (7) Alter the use and type of Development to reduce peak hour traffic;
 - (8) Reduce background traffic;
 - (9) Eliminate the potential for additional traffic generation from undeveloped properties in the impact area; or

- (10) Integrate non-vehicular design components (e.g., pedestrian and bicycle paths or transit improvements) to reduce trip generation.

(Ord. #1745)

4.13. FLOOD HAZARD AREAS

4.13.1. Statutory Authorization, Purpose, Objectives

- (A) The Flood Hazard Overlay District (**FHO**), as established in section 3.6.9 is designed for the purpose of protecting people and property from the hazards of flooding in accordance with the authority provided in Part 6, Article 21 of Chapter 143; Article 8 of Chapter 160A; and Articles 7, 9 and 11 of Chapter 160D of the North Carolina General Statutes. This section 4.13 shall be known as the Town of Southern Pines Flood Hazard Area Regulations of Flood Hazard Area Regulations.

(Ord. #1919)

- (B) It is the purpose of the **FHO** district regulations is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging, and all other Development that may increase erosion or flood damage; and

- (5) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

- (C) The objectives of the **FHO** district regulations are:

- (1) To protect human life and health;
- (2) To minimize Expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business losses and interruptions;
- (5) To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) To help maintain a stable tax base by providing for the sound use and Development of flood prone areas; and
- (7) To ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

4.13.2. Definitions

- (A) Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in these Flood Hazard Regulations shall have the meaning indicated when used throughout this section.

- (1) **Accessory Structure (Appurtenant Structure).** A structure located on the same Parcel of property as the Principal Structure and the use of which is incidental to the use of the Principal Structure. Garages, carports and storage sheds are common urban Accessory Structures. Pole barns, hay sheds and the like qualify as Accessory Structures on farms, and may or

may not be located on the same Parcel as the farm Dwelling or shop building.

- (2) **Addition (to an existing building).** An extension or increase in the Gross Floor Area or height of a building or structure.
- (3) **Administrator.** The individual appointed to administer and enforce the floodplain management regulations of this article.
- (4) **Appeal.** A request for a review of the Administrator's interpretation of any provision of this article.
- (5) **Area of Shallow Flooding.** A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one to three feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
- (6) **Area of Special Flood Hazard.** See "Special Flood Hazard Area (SFHA)".
- (7) **Base Flood.** The flood having a 1% chance of being equaled or exceeded in any given year.
- (8) **Base Flood Elevation (BFE).** A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a federal, state, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".
- (9) **Basement.** Any area of the building having its floor sub-grade (below ground level) on all sides.
- (10) **Building.** See "Structure".
- (11) **Chemical Storage Facility.** A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.
- (12) **Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- (13) **Disposal.** As defined in G.S. § 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.
- (14) **Elevated Building.** A non-basement building which has its lowest elevated Floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
- (15) **Encroachment.** The advance or infringement of uses, fill, excavation, buildings, structures or Development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- (16) **Existing Manufactured Home Park or Manufactured Home Subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the Lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community.
- (17) **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; and/or
 - (b) The unusual and rapid accumulation of runoff of surface waters from any source.
- (18) **Flood Boundary and Floodway Map (FBFM).** An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).
- (19) **Flood Hazard Boundary Map (FHBM).** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.
- (20) **Flood Insurance.** The insurance coverage provided under the National Flood Insurance Program.
- (21) **Flood Insurance Rata Map (FIRM).** An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.
- (22) **Flood Insurance Study (FIS).** An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study Report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.
- (23) **Flood Prone Area.** See "Floodplain".
- (24) **Flood Zone.** A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.
- (25) **Floodplain.** Any land area susceptible to being inundated by water from any source.
- (26) **Floodplain Development Permit.** Any type of permit (zoning or Special Use Permit) that is required in conformance with the provisions of this article prior to the commencement of any Development activity.
- (Ord. #1919)*
- (27) **Floodplain Management.** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
- (28) **Floodplain Management Regulations.** This article and other land Development ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control Development in flood prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.
- (29) **Floodproofing.** Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.
- (30) **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- (31) **Freeboard.** The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected

size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the Watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

- (32) **Functionally Dependent Facility.** A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.
- (33) **Hazardous Waste Facility.** As defined in G.S. Ch. 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.
- (34) **Highest Adjacent Grade (HAG).** The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.
- (35) **Historic Structure.** Any structure that is:
 - (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical Significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or

- (d) Certified as contributing to the historical Significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”. Certified Local Government (CLG) Programs are approved by the U.S. Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

- (36) **Lowest Adjacent Grade (LAG).** The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.
- (37) **Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.
- (38) **Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “Manufactured Home” does not include a “Recreational Vehicle”.
- (39) **Manufactured Home Park or Subdivision.** A Parcel (or contiguous Parcels) of land divided into two or more manufactured home Lots for rent or sale.
- (40) **Market Value.** The building value, not including the land value and that of any Accessory Structures or other improvements on the Lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of

building and quality of construction (actual cash value); or adjusted tax assessed values.

- (41) **Mean Sea Level.** For purposes of this article, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.
- (42) **New Construction.** Structures for which the “start of construction” commenced on or after the effective date of the original version of the community’s Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures.
- (43) **Non-Encroachment Area.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study Report.
- (44) **Post-FIRM.** Construction or other Development for which the “start of construction” occurred on or after the effective date of the initial Flood insurance Rate Map for the area.
- (45) **Pre-FIRM.** Construction or other Development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map for the area.
- (46) **Principally Above Ground.** At least 51% of the actual cash value of the structure is above ground.
- (47) **Public Safety and/or Nuisance.** Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs

the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

- (48) **Recreational Vehicle (RV).** A vehicle, which is:
 - (a) Built on a single chassis;
 - (b) Four hundred square feet or less when measured at the largest horizontal projection;
 - (c) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (d) Designed primarily not for use as a permanent Dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (49) **Reference Level.** The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.
- (50) **Regulatory Flood Protection Elevation.** The “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.
- (51) **Remedy a Violation.** To bring the structure or other Development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected Development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other Development.

- (52) **Riverine.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, and the like.
- (53) **Salvage Yard.** Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.
- (54) **Solid Waste Disposal Facility.** As defined in G.S. 130A-290(a)(35), any facility involved in the disposal of solid waste.
- (55) **Solid Waste Disposal Site.** As defined in G.S. 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.
- (56) **Special Flood Hazard Area (SFHA).** The land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year, as determined in [Section 4.13.3\(B\)](#) below
- (57) **Start of Construction.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of Accessory Buildings, such as garages or sheds not occupied as Dwelling Units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
- (58) **Structure.** A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.
- (59) **Substantial Damage.** Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. See definition of "Substantial Improvement".
- (60) **Substantial Improvement.** Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:
- (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (61) **Variance.** A grant of relief from the requirements of these Flood Hazard Regulations.

- (62) **Violation.** The failure of a structure or other Development to be fully compliant with the community's floodplain management regulations. A structure or other Development without the elevation certificate, other certifications, or other evidence of compliance required in section 4.13.4 and sections 4.13.8 through 4.13.13 is presumed to be in violation until such time as that documentation is provided.
- (63) **Water Surface Elevation (WSE).** The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.
- (64) **Watercourse.** A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. "Watercourse" includes specifically designated areas in which substantial flood damage may occur.

4.13.3. General Provisions

- (A) **Applicability.** The provisions of this article shall apply to all Special Flood Hazard Areas within the planning and zoning jurisdiction of the Town.
- (B) **Basis for Establishing the Special Flood Hazard Areas.** The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and the most recently adopted version its accompanying Flood Insurance Rate Maps (FIRM) for Moore County, which are adopted by reference and declared to be a part of this article. In addition, upon annexation to the Town or inclusion in the Town's extraterritorial jurisdiction (ETJ), the Special Flood Hazard Areas identified by the Federal Emergency Management Agency (FEMA) and/or produced under the Cooperating Technical State agreement between the State of North Carolina and FEMA as stated above, for the Unincorporated Areas of Moore County, with accompanying maps and other supporting data are adopted by reference and declared to be a part of this article.
- (Ord. #1919)
- (C) **Establishment of Floodplain Development Permit.** A Floodplain Development Permit shall be required in conformance with the provision of these Flood Hazard Regulations prior to the commencement of any Development activities within Special Flood Hazard Areas determined in accordance with paragraph (B) of this section.
- (D) **Compliance.** No structure or land shall hereafter be located, extended, converted, offered, or developed in any way without full compliance with the terms of this article and other applicable regulations.
- (E) **Abrogation and Greater Restrictions.** The provisions of this article are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the provisions of this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (F) **Interpretation.** In the interpretation and application of the provisions of this article, all provisions shall be:
- (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- (G) **Warning and Disclaimer of Liability.** The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This article does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the Town or by any officer or employee

thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

- (H) **Penalties for Violation.** Violations of the provisions of these Flood Hazard Regulations or failure to comply with any of its requirements shall be processed in accordance with the procedures delineated in chapter 8. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation of the provisions of this article.

4.13.4. Plans, Application, and Permit Requirements

- (A) **General.** A zoning or Special Use Permit, as applicable, shall be required in conformance with the provisions of this article prior to the commencement of any Development activities within Special Flood Hazard Areas determined in accordance with section 4.13.3(B).

(Ord. #1919)

- (B) **Application Requirements.** Applications for a zoning permit or Special Use Permit which include property that is located within a Special Flood Hazard Area shall be submitted to the Administrator and shall include the following information:

- (1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain Development:
 - (a) The nature, location, dimensions, and elevations of the area of Development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other Development;
 - (b) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in section 4.13.3(B) or a statement that the entire Lot is within the Special Flood Hazard Area;

- (c) Flood zone(s) designation of the proposed Development area as determined on the FIRM or other flood map as determined in section 4.13.3(B);
- (d) The boundary of the floodway(s) or non-encroachment area(s) as determined in section 4.13.3(B);
- (e) The Base Flood Elevation (BFE) where provided as set forth in section 4.13.3(B); section 4.13.5(K); section 4.13.5(L); or section 4.13.10;
- (f) The old and new location of any watercourse that will be altered or relocated as a result of proposed Development; and
- (g) Certification of the plot plan by a registered land surveyor or professional engineer in situations where, in the Administrator's opinion, more precise data is necessary to afford an adequate review of the application.

- (2) Proposed elevation, and method thereof, of all Development within a Special Flood Hazard Area including but not limited to:

- (a) Elevation in relation to mean sea level of the proposed reference level (inducting basement) of all structures;
- (b) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be floodproofed; and
- (c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

- (3) If floodproofing, a floodproofing certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

- (4) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this article are met. These details include but are not limited to:
 - (a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - (b) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with section 4.13.9(D)(3), when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.
- (5) Usage details of any enclosed areas below the regulatory flood protection elevation.
- (6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
- (7) Copies of all other local, state and federal permits required prior to floodplain Development permit issuance (wetlands, endangered species, erosion and sedimentation control, riparian buffers, mining, and the like.)
- (8) Documentation for placement of Recreational Vehicles end/or Temporary Structures, when applicable, to ensure sections 4.13.9(F) and 4.13.9(G) are met.
- (9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(Ord. #1919)

- (C) **Permit Data Requirements.** The following information shall be provided on the approved permit to ensure compliance with the provisions of this article:
 - (1) A description of the Development to be permitted under the floodplain Development permit.
 - (2) The Special Flood Hazard Area determination for the proposed Development per available data specified in section 4.13.3(B).
 - (3) The regulatory flood protection elevation required for the reference level and all attendant utilities.
 - (4) The regulatory flood protection elevation required for the protection of all public utilities.
 - (5) All certification submittal requirements with timelines.
 - (6) A statement that no fill material or other Development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
 - (7) The flood openings requirements, if in Zones A, AO, AE or A1-30.
 - (8) Limitations of below BFE enclosure uses, if applicable (i.e., parking, building access and limited storage only).
- (D) **Certification Requirements.**
 - (1) Elevation Certificates.
 - (a) An Elevation Certificate (FEMA Form 086-0-33) may be required by the Floodplain Administrator prior to the actual start of any new construction. If required, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by

the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a building permit.

- (b) An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
- (c) A final Finished Construction Elevation Certificate (FEMA Form 086 0 33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of

Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two (2) additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

(Ord. # 1775)

- (2) Floodproofing Certificate. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a floodproofing certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the Applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain Development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.

- (3) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per 4.13.9(C)(2).
- (4) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit Applicant prior to issuance of a permit.
- (5) Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in paragraphs (D)(2) and (D)(3) of this section:
 - (a) Recreational Vehicles meeting requirements of section 4.13.9(F)(1);
 - (b) Temporary structures meeting requirements of 4.13.9(G); and
 - (c) Accessory Structures less than 150 square feet meeting requirements of section 4.13.9(H).

4.13.5. Duties and Responsibilities of the Administrator

The duties of the Administrator as they relate to the administration and enforcement of the provisions of this article shall include, but not be limited to:

- (A) Review all floodplain Development applications and issue permits for all proposed Development within Special Flood Hazard Areas to assure that the requirements of this article have been satisfied.
- (B) Advise Applicant that additional federal or state permits (wetlands, endangered species, erosion and sedimentation control, riparian buffers, mining, and the like) may be required, and require that copies of such permits be provided and maintained on file with the permit.
- (C) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (D) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (E) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of section 4.13.11 are met.
- (F) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with section 4.13.4(B).
- (G) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with section 4.13.4(D).
- (H) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with section 4.13.4(D).
- (I) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with section 4.13.4(D) and section 4.13.9(B).
- (J) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears

to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

- (K) When Base Flood Elevation (BFE) data has not been provided in accordance with 4.13.3(B), obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to section 4.13.10(B)(2), in order to administer the provisions of these Flood Hazard Area regulations.
- (L) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with 4.13.3(B), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this article.
- (M) When the lowest ground elevation of a Parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA and maintain a copy issued by FEMA in the floodplain Development permit file.
- (N) Permanently maintain all records that pertain to the administration of this article and make these records available for public inspection.
- (O) Make on-site inspections of work in progress. As the work pursuant to a permit progresses, the Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action; provided, however, that the appropriate consent has been given for inspection

of areas not open to the public or that an appropriate inspection warrant has been secured.

- (P) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this article, the Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed.

(Ord. #1959)

- (Q) Revoke floodplain Development permits as required. The Administrator may revoke and require the return of the permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- (R) Make periodic inspections throughout all Special Flood Hazard Areas within the jurisdiction of the community. The Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (S) Follow through with corrective procedures of section 4.13.3(H).
- (T) Review, provide input, and make recommendations for variance requests.
- (U) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in

accordance with 4.13.3(B), including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

- (V) Coordinate revisions to FIS Reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

4.13.6. Corrective Procedures

- (A) Violations to be Corrected: When the Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (B) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (1) that the building or property is in violation of the floodplain management regulations;
 - (2) that a hearing will be held before the Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (3) that following the hearing, the Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (C) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Administrator shall find that the building or Development is in violation of these Flood Hazard

Regulations, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred eighty (180) calendar days. Where the Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

- (D) Appeal: Any owner who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (E) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the Board of Adjustment following an appeal, the owner shall be subject to a civil penalty in the amount of fifty (50) dollars per day.

(Ord. #1959)

4.13.7. Variance Procedures

- (A) The Board of Adjustment shall hear and decide requests for variances from the requirements of these Flood Hazard Area Regulations. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision in accordance with the provisions of section 2.22.
- (B) Variances may be issued by the Board of Adjustment for:
 - (1) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

- (2) Functionally dependent facilities if determined to meet the definition as stated in section 4.13.2, provided the provisions of paragraphs (H)(2), (3), and (5) of this section have been satisfied, and such facilities are protected by methods that minimize flood damages.
 - (3) Any other type of Development provided it meets the requirements stated in this section.
- (C) In passing upon variances, the Board of Adjustment shall consider all technical valuations, all relevant factors, all standards specified in other sections of this article, and:
- (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location as defined under section 4.13.2 as a functionally dependent facility, where applicable;
 - (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (7) The compatibility of the proposed use with existing and anticipated Development;
 - (8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (D) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (E) Upon consideration of the factors listed above and the purposes of this article, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
- (F) Any Applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25.00 per \$100.00 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (G) The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (H) Conditions for Variances:

- (1) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
- (2) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Variances shall only be issued prior to Development permit approval.
- (5) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (I) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met:
 - (1) The use serves a critical need in the community.
 - (2) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (3) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.

- (4) The use complies with all other applicable federal, state and local laws.
- (5) The Town has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

4.13.8. General Standards for Flood Hazard Reduction

In all Special Flood Hazard Areas the following provisions are required:

- (A) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (C) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (D) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, duct work, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, and the like), hot water heaters, and electric outlets/switches.
- (E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

- (G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (H) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this article, shall meet the requirements of “new construction” as contained in this article.
- (I) Nothing in this article shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this article and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this article.
- (J) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in section 4.13.7(I). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to section 4.13.4(D).
- (K) All subdivision proposals and other Development proposals shall be consistent with the need to minimize flood damage.
- (L) All subdivision proposals and other Development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (M) All subdivision proposals and other Development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

- (N) All subdivision proposals and other Development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

4.13.9. Specific Standards for Flood Hazard Reduction

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in section 4.13.3(B) or sections 4.13.5(K) and 4.13.5(L), the following provisions, in addition to section 4.13.8, are required:

- (A) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in section 4.13.2.
- (B) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in section 4.13.2. Structures located in A, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with section 4.13.13. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Administrator as set forth in section 4.13.4(D) along with the operational and maintenance plans.

(C) Manufactured Homes.

- (1) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in section 4.13.2.
- (2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to G.S. § 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.
- (3) All enclosures or skirting below the lowest floor shall meet the requirements of section 4.13.9(D).
- (4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Administrator and the local Emergency Management Coordinator.

(D) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- (1) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior

door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

- (2) Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation; and
- (3) Shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (a) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (b) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
 - (c) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (d) The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;
 - (e) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - (f) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(E) Additions/Improvements.

- (1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - (b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (2) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (3) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (a) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (4) Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(F) Recreational Vehicles. Recreational vehicles shall either:

- (1) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
 - (2) Meet all the requirements for new construction.
- (G) Temporary Non-Residential Structures. Prior to the issuance of a permit for a temporary structure, the Applicant must submit to the Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Administrator for review and written approval:
- (1) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
 - (2) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - (3) The time frame prior to the event at which a structure will be removed (i.e., minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification);
 - (4) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - (5) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (H) Accessory Structures. When Accessory Structures (sheds, detached garages, and the like) are to be placed within a Special Flood Hazard Area, the following criteria in this section shall be met. An Accessory Structure with a footprint less than one hundred fifty (150) square feet that satisfies the criteria outlined below does not require an elevation

or floodproofing certificate. Elevation or floodproofing certifications are required for all other Accessory Structures in accordance with section 4.13.4(D).

- (1) Accessory Structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- (2) Accessory Structures shall not be temperature-controlled;
- (3) Accessory Structures shall be designed to have low flood damage potential;
- (4) Accessory Structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (5) Accessory Structures shall be firmly anchored in accordance with section 4.13.8(A);
- (6) All service facilities, such as electrical, shall be installed in accordance with section 4.13.8(D); and
- (7) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with section 4.13.9(D)(3).

4.13.10. Standards for Floodplains without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in section 4.13.3(B), where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to sections 4.13.8 and 4.13.9, shall apply:

- (A) No encroachments, including fill, new construction, substantial improvements or new Development shall be permitted within a distance of twenty (20) feet each side from top of bank or five (5) times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered

professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- (B) The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:
 - (1) If BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this article and shall be elevated or floodproofed in accordance with standards in sections 4.13.5(K) and 4.13.5(L).
 - (2) All subdivision, Manufactured Home Park and other Development proposals shall provide BFE data if Development is greater than five acres or has more than fifty (50) Lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per section 4.13.3(B) to be utilized in implementing this article.
 - (3) When Base Flood Elevation (BFE) data is not available from a federal, state, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in section 4.13.12.

4.13.11. Standards for Riverine Floodplains with BFE but without Established Floodways or Non-Encroachment Areas

Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS Report, the following requirements shall apply to all Development within such areas:

- (A) Standards outlined in sections 4.13.5(K) and 4.13.5(L); and
- (B) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial

improvements, or other Development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed Development, when combined with all other existing and anticipated Development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

4.13.12. Standards for Floodways and Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in section 4.13.3(B). The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in sections 4.13.5(K) and 4.13.5(L), shall apply to all Development within such areas:

- (A) No encroachments, including fill, new construction, substantial improvements and other Developments shall be permitted unless it has been demonstrated that:
 - (1) The proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Administrator prior to issuance of a permit; or
 - (2) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- (B) If section 4.13.12(A) is satisfied, all Development shall comply with all applicable flood hazard reduction provisions of this article.
- (C) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

- (1) The anchoring and the elevation standards of section 4.13.9(C); and
- (2) The no encroachment standard of section 4.13.12(A).

4.13.13. Standards for Areas of Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas established in section 4.13.3(B), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to section 4.13.8, all new construction and substantial improvements shall meet the following requirements:

- (A) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade plus a freeboard of two feet if no depth number is specified.
- (B) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Sub-section (1) above so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per section 4.13.4(D) and section 4.13.9(B).
- (C) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

4.13.14. Effect upon Outstanding Permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any Development or any part thereof for which a permit has been granted by the administrator or his or

her authorized agents before the time of passage of this article; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this article.

4.14. DRAINAGE, EROSION CONTROL, STORM WATER MANAGEMENT

4.14.1. Natural Drainage System Utilized to Extent Feasible:

- (A) To the extent practicable, all Development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed.
- (B) To the extent practicable, Lot boundaries shall be made to coincide with natural and preexisting man-made drainage ways within subdivisions to avoid the creation of Lots that can be built upon only by altering such drainage ways.

4.14.2. Developments Must Drain Properly

- (A) All Developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the Development site. Surface water shall not be regarded as unduly retained if:
 - (1) The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or
 - (2) The retention is not substantially different in location or degree than that experienced by the Development site in its pre-Development stage, unless such retention presents a danger to health or safety.
- (B) No surface water may be channeled or directed into a sanitary sewer.

- (C) Whenever practicable, the drainage system of a Development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.
- (D) Use of drainage swales rather than curb and gutter and storm sewers in subdivisions is provided for in section 4.11.10. Private Streets and access ways shall provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.

- (E) Construction specifications for drainage swales, curbs and gutters and storm drains are contained in Appendix B.

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

4.14.3. Storm Water Management

- (A) All Developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such Developments. More specifically:
 - (1) No Development may be constructed or maintained so that such Development unreasonably impedes the natural flow of water from higher adjacent properties across such Development, thereby unreasonably causing substantial damage to such higher adjacent properties;
 - (2) No Development may be constructed or maintained so that surface waters from such Development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties; and
 - (3) The post-Development runoff rate shall be equal to or less than the pre-Development rate from the design storm or a ten (10) year storm event.

- (a) Exemption: Existing single family residential lots built in accordance with the Watershed Protection Overlay requirements.

(Ord. #2040)

- (B) All Developments shall contain an adequate drainage system for the proper drainage of all surface water. No new construction and no substantial improvements of a structure may take place unless the design of a drainage system is reviewed by the administrator to assure that:

- (1) No surface water shall be channeled or directed into a sanitary sewer.
- (2) Where feasible, the subdivider shall connect to an existing storm drainage system.
- (3) Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed Development from water damage.
- (4) Surface drainage courses shall have side slopes of not less than the natural angle of repose for the soil but not steeper than a three (3) to one (1) slope in which the course is constructed and courses shall be of sufficient size to accommodate the drainage area without flooding the adjacent properties.

(Ord. #1890)

4.14.4. Sedimentation and Erosion Control

- (A) No zoning or Special Use Permit may be issued and Final Plat approval for subdivisions may not be given with respect to any Development that would cause land disturbing activity requiring prior approval of an erosion and sedimentation control plan by the Town of Southern Pines under authorization of the N. C. Sedimentation Control Commission unless the Town of Southern Pines has certified either that:

- (1) An erosion control plan has been submitted to and approved by the Town; or
- (2) The Town has examined the preliminary plans the Development and it reasonably appears that an erosion control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the Development may not begin (and no building permits may be issued) until the Town approves the erosion control plan.

(Ord. #1919)

- (B) For purposes of this section, "land disturbing activity" means any use of the land by any person in residential, industrial, educational, institutional or commercial Development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation except activities that are exempt under Town of Southern Pines Code of Ordinances §154.04. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity or ice from the site of its origin.

(Ord. #1919)

- (C) All Developments shall maintain a twenty-five (25) foot wide vegetated buffer along each side of a perennial stream or natural drainage way. The distance shall be measured from the top edge of the stream bank or drainage way. If no drainage way bank exists, the centerline of the drainage way swale shall be used for measurement purposes. The vegetated buffer shall remain undisturbed except as may be necessary to accommodate roads (provided they cross at a horizontal angle of at least sixty degrees), utilities and their easements, pedestrian paths and their easements and approved water-dependent uses such as marinas, docks, piers, boat ramps and bridges. In cases in which a twenty-five (25) foot buffer may not be practical or desirable, the Town may consider a request for a Special Use Permit if it finds that the proposed use can provide an acceptable

alternative means of handling storm water without maintaining a twenty-five (25) foot vegetated buffer.

(Ord. #1919)

4.15. UTILITIES

4.15.1. Utility Ownership and Easement Rights

In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, natural gas or cable television facilities and intends that such facilities shall be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities. In addition, the developer, in accordance with section 4.15.6, shall dedicate sufficient easement rights to accommodate the extension of utility facilities which will serve adjacent or nearby Developments. Easement rights transferred to the Town under this section shall include provisions for the optional use of hiking, bicycling and pedestrian activities within the easement.

4.15.2. Public Lighting Requirements

See section 4.8.7.

4.15.3. Electric Power

Every Principal Use and every Lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every Lot within such subdivision. Compliance with this requirement shall be determined as follows:

- (A) If the use is not a subdivision and is located on a Lot that is served by an existing power line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or Shopping Center), then no further certification is needed.

- (B) If the use is a subdivision or is not located on a Lot served by an existing power line or a substantial internal distribution system will be necessary, then the electric utility service provider must review the proposed plans and certify to the Town that it can provide service that is adequate to meet the needs of the proposed use and every Lot within the proposed subdivision.

4.15.4. Telecommunications Service

Every Principal Use and every Lot within a subdivision must have available to it a telecommunications service cable adequate to accommodate the reasonable needs of such use and every Lot within such subdivision. For purposes of this section, telecommunications services include telephone and cable services for telephone, television and internet access. Compliance with this requirement shall be determined as follows:

- (A) If the use is not a subdivision and is located on a Lot that is served by an existing telecommunications line and the use can be served by a simple connection to such telecommunications lines (as opposed to a more complex distribution system, such as would be required in an apartment complex or Shopping Center), then no further certification is necessary.
- (B) If the use is a subdivision or is not located on a Lot served by an existing telecommunications lines or a substantial internal distribution system will be necessary, then the applicable telecommunications utility providers must review the proposed plans and certify to the Town that it can provide service that is adequate to meet the needs of the proposed use and every Lot within the proposed subdivision.

4.15.5. Underground Utilities

- (A) All new electric power lines (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters or capacitors which may be pad mounted), telephone, gas distribution and cable television lines in subdivisions constructed after the effective date of this ordinance shall be placed underground in

accordance with the specifications and policies of the respective utility service providers and located in accordance with Appendix B.

(Ord. #1871, 8-24-20; Ord. #1890, 1-6-21)

- (B) Whenever an un-subdivided Development is hereafter constructed on a Lot that is undeveloped on the effective date of this chapter, then all electric power, telephone, gas distribution and cable television lines installed to serve the Development that are located on the Development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility companies.

4.15.6. Utilities to Be Consistent with Internal and External Development

- (A) Whenever it can reasonably be anticipated that utility facilities constructed in one Development will be extended to serve other adjacent or nearby Developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service as determined by the Town of Southern Pines. The dedication of requisite utility easements and/or the construction of utility facilities may be required, as determined necessary by the Town of Southern Pines, to accommodate utility service to adjacent or nearby properties.
- (B) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the Development.

4.15.7. As-Built Drawings Required

Whenever a developer installs or causes to be installed any utility line in any public right of way, the developer shall, as soon as practicable after installation is complete and before acceptance of any water or sewer line, furnish the Town with a mylar reproducible copy and one print copy of a

drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility service provider. Manholes, valves and other utility system features shall be located using GPS and the data shall be provided in digital form pursuant to the requirements for Engineering Plan applications. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such Development.

4.15.8. Fire Hydrants

- (A) Every Development (subdivided or un-subdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such Development.
- (B) The presumption established by this ordinance is that to satisfy the standard set forth in Subsection (a), fire hydrants must be located so that all parts of every building within the Development may be served by a hydrant by laying not more than five-hundred (500) feet of hose connected to such hydrant. However, the fire chief may authorize or require a deviation from this standard if, in his professional opinion, another arrangement more satisfactorily complies with the standard set forth in paragraph (A).
- (C) The fire chief shall determine the color and precise location of all fire hydrants, subject to the other provisions of this section. In general, fire hydrants shall be placed six (6) feet behind the curb line of publicly dedicated streets that have curb and gutter.
- (D) The fire chief shall determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified by the fire chief, all hydrants shall have two 2-½ inch hose connections and one 4-½ inch hose connection. The 2-½ inch hose connections shall be located at least 21-¾ inches from the ground level. All hydrant threads shall be national standard threads.

- (E) Clear Space around Hydrants. A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.
- (F) Water lines that serve hydrants shall be at least six (6) inch lines and unless no other practicable alternative is available, no such lines shall be dead-end lines.

4.15.9. Sites for and Screening of Dumpsters

- (A) Every Development that, under the Town's solid waste collection policies, is or will be required to provide one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:
 - (1) Located so as to facilitate collection and minimize any negative impact on persons occupying the Development site, neighboring properties, or public rights-of-way; and
 - (2) Constructed according to specifications established by the Town Engineer to allow for collection without damage to the Development site or the collection vehicle.
- (B) All such dumpsters shall be screened in accordance with section 4.3.5 from view from:
 - (1) Persons located within any Dwelling Unit on residential property other than that where the dumpster is located.
 - (2) Occupants, customers or other invitees located within any building on non-residential property other than that where the dumpster is located, unless such other property is used primarily for purposes permitted exclusively in an I zoning district.
 - (3) Persons traveling on any public street, sidewalk or other public way.

- (C) When dumpster screening is required under this section, such screening shall be constructed, installed and located to prevent or remedy the conditions requiring the screening.

4.15.10. Water and Sewer Use Ordinance Requirements

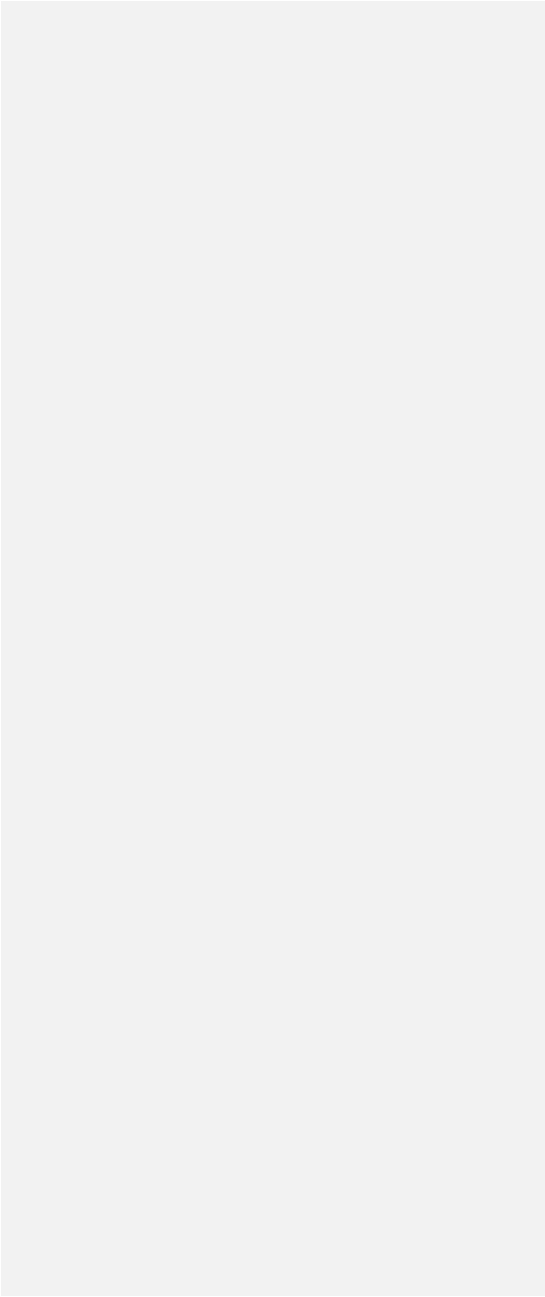
Every Principal Use and every Lot within a subdivision shall connect to a municipal water or sewer line in accordance with the provisions of the Water and Sewer Use Ordinance, Town of Southern Pines, adopted March 13, 1984, as amended.

4.15.11. Sewage Disposal Facilities Required

Every Principal Use and every Lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision Lot and that complies with all applicable health regulations.

4.15.12. Determining Compliance with section 4.15.11

- (A) Primary responsibility for determining whether a proposed Development will comply with the standard set forth in section 4.15.11 often lies with an agency other than the Town and the developer must comply with the detailed standards and specifications of such other agency. Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system, the authority issuing a permit or Development Approval under this UDO may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance with section 4.15.11. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.
- (B) In Exhibit 4-21, the column on the left described the type of Development and the column on the right indicates the agency that must certify to the Town whether the proposed sewage disposal system complies with the standard set forth in section 4.15.11



Amended

11-15-22

4-115

Exhibit 4-21: Determining Compliance with section 4.15.11

IF	THEN
(1) The use is located on a Lot that is served by the Town sewer system or a previously approved, privately-owned package treatment plant and the use can be served by a simple connection to the system (as in the case of a Single-Family residence) rather than the construction of an internal collection system (as in the case of a Shopping Center or apartment complex):	No further certification is necessary.
(2) The use (other than a subdivision) is located on a Lot that is served by the Town sewer system but service to the use necessitates construction of an internal collection system (as in the case of a Shopping Center or apartment complex); and	
a. The internal collection system is to be transferred to and maintained by the Town:	The DENR Division of Water Quality must certify to the Town that the proposed internal collection system meets the State regulations. (A "Permit to Construct" must be obtained from the Division of Water Quality.) The Town Engineer shall certify that the system complies with the Town's specifications.
b. The internal collection system is to be privately maintained:	The Town Engineer must certify that the proposed collection system is adequate. NCDENR DWQ approval is required for all sewer extensions.
(3) The use (other than a subdivision) is not served by the Town system but is to be served by a privately operated sewage treatment system (that has not previously been approved) with 3000 gallons or less design capacity, the effluent from which does not discharge to surface water:	The County Health Department (CHD) must certify to the Town that the proposed system complies with all applicable state and local health regulations. If the proposed use is a single Dwelling other than a manufactured home, the developer must obtain an improvements permit from the CHD. If the proposed use is a Single-Family manufactured home, the developer must present to the Town a certificate of completion from the CHD.
(4) The use (other than a subdivision) is to be served by a privately operated sewage system (not previously approved) that has a design capacity of more than 3000 gallons or that discharges effluent into surface waters:	The DENR Division of Water Quality or other appropriate State treatment agency must certify to the Town that the proposed system complies with all applicable state regulations. (A "Permit to Construct" and a "Permit to Discharge" must be obtained from Division of Water Quality.)

Amended

11-15-22

4-116

IF	THEN
(5) The proposed use is a subdivision; and	
a. Lots within the subdivision are to be served by simple connection to existing Town lines or lines of a previously approved private system:	No further certification is necessary.
b. Lots within the subdivision are to be served by the Town system but the developer will be responsible for installing the necessary additions to the Town system:	The Town Engineer must certify to the Town that the proposed system meets the Town's specifications and will be accepted by the Town. (A "Permit to Construct" must be obtained from the DENR Division of Water Quality.)
c. Lots within the subdivision are to be served by a sewage treatment system that has not been approved, that has a design capacity of 3000 gallons or less and that does not discharge into surface waters:	The County Health Department must certify that the proposed system complies with all applicable state and local health regulations. If each Lot within the subdivision is to be served by a separate onsite disposal system, the CHD must certify that each Lot shown on a major division Preliminary Plat can probably be served and each Lot on a major or minor subdivision Final Plat can be served by an on-site disposal system.
d. Lots within the subdivision are to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity in excess of 3000 gallons or that discharges effluent into surface waters:	The DENR Division of Water Quality or other appropriate State agency must certify that the proposed system complies with all applicable state regulations. (A "Permit to Construct" and a "Permit to Discharge" must be obtained from Division of Water Quality.)

4.15.13. Water Supply System Required

Every Principal Use and every Lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision Lot and that complies with all applicable health regulations.

4.15.14. Determining Compliance with section 4.15.13

- (A) Primary responsibility for determining whether a proposed Development will comply with the standard set forth in Section 4.15.13 often lies with an agency other than the Town and the Applicant must comply with the detailed standards and specifications

of such other agency. Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed water supply system, the authority issuing a permit under this ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed water supply system to determine compliance with Section 4.15.13. However, specifications have been reviewed and any appropriate permits issued by such agency.

- (B) In Exhibit 4-22, the column on the left describes the type of Development and the column on the right indicates the agency that must certify to the Town whether the proposed water supply system complies with the standard set forth herein.

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Exhibit 4-22: Determining Compliance with section 4.15.13

IF	THEN
(1) The use is located on a Lot that is served by the Town water system or a previously approved, privately owned public water supply system and the use can be served by a simple connection to the system (as in the case of a Single-Family residence) rather than the construction of an internal distribution system (as in the case of a Shopping Center or apartment complex):	No further certification is necessary.
(2) The use (other than a subdivision) is located on a Lot that is served by the Town water system but service to the use necessitates construction of an internal distribution system (as in the case of a Shopping Center or apartment complex): and	
a. The internal distribution system is to be transferred to and maintained by the Town:	The Public Water Supply Section of the DENR Division of Water Resources must certify to the Town that the proposed internal distribution system meets State requirements and shall issue a "Permit to Construct" prior to construction. The Town Engineer shall certify that the improvements comply with the Town's specifications and will be accepted by the Town.
b. The internal distribution system is to be privately maintained:	The Public Water Supply Section of the DENR Division of Water Resources must certify to the Town that the proposed internal distribution system meets State requirements and shall issue a "Permit to Construct" prior to construction. The Town Engineer must certify that the proposed collection system is adequate.
(3) The use (other than a subdivision) is located on a Lot not served by the Town system or a previously approved, privately owned public water supply system; and	
a. The use is to be served by a privately owned public water supply system that has not previously been approved:	The Public Water Supply Section of the DENR Division of Water Quality must certify that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" must be obtained) The Division of Water Quality must also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day or is located in certain areas designated by Division of Water Quality. The Town Engineer must also approve the distribution lines for possible future addition to the Town system.
b. The use is to be served by some other source (such as an individual well):	The County Health Department must certify that the proposed system meets all applicable state and local regulations.

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IF	THEN
(4) The proposed use is a sub-division; and	
a. Lots within the subdivision are to be served by simple connection to existing Town lines or lines of a previously approved public water supply system:	No further certification is necessary.
b. Lots within the subdivision are to be served by the Town system but the developer will be responsible for installing the necessary additions to such system:	The Town Engineer must certify to the Town that the proposed system meets Town specifications and will be accepted by the Town. (A "Permit to Construct" must be obtained from the Public Water Supply Section.)
c. Lots within the subdivision are to be served by a privately owned public water supply system that has not previously been approved:	The Public Water Supply Section of the DENR Division of Water Quality must certify that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" must be obtained) The Division of Water Quality must also approve the plans if the water source is a well and the system has a design capacity of 100,000 per day or is located within certain areas designated by Division of Water Quality. The Town Engineer must also approve the distribution lines for possible future addition to the Town system.
d. Lots within the subdivision are to be served by individual wells:	The County Health Department must certify to the Town that each Lot intended to be served by a well can be served in accordance with applicable health regulations.

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Chapter 5. **Supplementary Conditions
for Specific Uses**

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(E) If the Accessory Dwelling is attached to the primary residence, then access is limited to the side or rear of the Accessory Dwelling or to an existing door.

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5.1. GENERALLY

5.2. ACCESSORY DWELLINGS

- (A) One (1) Accessory Dwelling Unit is permitted as an accessory to a residential use subject to compliance with the conditions of this section. The Dwelling Unit may be attached or detached, located on the side or rear of the property.
- (B) Unless otherwise specified in the Development Conditions approved as part of the PD, the maximum size of Accessory Dwellings is the lesser of fifty (50) percent of the living area of the Principal Structure or one thousand two hundred (1,200) square feet.
- (C) For the purposes of this section, living area means Gross Floor Area exclusive of garages, carports, porches, patios, decks, basements, and attics. Gross Floor Area is further defined as the area within the inside perimeter of the exterior wall with no deduction for the corridors, stairs, closets, thickness of wall, columns or other features. The meanings of the terms 'garage', 'carport', 'basement' and 'attic' shall be as defined in the North Carolina state Building Code.
- (D) Accessory Dwellings shall meet the setback requirements for the Principal Structure for the zoning district in which the Dwelling is located.
- (F) Attached or detached Accessory Dwellings must have the same architectural appearance of the primary residence such as same type

and color of siding, trim, windows, roof covering, roof pitch, and the like.

- (G) At least one (1) off-street parking space is required for each Accessory Dwelling

5.3. ACCESSORY USES AND ACCESSORY STRUCTURES

Accessory Uses and Accessory Structures shall comply with the standards of this section in addition to the zoning district standards in chapter 3 and the Development standards established in chapter 4 of this UDO.

5.3.1. Accessory Uses

- (A) Accessory Uses may be conducted under the permit issued for the primary use on a Lot when the use occurs in conjunction with, is secondary to an authorized use in the applicable zoning district and;
- (1) Constitutes only an incidental or insubstantial part of the total activity on the Lot and will not be disruptive to other uses permitted in the district, or
 - (2) Is commonly associated in Southern Pines with uses permitted in the zoning district and is integrally related to the primary use.
- (B) The following activities are specifically regarded as accessory to a primary residential use to the extent indicated:
- (1) Offices or studios that are within an enclosed building and that are used by an occupant of a residence located on the same Lot as such building to carry on administrative or artistic activities, even if of a commercial nature, so long as such activities do not fall within the definition of a home occupation.
 - (2) Yard sales or garage sales, so long as such sales are not conducted on the same Lot for more than three (3) days (whether consecutive or not) during any six (6) month period.
 - (3) Hobbies or recreational activities of a non-commercial and non-disruptive nature.

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- (4) Temporary Family Health Care Structures located in any single-family residential zoning district, per G.S. 160D-915.

(Ord. #1919)

- (C) The following activities shall not be regarded as accessory to a residential Principal Use and are prohibited in residential districts.

- (1) Storage outside of a substantially enclosed structure of any motor Vehicle that is neither licensed nor operational.
- (2) Storage outside of a substantially enclosed structure of more than four (4) motor vehicles between the front building line of the Principal Building and the street on any Lot used for Single-Family, Duplex or Special Services Homes.

5.3.2. Accessory Structures

- (A) An Accessory Structure may be established subject to the issuance of a zoning permit if it is secondary and incidental to a Principal Structure on the same Lot or Parcel that is authorized in the applicable zoning district and:
- (1) Complies with the setback requirements applicable within the district (see Exhibit 4-1);
 - (2) Is proportionate to and compatible with the Principal Structure; and
 - (3) Not more than two (2) Accessory Structures are established in an RS or RM district, excluding fences and unenclosed pools.
- (B) Gaming Operations that use more than four (4) machines may not be regarded as accessory to any other use.
- (C) Fuel pumps and canopies shall be considered Accessory Structures when established in association with convenience stores or automobile service stations in all applicable zoning districts.

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(D) Recreational amenities, such as pools, clubhouses and tennis courts that serve residential subdivisions or Multi-Family Developments shall be considered accessory to the Development and need not be located on the same Lot as the Principal Use, but shall comply with minimum setback requirements applicable to Principal Structures on the Lot on which they are located.

(E) Portable storage containers shall comply with the following standards:

- (1) If associated with a project that requires a building permit, the temporary use shall be noted on the building permit application along with an acknowledgement that the container shall be removed within ten (10) days of issuance of the final inspection or certificate of occupancy, if applicable.
- (2) If not associated with a building permit, the owner or occupant of the site shall apply for a Zoning Compliance Permit and sign an acknowledgement that the container shall be removed no more than thirty (30) days after its placement on the site.
- (3) Containers shall not be placed within the minimum side and rear setbacks for the applicable zoning district or be located closer than ten (10) feet from the front property line.
- (4) A property owner may receive a one-time extension for an additional thirty (30) calendar days at the discretion of the Planning Director. Each property may only receive one (1) Portable Moving Container permit and one (1) extension in a calendar year.

(Ord. #1716; Ord. #1696)

5.4. AUTOMOBILE SERVICE STATIONS/GAS SALES OPERATIONS

The following standards shall apply to uses that service automobiles or other vehicles, or sell gasoline or diesel fuel.

- (A) Fuel pump canopies shall adhere to the same requirements for building materials that apply to the primary building serving the

fuel station set forth in Section 4.10 *Development Design Standards* and shall also be consistent with Section 5.3.2 *Accessory Structures*.

- (B) Signs shall be regulated per Section 4.6. *Signs*, except: Signs located on the canopy or the primary structure shall be considered wall signs as defined in the UDO. The maximum number of wall signs shall not exceed more than one (1) wall sign per street frontage.
- (C) Air compressors, hydraulic hoists, pits, repair equipment, greasing and lubrication equipment, auto- washing equipment and similar equipment shall be entirely enclosed within a building.
- (D) All garbage and refuse shall be stored in mechanical loading containers located near the rear of the lot or building, but not less than twenty (20) feet from any adjacent property lines.
- (E) All accessory retail features including, but not limited to: vending machines, newspaper machines, ice machines, and the like shall be placed underneath the canopy or properly screened per the standards set forth in Section 5.12 *Outside Storage* and shall be located twenty (20) feet or more from any property line.
- (F) Certification by a registered engineer shall be required to ensure the prevention of petroleum and petroleum related product runoffs into the existing municipal storm drainage system.

(Ord. #1696)

5.4.1. Fuel Sales in the HCO or DTO Districts

Fuel sales operations within any Highway Corridor Overlay (HCO) or the Downtown Overlay (DTO) and where permitted by zoning shall meet the following standards:

- (A) Fuel pumps shall not be located between the building and a public street or in any required building setback or buffer area. For corner lots, the fuel pumps may be located in the side yard if a landscape screen is provided per Section 4.3.5 *Landscape Screens*.

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- (B) Fuel pump canopies shall not exceed the height of the roof of the primary building it serves.
- (C) Fuel sales operations with a gross floor area of the primary structure not exceeding five hundred (500) square feet shall not be permitted in any Highway Corridor Overlay (HCO) or the Downtown Overlay (DTO).
(Ord. #1696)

5.4.2. Fuel Sales outside the HCO or DTO Districts

Fuel sales operations outside of any Highway Corridor Overlay (HCO) or the Downtown Overlay (DTO) and where permitted by zoning shall meet the following standards:

- (A) Fuel pumps may be located between the building and a public street, but not in any required building setback or buffer area, if a landscape screen is provided per Section 4.3.5 *Landscape Screens*. For corner lots, the fuel pumps may be located in the side yard if a landscape screen is provided per Section 4.3.5 *Landscape Screens*.
- (B) Fuel pump canopies shall not exceed sixteen (16) feet in clearance height and twenty-one (21) feet in total height unless otherwise approved by the Town Council as part of a PD, SUP, or Architectural Compliance Permit. The clearance height shall be measured from the mean elevation of the parking area directly underneath the perimeter of the canopy to the bottom of the canopy. The total height shall be measured from the mean elevation of the parking area directly underneath the perimeter of the canopy to the highest point on the canopy.
(Ord. #1696)

5.5. BED AND BREAKFAST ESTABLISHMENTS

Bed & Breakfast establishments, where allowed, are subject to the following standards:

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

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

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

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

5.5.1. Maximum Number of Guests

- (A) The maximum number of guest rooms in a Bed & Breakfast Home shall be four (4) with not more than one (1) guestroom permitted in an existing detached structure on the same property.
- (B) The maximum number of guest rooms in a Bed & Breakfast Inn shall be more than four (4) but not more than twelve (12) with not more than one (1) guestroom permitted in an existing detached structure on the same property.

5.5.2. Performance Standards

- (A) The following standards shall apply to Bed & Breakfast Homes and Bed & Breakfast Inns:

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- (1) A Bed and Breakfast establishment shall be permitted only in a residential structure with a minimum gross living area of three thousand (3,000) square feet.
- (2) In any residential zoning district, establishment must be located that is located on a Lot with a minimum area of forty thousand (40,000) square feet.
- (3) Food service shall be limited to the breakfast meal and shall be available only to guests and not to the general public in any residential district.
- (4) Signage shall be limited to a nameplate not to exceed two (2) square feet.
- (5) To avoid a concentration of Bed and Breakfast establishments in any residential district, no new Bed and Breakfast shall be located within one thousand three hundred twenty (1,320) feet of another pre-existing Bed and Breakfast establishment, measured along a straight line from property line to property line.
- (6) A Bed and Breakfast establishment shall have vehicular access to a collector or arterial street.
- (7) One off street parking space shall be provided for each guest room.

(Ord.#1717)

5.6. CEMETERIES

- (A) A cemetery shall contain not less than five (5) acres of land in contiguous ownership.
- (B) Chapels, mortuaries, columbaria, mausoleums and sales and administrative offices may be developed within the cemetery provided that:

- (1) Not more than two (2) such buildings shall be permitted in any cemetery.
 - (2) Access to the buildings shall be from within the cemetery.
 - (3) No building permitted by these requirements shall be located closer than one hundred fifty (150) feet to any residential Dwelling on land adjoining the cemetery.
- (C) No monuments, grave markers or other such structures within the cemetery shall be allowed to extend above ground level unless the structures are located in a private cemetery that is not located adjacent to a highway corridor, collector or arterial street.
 - (D) Access to the cemetery shall be provided by private drives extending from a public street and shall be at least eighteen (18) feet wide to accommodate two-way traffic.
 - (E) Parking shall be provided entirely on private internal roads or Lots.
 - (F) A ten (10) foot wide buffer shall be maintained around the entire cemetery in accordance with section 4.3.4. There shall be no burial sites, buildings or other structures located within the buffer strip.

5.7. DAY CARE CENTERS

Day care centers shall comply with all applicable standards of the North Carolina Department of Human Resources and the following standards.

- (A) Facilities located in residential districts shall maintain the residential characteristic of the surrounding neighborhood.
- (B) There shall be a minimum of twenty-five (25) square feet of indoor space, exclusive of closets, passageways, kitchens and bathrooms per client.
- (C) There shall be a minimum of seventy-five (75) square feet of outdoor recreational space for each client. The outdoor recreational area shall

be located in a side or rear yard and shall be enclosed by a fence of at least four (4) feet in height.

- (D) For care of six (6) or more individuals, on premises pick-up and drop-off areas shall be provided and curb cuts shall be approved by the Town Engineer and the NCDOT, when applicable.
- (E) The hours of operation of a day care center in a residential district shall be limited to 6:00 am to 10:00 pm for facilities located in residential zoning districts.
- (F) Short-term, drop-in child care facilities must register with the State and are required to post a notice that they are not regulated by the State. If no outdoor play area is provided the facility may choose to provide thirty-five (35) square feet per child of indoor space in lieu of the outdoor play area as long as no child remains in care for more than a four (4) hour period per day.
- (G) All day care facilities shall comply with applicable Fire and Building Code requirements.

5.8. DRIVE-THROUGH FACILITIES

Drive-through uses may be allowed in a **GB** or **DTO** district subject to the following standards:

- (A) Traffic queues will not interfere with pedestrian movement along public sidewalks or create a traffic hazard; and
- (B) Use of the drive-through service will not interfere with the use, enjoyment or operations of adjacent properties.
- (C) Drive-through lanes or loading spaces shall not be located any closer than thirty-five (35) feet to a residential zoning district.
- (D) If a speaker box faces a residential zoning district, there shall be a fifty (50) foot wide buffer or sound wall between the speaker box and the residential district.

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(E) Stacking Lane Requirements

- (1) All uses and facilities providing drive-up or drive-through service shall provide the at least the minimum required vehicle stacking spaces established in Exhibit 5-1.
 - (2) Stacking spaces shall be a minimum of eight (8) feet wide by twenty (20) feet long.
 - (3) Stacking spaces shall not impede on-site or off-site traffic movements, including access to parking spaces.
- (F) A solid faced brick, masonry or wooden wall or fence shall be provided along a property line abutting Lots or Parcels zoned residential purposes to block lights from vehicles in the stacking lanes or drive-through facility.

Exhibit 5-1: Minimum Stacking Space Requirements

Activity	Minimum Required Stacking Spaces	Measured From
Bank teller lane	4	Teller or Window
Restaurant, drive-through	6	Order Box to Beginning of Drive Through Lane
Restaurant, drive-through	3	Order Box to Pick-up Window
Car wash stall, automatic	6	Stall Entrance
Car wash stall, self-service	3	Stall Entrance
Gasoline Pump Island	2	Pump Island

5.9. MOBILE FOOD SERVICES – FOOD TRUCKS, TRAILERS AND CARTS

Except as specifically provided in this section or authorized as part of a Special Event Permit, Variance, Planned Development District, or Special Use Permit approval, all mobile retail sales of food, including but not

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limited to food trucks, food trailers or food carts, shall comply with the regulations of this section.

5.9.1. Food Trucks, Trailers, Carts

(A) Districts Where Allowed

- (1) Food Trucks and Food Trailers for retail sales of food shall be limited to the GB and I districts.
- (2) Food Carts for retail sales of food shall be limited to the NB, GB and I districts.

(B) Location Requirements

- (1) Food trucks, trailers or carts shall not be located on any public right-of-way.
- (2) Food trucks, trailers or carts shall be located on an improved surface, to include, but not limited to, asphalt, concrete, stone or similar surface.
- (3) A maximum of one (1) food truck, trailer or cart on a Lot or Parcel at any given time. Multiple food trucks, trailers or carts may be authorized to operate on a single parcel but no more than one food truck or food trailer shall operate at any given time.
- (4) Food trucks, trailers or carts shall be located a minimum of one hundred (100) feet from the main entrance to any eating establishment or similar food service business, and one hundred (100) feet from any outdoor dining area, as measured from the designated location on the Lot or Parcel accommodating the food truck or trailer.
- (5) Food trucks, trailers or carts shall be located a minimum distance of fifteen (15) feet from the edge of any driveway or public sidewalk, utility box or vaults, handicapped ramp,

building entrance, exit or emergency access/exit, emergency call box or fire hydrant.

- (6) Food trucks, trailers or carts shall not be located within any area of the Lot or Parcel that impedes, endangers, or interferes with pedestrian or vehicular traffic.
- (7) Food trucks, trailers or carts shall not occupy any parking spaces required to fulfill the minimum requirements of the principal use of any Lot or Parcel, unless the principal use's hours of operation do not coincide with those of the food truck, trailer or cart business. Nor shall any food truck, trailer or cart occupy parking spaces that may be leased to another business and used to fulfill its minimum parking requirements.
- (8) Food trucks, trailers or carts shall not occupy any handicap accessible parking space as specified in G.S. 20-37.6.

(C) Operational Requirements

- (1) No freestanding signage or audio amplification shall be permitted as part of the food truck, trailer or cart operation.
- (2) Hours of operation of food trucks, trailers or carts shall be limited to the hours between 6:00 a.m. and 8:00 p.m., unless the designated location on the Lot accommodating the use is located within one hundred (100) feet of the property line of a single-family or duplex dwelling, in which case the hours of operation shall be limited to the hours between 7:00 a.m. and 7:00 p.m.
- (3) When open for business, the food truck, trailer or cart operator, or his or her designee, must be present at all times, except in cases of an emergency.
- (4) Food trucks, trailers and carts and any associated features of the operation including but not limited to trash receptacles and seating shall be removed from the Lot or Parcel each day.

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- (5) The food truck, trailer or cart operator is responsible for the proper disposal of waste and trash associated with the operation. Town trash receptacles are not to be used for this purpose. Operators shall remove all waste and trash from their approved location at the end of each day or more frequently to maintain the health and safety of the public.
- (6) The operator shall keep all areas of the permitted lot free and clean of grease, trash, paper, cups, cans or other materials associated with the operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the Town's sanitary sewer system.
- (7) All equipment required for the operation shall be contained within, attached to or within twenty (20) feet of the food truck, trailer or cart. All food preparation, storage, and sales-distribution shall comply with all applicable Town, County, State and Federal Health Department sanitary and safety regulations.

5.9.2. Food Truck Campuses

- (A) **Districts Where Allowed.** Food Truck Campuses shall be limited to the GB district and shall require an approval of a Special Use Permit subject Section 2.21 and the performance standards listed below.
(*Ord. #1919*)

(B) Location Requirements

- (1) Food trucks, trailers or carts operating within a Food Truck Campus shall not be located on any public right-of-way.
- (2) Food trucks, trailers or carts operating within a Food Truck Campus shall be located on an improved surface to include but not limited to asphalt, concrete, stone or similar surface.

- (3) A maximum of six (6) food trucks, trailers or carts may operate concurrently on a Lot or Parcel. Additional food trucks, trailers or carts may be authorized to operate within a Food Campus, but no more than six (6) shall operate at any given time.
- (4) Food trucks, trailers or carts operating within a Food Truck Campus shall be located a minimum of one hundred (100) feet from the main entrance to any eating establishment or similar food service business, and one hundred (100) feet from any outdoor dining area, as measured from the designated location on the Lot or Parcel accommodating the food truck or trailer.
- (5) Food trucks, trailers or carts operating within a Food Truck Campus shall be located a minimum distance of fifteen (15) feet from the edge of any driveway or public sidewalk, utility box or vaults, handicapped ramp, building entrance, exit or emergency access/exit, emergency call box or fire hydrant.
- (6) Food trucks, trailers or carts operating within a Food Truck Campus shall not be located within any area of the Lot or Parcel that impedes, endangers, or interferes with pedestrian or vehicular traffic.
- (7) Food trucks, trailers or carts operating within a Food Truck Campus shall not occupy any parking spaces required to fulfill the minimum requirements of the principal use of any Lot or Parcel, unless the principal use's hours of operation do not coincide with those of the food truck, trailer or cart business. Nor shall any retail sales - food truck, trailer or cart occupy parking spaces that may be leased to another business and used to fulfill its minimum parking requirements.
- (8) Food trucks, trailers or carts operating within a Food Truck Campus shall not occupy any handicap accessible parking space as specified in G.S. 20-37.6.

(C) Operational Requirements

- (1) Restroom facilities open to the public shall be provided.
- (2) When open for business, the food truck, trailer or cart operator, or his or her designee, must be present at all times, except in cases of an emergency.
- (3) Electrical, water and sewer utility services shall be run to a central structure and shall be used by the individual operators instead of generators.
- (4) Food Truck Campus shall provide trash receptacles for consumer use and shall provide a dumpster on site for use by the operators. Dumpsters shall be screened pursuant to the standards of Section 4.3.5. The food truck, trailer or cart operator is responsible for the proper disposal of waste and trash associated with the operation. Town trash receptacles are not to be used for this purpose. Operators shall remove all waste and trash from the consumer trash receptacles and into the Food Truck Campus dumpster at the end of each day or more frequently to maintain the health and safety of the public.
- (5) The operator shall keep all areas of the permitted lot free and clean of grease, trash, paper, cups, cans or other materials associated with the operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the Town's sanitary sewer system.
- (6) All food preparation, storage, and sales-distribution shall comply with all applicable Town, County, State and Federal Health Department sanitary and safety regulations.

(D) Design Requirements

- (1) Permanent structures on the Lot or Parcel associated with the Food Truck Campus shall be subject to the commercial design requirements set forth in Section 4.10.
- (2) Signs associated with a Food Truck Campus shall be subject to regulations of Section 4.6. Food Truck Campus signage shall be consistent with GB district requirements. Freestanding signs, wall signs and logo emblem signs may be permitted. One sandwich board sign not exceeding six (6) square feet in size and located within twenty (20) feet of the food truck may be allowed with each food truck, trailer or cart.
- (3) A minimum of five (5) parking spaces per food truck, trailer or cart shall be provided.
- (4) Landscaping for the property including buffers, screening and vehicle use area landscaping shall be consistent with the standards of Section 4.3.
- (5) With exception to property located within the Watershed Protection Overlay, which is subject to the standards set forth in Section 3.6.8, impervious surfaces shall not exceed 70%.
- (6) Food Truck Campus shall provide 30% open space, of which 75% of the required open space shall be usable as defined in Section 4.9. Areas for seating may be counted towards the usable open space requirements.
- (7) Electrical, water and sewer utility services shall be run to a central structure for use by the individual operators.
- (8) Outdoor lighting shall be consistent with the commercial district standards included in Section 4.8.

5.9.3. Authorization

(A) A Town zoning permit shall be obtained by the property owner (as listed in the Moore County, North Carolina property tax records) for any Lot or Parcel proposed to accommodate a food truck, trailer or cart with exception to those with an approved Food Truck Campus. If at any time evidence is provided that the permitted Lot or Parcel is being used other than in compliance with these regulations, the zoning permit shall be rendered null and void, and the owner may be subject to penalties as set forth in Section

(B) This zoning permit shall be renewed annually.

(C) The operator, ~~including~~ excluding those operating within an approved Food Truck Campus, shall obtain a Town food truck, trailer or cart permit annually. Prior to the issuance of the permit, the operator shall provide evidence of the property owner having obtained a Town zoning permit ~~or Special-Use Permit for the lot or parcel proposed to accommodate a food truck~~ (as described in paragraph (A) of this subsection), a food vending permit from the Moore County Environmental Health Department, a North Carolina Sales and Use Certificate for collecting and paying the proper sales taxes, and a means for the disposal of grease within an approved grease disposal facility.

(Ord. #1919)

(D) If at any time evidence of the improper disposal of liquid waste or grease is discovered, the food truck permit for the operator shall be rendered null and void and the food truck, trailer or cart shall be required to cease operation immediately. The operator may be to penalties as set forth in Section 5.9.5.

(E) Copies of the zoning permit and food-vending permit shall be kept in the food truck, trailer or cart at all times and be available upon request.

(F) If at any time, the Moore County Environmental Health Department revokes or suspends the issued food-vending permit, the Town permit for the food truck, trailer or cart business shall be revoked or suspended simultaneously.

5.9.4. Penalties

(A) This section shall be enforced as provided in Chapter 8 of this code.
(Ord. #1820; Ord. #1919; Ord. #1959)

5.10. HOME OCCUPATIONS**5.10.1. Purpose**

The purpose of these regulations is to

- (A) To permit the conduct of home occupations as a secondary use to a Dwelling Unit, whether owner or renter occupied;
- (B) To ensure that such home occupations are compatible with, and do not have a harmful effect on nearby residential properties and uses;
- (C) To adequately protect existing residential neighborhoods from dust, odors, noise, traffic and/or other potentially adverse effects of home occupations;
- (D) To allow residents of the community to use their homes as a work place and a source of livelihood, under certain specified standards, conditions and criteria;
- (E) To enable the fair and consistent enforcement of these home occupation regulations; and
- (F) To promote and protect the public health, safety and general welfare.

5.10.2. Performance Standards

Except as otherwise authorized in the WSPO district, Home Occupations may be permitted subject to the requirements of this section.

Commented [BG8]: Food Truck Campuses go through a lot of review during the SUP process and have strict operating requirements for all trucks. The operator of the campus has a SUP that can be revoked if operational requirements aren't met. If a food truck is operating within an approved Food Truck Campus, it makes no sense to require that it also get an operator's permit to verify many of the same operating standards. This would require the SUP for the campus operator and up to six separate operator permits for the trucks. That seems like overkill for food trucks. If the same food trucks LEAVE the campus and operate elsewhere in Southern Pines, they'll need their operator's zoning permit.

(A) The following standards shall apply in all zoning districts:

- (1) Retail sales are prohibited and goods, stock in trade or other commodities shall not be displayed.
- (2) There will be no associated outdoor activities or outdoor storage of materials or equipment related to the home occupation on the premises.
- (3) There shall be no entrance or exit way specifically provided in the Dwelling or on the premises for the conduct of a home occupation.
- (4) The use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, or unhealthy or unsightly conditions. In addition, any equipment or process shall not create audible or visual interference in any radio or television receivers on any adjacent properties.
- (5) Delivery and distribution of goods from commercial suppliers will be limited to between the hours of 7 a.m. and 6 p.m.
- (6) Customer hours are limited to the hours between 7 a.m. and 9 p.m.
- (7) The use shall not be visibly evident from outside the Dwelling except for a Sign, as provided by standards contained herein.
- (8) Home occupations shall comply with applicable Fire and Building Code standards.
- (9) Shipping deliveries and pick-ups (excluding U.S. Postal Service) are limited to two (2) per day.
- (10) The Applicant for a home occupation shall demonstrate that public facilities and utilities are adequate to safely accommodate any equipment used in conjunction with the home occupation.

(Ord. #1714, Ord. #1703)

(B) In the **RE** and **RR** zoning districts, the following Home Occupation criteria shall apply on Lots of five (5) acres or larger.

- (1) Operations must be located in a residence or Accessory Structure.
- (2) Not more than three (3) client vehicles may park on the site at one time.
- (3) The maximum area for a home occupation is two thousand five hundred (2,500) square feet unless otherwise authorized by a Special use Permit.
- (4) Up to three (3) non-resident on-site employees are allowed.
- (5) Noise levels from the home occupation, shall not exceed a level generally excepted by that area.
- (6) Off-street parking spaces shall be provided as required for the residential use, plus one (1) space for each employee.
- (7) Storage of dangerous, combustible or volatile materials used in conjunction with the home occupation shall not be permitted in residential Dwellings.
- (8) Home occupations may include the grooming, boarding, medical treatment of animals, training or breeding.
- (9) Agricultural equipment repair and maintenance is authorized within an enclosed structure.
- (10) Storage or on-site operations involving tractor trailers is prohibited.

(Ord. #1919)

(C) In all other residential districts, the following home occupation criteria shall apply:

- (1) Except as authorized above in the RE and RR districts, uses shall be conducted entirely within the principal Dwelling and shall

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not exceed the lesser of five hundred (500) square feet or twenty-five (25) percent of the living area.

- (2) Not more than two (2) client vehicles may park on the site at one time.
- (3) Up to one (1) non-resident on-site employee is allowed.
- (4) Construction vehicles, heavy equipment or vehicles requiring a commercial driver's license to operate may not be stored on the site.
- (5) Noise levels from the home occupation, shall not exceed a level generated in a typical Single-Family home.
- (6) Off-street parking spaces shall be provided as required for the residential use.
- (7) Storage or use of dangerous, combustible or volatile materials shall not be permitted.
- (8) Home occupations shall not involve animal grooming, boarding, medical treatment, training or breeding.

5.10.3. Exempt Home Occupations

The following home occupations shall be subject to all applicable home occupation regulations and standards of this section, if all persons engaged in such activities live on the property and the following conditions are met:

- (A) Artists, sculptors, composers not selling their artistic product to the public on the premises;
- (B) Craft work, such as jewelry-making and pottery with no sales permitted on the premises;
- (C) Home offices with no client visits to the home;
- (D) Telephone answering and message services without non-resident employees; and

- (E) Day care for fewer than six (6) children, including the occupants' own children.

(Ord. #1703)

5.10.4. Unsafe Home Occupations

- (A) If, in the opinion of the Planning Director, any home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians or motorists, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Planning Director shall issue an order to the Dwelling owner and/or tenant on the property on which the home occupation is being undertaken directing that the home occupation be immediately made safe or be terminated.
- (B) The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Planning Director may take any action to make the home occupation and Dwelling safe. Costs incurred by the Planning Director, if forced to take enforcement actions, shall be borne by the property owner and, shall be treated as a zoning violation pursuant to this UDO.

5.10.5. Prohibited Home Occupations

Except as specifically authorized above, the following home occupations are prohibited:

- (A) Animal hospitals;
- (B) Physicians, dentists and chiropractors;
- (C) Dance studios;
- (D) Exercise studios
- (E) Mortuaries;

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- (F) Nursery schools or day care;
- (G) Public or private clubs;
- (H) Motorized equipment and appliance repair shops;
- (I) Restaurants;
- (J) Stables and kennels;
- (K) Automobile repair and paint shops.
- (L) Barber shops and beauty parlors;
- (M) Body piercing services;
- (N) Hotels or motels;
- (O) Massage services, except those provided by a Licensed Massage Therapist
- (P) Palm reading and fortune telling;
- (Q) Tattoo and body art studios;
- (R) Any use that would constitute a nuisance as defined by the Town's code of ordinances.

5.11. INSTITUTIONAL CARE FACILITIES

5.11.1. Applicability

Institutional care facilities include:

- (A) Hospitals, clinics and other medical treatment facilities in excess of 10,000 square feet;
- (B) Nursing Care Institutions, Intermediate Care Institutions, Handicapped, Aged or Infirm Institutions and Child Care Institutions;
- (C) Continuing Care Retirement Communities that provide assisted or graduated care for seniors;

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- (D) Institutions for the confinement of the mentally ill; and.
- (E) Single-Family and Multi-Family Dwellings.

5.11.2. Generally

The following standards apply to all institutional care facilities

- (A) Dwellings may be allowed in accordance with the minimum Lot area standards of the RM-1 zoning district.
- (B) Residential building setbacks may be reduced between individual buildings on the interior portion of the facility to meet minimum Fire Code standards.
- (C) Setbacks on the perimeter of the Development shall be the same as that for the zoning district in which located or the abutting district, whichever is greater.
- (D) The minimum spacing between non-residential buildings shall be at least twenty (20) feet.
- (E) The minimum room sizes in a special services home shall be one hundred fifty (150) square feet for a living or principal room, one hundred (100) square feet for a kitchen and dining room combination, one hundred (100) square feet for the first bedroom and seventy (70) square feet for each additional bedroom.
- (F) The issuance of a Special Use Permit for an institutional care facility shall be conditioned upon the Applicant obtaining any required state license within ninety (90) days after approval of the permit.
(Ord. #1919)
- (G) To prevent a concentration of institutional care facilities in residential neighborhoods, no such facility shall be located within one thousand three hundred twenty (1,320) feet of another such facility, measured along a straight line from property line to property line.

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5.11.3. Continuing Care Retirement Communities

The following standards shall apply to Continuing Care Retirement Communities:

- (A) Existing Continuing Care Retirement Communities that are not authorized by zoning classification shall be considered conforming uses for purposes of reconstruction or expansion, subject to the provisions of this section. All new or expanded structures for principal or accessory uses shall be located on the existing site. Any expansion to adjacent or contiguous sites outside of the existing property boundaries will require approval through the PD zoning process.

(Ord. # 1716)

- (B) PD zoning is required and all facilities shall be approved through the PD approval process established in section 2.18.
- (C) In addition to the PD approval criteria, the Town Council shall find that the proposed Development will:
- (1) Create a more desirable environment than would otherwise be possible under existing zoning and provide a compatible mix of housing types;
 - (2) Make efficient use of land that results in smaller networks of utilities and streets and thereby lowering construction and maintenance costs.
 - (3) Enhance the appearance of neighborhood through the preservation of natural features, the provision of underground utilities and the retention of at least twenty (20) percent of the site for open-space areas.
 - (4) Be compatible with and will contribute to the stability and vitality of surrounding residential areas and businesses.
 - (5) Not create an undue fiscal burden on existing taxpayers for the provision and maintenance of public facilities and services.

- (D) Where more than one (1) Special Services Home for the handicapped, aged or infirm is located on the campus of a Continuing Care Retirement Community (CCRC) regulated by the North Carolina Department of Insurance, the homes on the campus are exempt minimum separation requirement from each other, but the campus is subject to the separation requirement from existing off-site special services home.
- (E) The continuing care retirement community shall be for the sole residency of persons aged sixty-two (62) years or older.
- (F) The number of nursing care beds shall not be more than 50 percent of the total number of permitted dwelling units.
- (G) Conveniently located indoor common areas for recreation, social, and dining shall be provided for the residents.

5.12. OUTSIDE STORAGE

Outdoor storage, where allowed, is subject to the following standards:

- (A) No articles, goods, materials fixed machinery or equipment, vehicles, trash, animals or similar items shall be stored, kept in the open or exposed view from adjacent sites, streets or sidewalks.
- (B) Storage areas shall be fully enclosed by a brick, masonry, wooden or solid face fence or wall not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.
- (C) Storage abutting properties zoned for residential use shall provide the required buffer between the fence and the property line.
- (D) The buffer that is otherwise required shall be increased in width by twenty (20) percent between outside storage areas and the property line and comply with the landscape screening standards of section 4.3.5.

5.13. OUTSIDE OPERATIONS

5.13.1. In the CB District

The occupant of premises in the **CB** district may display goods or merchandise outdoors if:

- (A) The display or displays are within twelve (12) feet of the premises and do not interfere with pedestrian or vehicular movement;
- (B) The display or displays do not occupy more than twenty (20) square feet and are no greater than four (4) feet in height;
- (C) The display or displays are removed when the premises are not open for business.

5.13.2. In the NB District

Outdoor dining is authorized in the NB district subject to the following standards:

- (A) Outdoor dining operations shall not be allowed between the hours of 10:00 pm and 7:00 am; all displays and stands shall be moved indoors nightly;
- (B) The Use is contained on the property and will not interfere with pedestrian movement along public sidewalks;
- (C) The Use will not create a traffic hazard;
- (D) The Use will not interfere with the use, enjoyment or operations of adjacent properties.

5.13.3. In the GB District

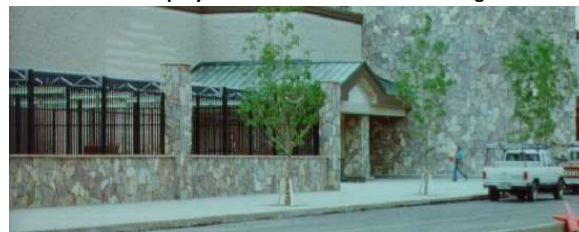
Except as provided above, outdoor display of goods for sale shall be limited to the **GB** district and shall comply with the following standards:

- (A) Outdoor display of automobiles and other large vehicles shall be allowed subject to compliance with the landscaping standards for

Vehicle Use Areas in section 4.3.6 and applicable **HCO** district standards.

- (B) Temporary sales shall be allowed subject to the provisions of section 5.22.
- (C) All other outdoor displays shall be limited to the displays within areas that are enclosed by walls or fences and located behind the front building line.

Outdoor Display Screened Behind Front Building Line



5.14. OUTSIDE KENNELS

Outside kennels, where allowed, are subject to the following standards:

- (A) No portion of an outside kennel shall be located within two thousand (2,000) feet of a **RS-1**, **RS-2**, **RS-3**, **RM-1**, or **RM-2** zoning district, or of an existing residential structure not owned by the owner of the outside kennel except as provided in the following paragraph.
- (B) An outside kennel may be no closer than one thousand two hundred (1,200) feet to a **RS-1**, **RS-2**, **RS-3**, **RM-1**, or **RM-2** zoning district or to an existing residential structure not owned by the owner of the outside kennel if the kennel is constructed with sound-deflecting walls that separate the kennel from said district or use.

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5.15. RELIGIOUS INSTITUTIONS**5.15.1. Authorized Locations**

- (A) Religious institutions, including, but not limited to churches, synagogues, temples, mosques and other places of religious worship, along with their accessory uses, are permitted in subject to the following Development approvals based upon size limitations:

Type of Religious Institution	Maximum Seating in the Largest Place of Assembly	Districts Where Authorized
Small Religious Institutions	up to 250	Allowed in RR, NB and GB districts
Other Religious Institutions	251 or more	Allowed in RR and GB districts

- (B) Religious institutions shall only be permitted on a lot that fronts onto, a collector or arterial street.

5.15.2. Special Requirements for Existing Religious Institutions in Certain Districts

- (A) Existing religious institutions that are not authorized shall be considered conforming uses for purposes of reconstruction or expansion, subject to the provisions of this section.
- (B) All new or expanded structures for principal or accessory uses shall be located on a contiguous site.
- (C) Parking for all new or expanded structures for principal or accessory uses shall be located on a contiguous site except that required parking cannot be accommodated on the site may be satisfied by:
- (1) Parking on an existing parking lot that complies with the UDO requirements for shared or satellite parking. For purposes of

this paragraph, existing parking lots include parking lots established prior to adoption of the UDO; or

- (2) Parking on a site in a GB district located within 600 feet of the entry to the religious institution; or
- (3) Parking on a site further than 600 feet from the entry to the religious institution and the institution establishes and agrees to maintain a shuttle service from the remote parking area.

5.15.3. Requirements for Institutions in the NB Districts

- (A) The principal building, accessory uses and parking must be on a contiguous site.
- (B) Offices associated with the activities or business of the religious institution shall occupy no more than twenty-five (25) percent of the total floor area of buildings on the lot. In cases where the total floor area developed on the site is less than 4,000 square feet, office activities may occupy as much as 1,200 square feet.
- (C) All buildings, outdoor recreational facilities, and off-street parking and service areas shall be separated by a twenty (20) foot wide buffer from abutting property located in a residential district.
- (D) Outdoor recreation facilities shall not be illuminated for nighttime use.

5.15.4. General Requirements for Accessory Uses

- (A) Accessory uses shall meet the following requirements:
- (B) Accessory structures and uses shall meet the setback and buffer requirements that apply to the principal structure(s).
- (C) Accessory uses shall be governed by other provisions of these regulations for the underlying district. Where accessory uses such as television stations, radio stations, printing presses, or sports complexes are forbidden in association with nonreligious uses, they shall also be forbidden in association with religious uses. This provision

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shall in no way restrict accessory use family life centers and multipurpose facilities, a part of whose function may include recreation and sports activities.

- (D) The accessory use shall be owned and operated only by the owner of the primary use.
- (E) The facility housing the accessory use shall meet all local, State or federal standards.
- (F) The owner of the primary use shall obtain any licenses required to conduct the accessory use. Any approval of the accessory use shall be contingent upon receipt of all licenses.
- (G) Outdoor play or activity areas shall be no closer than fifty (50) feet from a residential zoning district.
- (H) Except in the **RR** and **GB** districts, the following activities shall be prohibited in association with religious institutions: retreat centers; overnight lodging facilities or other temporary sleeping quarters; and any use not specifically identified as an allowable accessory use. Notwithstanding the prohibition of overnight lodging, one (1) residential dwelling unit may be provided as a parsonage pursuant to paragraph J.
- (I) Child day care, adult day care, preschool or child nursery uses are allowable accessory use subject to the following standards:
 - (1) The total floor area allocated to the child day care, adult day care, preschool or nursery Uses shall not exceed ten (10) percent of the total floor area on the site. The calculation of total floor area allocated to the uses shall be cumulative and shall include all child day care, adult day care, preschool, nursery facilities and related mechanical and support facilities.
 - (2) An off-street drop-off area for persons served by the facility shall be provided. The entrance and vehicle drop off points shall not be located on a street providing primary access to

residences, unless such street is classified as a collector or arterial.

- (J) A fellowship hall is an allowable accessory use subject to the following standards:
- (K) Dining, including dining open to the public as a “soup kitchen,” is permitted between the hours of 8:00 a.m. and 10:00 p.m., provided:
 - (1) The owner of the religious use ensures that meal recipients remain on the site except during travel to and from the fellowship hall; and
 - (2) No consideration or value of any kind is given, directly or indirectly, in exchange for the meal.
- (L) The total floor area allocated to the fellowship hall, including related mechanical and support facilities, shall not exceed twenty (20) percent of the total floor area on the site.
- (M) The entrance to the fellowship hall shall not be located on a Street providing primary Access to residences, unless such Street is classified as a collector or arterial.
- (N) One (1) residential Dwelling Unit is allowable to serve as a parsonage, subject to the following standards:
- (O) A minimum Lot area for the Dwelling Unit (“parsonage lot”) shall be 6,000 square feet. The parsonage lot shall be used exclusively for the Dwelling Unit and shall not include any primary or other accessory use allowable on the site. the parsonage lot shall not be used for any support activity to the primary or accessory uses, such as outdoor play areas, storage or parking, other than as specifically provided below.
 - (1) Two (2) parking spaces shall be provided within the parsonage lot.
 - (2) The maximum building height on the parsonage lot shall be thirty-five (35) feet.

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- (3) The parsonage lot may contain children's outdoor play equipment, in a size and quantity typical of a single family residential use.

5.15.5. Parking

- (A) A specific parking plan shall be provided prior to the establishment or expansion of a primary or accessory use at a Religious Institution.
- (B) The parking plan shall identify:
 - (1) The primary use and each accessory use proposed on the site;
 - (2) The hours of operation and peak times of use (parking demand) for the primary use and each accessory use on the site;
 - (3) The parking standards for the primary use and each accessory use shall be identified based upon section 4.5;
 - (4) Areas designated for overflow parking during times of extraordinary use (such as festival or holiday periods).
- (C) The parking plan may include reduced or shared parking. If reduced or shared parking is proposed, the parking plan and supporting data shall clearly indicate that differing peak uses and associated parking requirements shall not result in a parking deficiency on the site.

5.15.6. Setbacks for Large Religious Institutions

For religious institutions that exceed 7,000 square feet in total floor area, excluding the parsonage, if any, the minimum setback and buffer from any residential property line that is otherwise required shall increase five (5) feet for each 1,000 square feet or portion thereof, over 7,000 square feet.

5.16. SATELLITE DISH ANTENNAS

- (A) The provisions of this section shall apply to satellite dish antennas that are greater than twenty-four (24) inches in diameter.

- (B) Only one satellite dish antenna shall be allowed per premises, except for display models as provided in this section.
- (C) In **RE** and **RR** zoning districts, a ground-mounted satellite dish antenna may be installed only in a side or rear yard and shall not be located within any required building setback.
- (D) In all nonresidential zoning districts:
 - (1) A satellite dish antenna may be installed at any location on the Lot except within ten (10) feet of either a public street right-of-way or a side or rear yard Lot line that abuts a residentially zoned district.
 - (2) A satellite dish antenna may be installed on the roof of the Principal Structure provided it is anchored to a rafter, girder or other superstructure member of the building so as to be structurally secure.
- (E) A dish antenna shall be permanently ground or roof mounted (where permitted) and no antenna shall be installed on a portable or moveable structure except to transport an antenna to a permanent site or to provide a temporary on-site antenna for testing purposes not to exceed seven (7) days in duration.
- (F) A dish antenna shall be painted with a dull, non-glossy finish. No lettering, numerals or pattern shall be permitted on the dish surface other than the name of the manufacturer in letters not to exceed six (6) inches in height.
- (G) No antenna shall exceed an overall diameter of twelve (12) feet or an overall height of seventeen (17) feet above existing grade when located on the ground.
- (H) When located on the roof of a building in a non-residential district, no antenna shall exceed the building height limitation for the district in which it is located by more than ten (10) feet.

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- (l) Inoperative satellite dish antennas, not to exceed two (2) in number, may be stored outside of commercial establishments in districts in which satellite dish retail sales are permitted. Such display models shall comply with the outside display regulations of section 5.13.

(1)

5.17. SPECIAL ENTERTAINMENT USES

5.17.1. Findings

The Town Council finds that

- (A) Some special entertainment uses because of their very nature can have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances can produce deleterious secondary effects on adjacent areas and the community at large, including increased transients, increased crime, disruptive conduct, financial instability and negative influences on children and the surrounding populace.
- (B) Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood due to the deleterious secondary effects listed above.
- (C) Avoiding concentration of these uses, separating these uses from other uses and screening these uses can reduce the deleterious secondary effects listed above.
- (D) These special regulations are itemized in this section. The primary control or regulation is the purpose of preventing a concentration of these uses in any one area (i.e., not more than one (1) such use within one thousand (1,000) feet of each other which would create such adverse effects).

- (1) Adult Bookstores;

- (2) Adult Motion Picture Theaters housed in a permanent indoor structure;
- (3) Clubs and other places of entertainment operated as a commercial enterprise providing nude or semi-nude entertainment such as "topless" dancing;
- (4) Eating and drinking establishments including drive-in curb service providing nude or semi-nude entertainment such as "topless" dancing;
- (5) Any Physical Culture establishment, masseur, massage parlor, health salon or club not otherwise defined in this UDO.
- (6) Adult Motels and Hotels.

(E) Location of uses.

- (1) No use regulated under this section may be located within one thousand (1,000) feet of another use permitted under this section which will be measured from the exterior walls of the building(s) containing such regulated use.
- (2) No use permitted under this section may be located within seven hundred and fifty (750) feet of any area zoned for residential use or from the property line of any residential Dwelling, religious institutions, nursery schools, day care center (child/adult) or public or private schools, in any zoning districts. This distance shall be measured as the shortest line between the property lines of The uses.
- (3) No use regulated under this section may be located in any designated **HCO** district or within two hundred (200) feet of Old U.S. Highway #1 measured from the nearest right-of-way boundary to the exterior wall of the building containing such use.

- (F) **Parking.** Parking requirements shall meet the parking requirements of this UDO and provide parking spaces in accordance with Exhibit 5-2:

Exhibit 5-2: Parking Space Requirements for Special Entertainment Uses

Land Uses	Minimum Vehicle Parking Spaces
Adult Bookstores	One space per 100 sq. ft. of Gross Floor Area
Adult Motels and Hotels	1 space per room to be rented
Adult Motion Picture Theaters	1 space per 2 seats
Nude or Semi-Nude Clubs	1 space per 100 sq. ft. of Gross Floor Area plus 1 space per 2 seats at bar or tables
Physical Culture Establishments	1 space per employees, 1 space for every person that the facilities are designed to accommodate when fully used plus 1 space per 100 sq. ft. not included in above calculation

- (G) **Landscaping.**

Landscaping shall meet the screening requirements set forth in 4.3.5. Specifically, a buffer of fifteen (15) feet in width shall be required to encompass all Lots developed or proposed for Development, including Shopping Centers containing such uses but excluding driveways. Plantings shall comply with the requirements of sections 4.3.4. and 4.3.5.

- (H) **Signs.**

- (1) Signage is limited to one (1) Wall Sign per premise.
- (2) The maximum Sign area shall be 10 square feet.

(Ord. passed 12-12-1989; Am. Ord. 1272, passed 10-15-2007; Am. Ord. 1381)

5.18. SPECIAL EVENTS

- (A) Special events may be conducted in those districts as authorized in chapter 2 of this UDO if the event has been granted a permit under the guidelines promulgated by a Permit Issuing Authority designated by the Town Manager

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- (B) The guidelines shall ensure that the special event will not materially endanger the public health and safety, will be in harmony with the area in which it is located and will not unreasonably disrupt or interfere with the flow of traffic or the rights of adjacent or surrounding property owners.
- (C) The permit may impose conditions limiting the hours and duration of the event, preventing disruption of adjacent uses, and assuring removal of litter caused by the event at no expense to the Town.
- (D) If the event includes the consumption of any alcoholic beverages, the permit may be issued only if the Applicant demonstrates that any selling or distributing the beverages on public property is not for profit and has secured all applicable permits and approvals required by the State of North Carolina at the time of submittal of the Special Use Permit application.
- (Ord. # 1716)*
- (E) In cases where it is deemed necessary, the Permit Issuing Authority may require the Applicant to post a bond to ensure compliance with the conditions of the Special Use Permit.
- (Ord. #1919)*
- (F) If the permit Applicant requests the Town to provide extraordinary services or equipment or if the Town Manager otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the Applicant shall be required to pay to the Town a fee sufficient to reimburse the Town for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

5.19. SPECIAL HOME EVENTS

For any for-profit business in which weddings, parties, gatherings, and the like take place on privately owned property. Such special home events shall be conducted under the following restrictions:

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- (A) Maximum number of guests is eighty (80).
- (B) No amplified music to be located outside.
- (C) The number of events permitted per year shall be a maximum of twenty (20).
- (D) Hours of operation shall be from 10:00 a.m. to 10:00 p.m.
- (E) All parking shall be located on the property where the special home event is to take place.
- (F) Property shall be a minimum of two and nine-tenths (2.90) acres in size for the special home event.
- (G) Minimum house size to hold special home events is three thousand (3,000) square feet.
- (H) Each special home event shall be registered at the Planning Department with a letter outlining the event activities.
- (I) A Special Use Permit is required for any Applicant wanting to hold special home events.
(Ord. #1919)

5.20. SPECIAL SERVICES HOMES

- (A) Special services homes include:
 - (1) Homes for the Handicapped, aged or infirm;
 - (2) Intermediate Care Homes;
 - (3) Child Care Homes; and
 - (4) Halfway Houses.
- (B) Halfway Homes shall be limited to a maximum of four (4) residents and a minimum Lot size of 35,000 square feet.
(Ord. #1714)

- (C) The issuance of a zoning permit for a special services home shall be conditioned upon the Applicant obtaining any required state license within ninety (90) days after approval of the permit.
- (D) To prevent a concentration of special services homes in residential neighborhoods, no such home shall be located within one thousand three hundred twenty (1,320) feet of another such facility, measured along a straight line from property line to property line. Halfway Houses shall not be located within five thousand (5,000) feet of another such facility, measured along a straight line from property line to property line.
- (E) No special services home shall house mentally ill persons who are determined to be dangerous to others as defined in G.S. 122C-3(11)b.
- (F) Signage shall be limited to a nameplate not to exceed two square feet in area.
- (G) The Applicant shall submit to the Permit Issuing Authority a statement addressing
 - (1) The number of staff personnel to reside in the facility and their backgrounds and qualifications;
 - (2) The number of individuals to be housed in the facility;
 - (3) The purpose of the facility and the nature of the handicap of the individuals who will reside there; and
 - (4) The intake criteria that have been or will be used in screening the persons who will live in and benefit from the facility.
- (H) A special services home located outside of a CCRC campus may not be located within one thousand three hundred twenty (1,320) feet of a CCRC campus property line.

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5.21. TEMPORARY EMERGENCY, CONSTRUCTION OR REPAIR RESIDENCES

- (A) Temporary emergency residences may be established on a Lot during the repair or reconstruction of residences destroyed or made uninhabitable by fire, wind water or other catastrophic event.
- (B) Temporary residences used on construction sites of non-residential premises shall be removed immediately upon the completion of the project.
- (C) Permits for temporary residences to be occupied pending the construction, repair or renovation of the permanent residential building on a site shall expire within six months after the date of issuance. The Planning Director may renew such permit for one additional period not to exceed three months after determining that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation or restoration work necessary to make such building habitable.

5.22. TEMPORARY USES

- (A) A Zoning Permit may be authorized by the administrator for Christmas Tree, pumpkin and related ornamental sales, collective retail merchant sales and shows provided that:
 - (1) All applicable Town and state permits and/or licenses have been obtained.
 - (2) No more than one ground or Wall Sign, not to exceed six square feet in area is located on the premises and no banners, pennants, streamers, strings of twirlers or propellers and similar devices are erected.

- (3) The temporary use is operated only during the hours of 7 a.m. and midnight and is conducted for a period not to exceed thirty consecutive days.
- (4) No more than two (2) Zoning Permits are issued to the same person, household, site, firm or organization in any one calendar year.

- (B) Other temporary uses of land must be approved as special events in accordance with section 5.18.

5.23. TOWERS AND RELATED STRUCTURES

Towers and related structures that are fifty (50) feet or taller in Height shall require a Special Use Permit prior to construction or installation and are subject to the following standards:

- (A) Towers cannot be located in the **HCO, CB, NB** or **OS** districts.
- (B) Towers cannot be located within one thousand (1,000) feet of any **RE, RS** or **RM** zoning district or any residential Development in a **PD** zoning district.
- (C) Towers taller than fifty (50) are allowed by Special Use Permit in the **RR, GB** and **FRR** districts.
- (D) The Special Use Permit application shall provide information that:
 - (1) Demonstrates the antenna's compliance with State and Federal radio frequency emission standards.
 - (2) Specifies the tower height and design and include a cross-section of the structure.
 - (3) Details any technical, engineering, economic and other pertinent factors governing the selection of the proposed design.
 - (4) Demonstrates the tower's compliance with applicable structural standards, which may include certification that the tower will

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withstand sustained winds in accordance with local building codes or nationally recognized standards.

- (5) Describes the failure characteristics of the tower and demonstrates that the site and setbacks are of adequate size to contain debris.
- (6) Describes the tower's maximum capacity, including the number of antennas that it can accommodate for collection, taking into consideration radio frequency interference, mass, height and other characteristics, as well as options to overcome any problems that these considerations may pose to service delivery.
- (7) Assesses the environmental impact of the facility siting, including the impact on adjacent structures and districts as well as on historic sites and streetscapes.
- (8) Determines whether the construction of the tower and its reception and transmission functions will interfere with the usual and customary transmission or reception of radio, television and other services on adjoining properties.
- (9) Documents the due diligence in seeking and subsequent failure to find space on an existing tower to collocate their antenna(s) (if permission for tower construction is being sought).
- (10) Documents compliance with or exemption from FCC, FAA, MEPA and any other federal or state regulations applicable to the siting; statements must be issued from the FCC, FAA or the state attesting to the proposed facility's compliance.
- (11) Includes an agreement between the Town and the tower owners and their successors to allow shared use of the tower if:
 - (a) Capacity exists based on existing and planned use;
 - (b) A future Applicant for space on the tower agrees in writing to pay any reasonable change for shared use; and

(c) The potential use is technically compatible.

- (12) Documents anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and traffic, noise or safety impacts of such maintenance.
- (13) Documents liability insurance or bonding where applicable.
- (14) Includes approval of the site owner, if different from the tower owner, to apply for a permit.

(Ord. #1919)

5.24. HOMELESS SHELTERS

Homeless Shelters and related establishments shall require a Special Use Permit prior to construction or establishment of the subject use.

- (A) Homeless Shelters are defined as housing with minimal supportive services for homeless persons that are limited to occupancy of six months or less by a homeless person.
- (B) Homeless Shelters are only permitted in the GB (General Business) zoning classification.
- (C) To prevent a concentration of Homeless Shelters, no Homeless Shelter shall be located within one thousand three hundred twenty (1,320) linear feet of another such facility. The distance shall be measured along a straight line from property line to property line.
- (D) No Homeless Shelter shall be located within seven hundred fifty (750) feet of any area zoned for residential use or from the property line of any residential dwelling unit. The distance shall be measured along a straight line from property line to property line.
- (E) Signage shall be limited to a nameplate not to exceed two (2) square feet in area.
- (F) The Special Use Permit for a Homeless Shelter shall expire three (3) years from the effective date of the permit approval. A Homeless Shelter may continue in operation after expiration of the permit only if

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Southern Pines Unified Development Ordinance

Chapter 5: Supplementary Conditions for Specific uses

the Town has granted a new Special Use Permit in response to an application submitted no earlier than six (6) months before the expiration of the previous permit approval. The procedures and requirements in effect at the date of the application shall apply in determining whether the new permit shall be granted.

(G) The applicant shall provide to the Permit Issuing Authority during the Special Use Permit application a statement addressing the following:

- (1) The number of staff personal to reside in the facility along with their backgrounds and qualifications.
- (2) The maximum number of individuals to be housed in the facility.
- (3) The intake criteria that have been or will be used in screening the persons who will benefit from the facility.
- (4) The operation schedule for the homeless shelter, seasonal or permanent.

- (5) The hours of operation for the homeless shelter.
- (6) The length of stay for an individual and the period of time required in between stays for an individual.
- (7) A list of supportive services to be provided to individuals to be housed in the facility; including but not limited to the following: meals, showers, education, job and/or skill training, clothing or other (please list).
- (8) The proposed impact on neighboring properties and businesses.
- (9) Any other information that may be pertinent to the operation of the homeless shelter.

(Ord. #1718; Ord. #1919)

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Chapter 6. Development Patterns

Chapter 6 Contents

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6.1. CLUSTER SUBDIVISION

(A) In any Single-Family residential subdivision in the zones indicated below, a developer may create Lots that are smaller than those required by in the **RS** zoning districts if such developer complies with the provisions of this section and if the Lots so created are not smaller than the minimums set forth in Exhibit 6-1: Minimum Lot Size for Cluster Subdivisions:

Exhibit 6-1: Minimum Lot Size for Cluster Subdivisions

Zoning District	Minimum Lot Size
RS-1	7,500 sq. ft.
RS-2	15,000 sq. ft.
RS-3	22,500 sq. ft.

(B) The intent of this section is to authorize the developer to decrease Lot sizes and leave the land "saved" by so doing as usable open space, thereby lowering Development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of Lots required by each applicable zoning district.

- (C) The amount of usable open space that must be set aside shall be determined by:
- (1) Multiplying the number of Lots that are smaller than the minimum area for Lots in the applicable district by the minimum area required per Lot in that district;
 - (2) Totaling the square footage of all Lots that are smaller than that standard specified for the applicable zoning district;
 - (3) Subtracting the result in paragraph (1) from the result in paragraph (2).

Example for a 100 Lot subdivision in an RS-1 District	
Number of Lots smaller than the minimum Lot size for the district	100 Lots
Minimum area per Lot required	10,000 sq. ft./lot
Product (number of Lots times the minimum area per Lot)	1,000,000 sq. ft.
Total area of Lots that are smaller than the minimum. Assume that the Lots average 8,000 sq. ft. (100 x 8,000)	800,000 sq. ft.
Total amount of Usable Open Space required (1,000,000 – 8,000,000)	200,000 sq. ft

- (D) The provisions of this section may only be used if the Usable Open Space set aside in a subdivision comprises at least ten thousand (10,000) square feet of space that complies with section 4.9.
- (E) The setback requirements for the applicable zoning districts shall apply in cluster subdivisions.

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6.2. CONSERVATION SUBDIVISION

6.2.1. Title

These regulations shall officially be known, cited, and referred to as the Southern Pines Conservation Subdivision regulations or Conservation Subdivision regulations.

6.2.2. Intent

Conservation subdivisions provide a voluntary option for property owners to allow smaller Lots than can be achieved through conventional Development in the **RE** and **RR** districts, while retaining Significant open areas that may be used for agriculture, forestry or environmental purposes. While this choice will not be desired by all property owners, these regulations enable conservation subdivision Development that reduces infrastructure costs and increases the value of Lots that front on the open space areas.

6.2.3. Purposes

This section is adopted for the following purposes:

- (A) To guide the future growth and Development consistently with the Comprehensive Plan;
- (B) To guide site analysis to plan appropriate areas for Development and conservation;
- (C) To preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources;
- (D) To preserve scenic views by minimizing views of new Development from existing roads;
- (E) To preserve prime agricultural land by concentrating housing on land that has low agricultural potential;

- (F) To provide commonly-owned open space areas for passive and/or active recreational use by residents of the Development and, where specified, the larger community;
- (G) To provide for a diversity of Lot sizes, housing choices and building densities to accommodate a variety of age and income groups;
- (H) To provide buffering between residential Development and non-residential uses;
- (I) To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors;
- (J) To preserve significant archaeological sites, historic buildings and their settings; and
- (K) To meet demand for housing in rural settings.

6.2.4. Applicability

The conservation subdivision standards may be applied to any divisions of a Parcel of twenty (20) acres or more in the **RE** or **RR** zoning district, where the subdivision creates at least three (3) new Parcels and at least forty (40) percent of the gross acreage of the site is reserved as open space in a primary or secondary conservation area. A conservation subdivision may be created through the Special Use Permit process or the PD Development process.
(Ord. #1919)

6.2.5. Procedure

Conservation subdivisions shall be approved through the following general process, which is more fully described below:

Step 1: Meet with Planning Director
(may be combined with site visit)

Step 2: Inventory and mapping of
existing resources for the site, including

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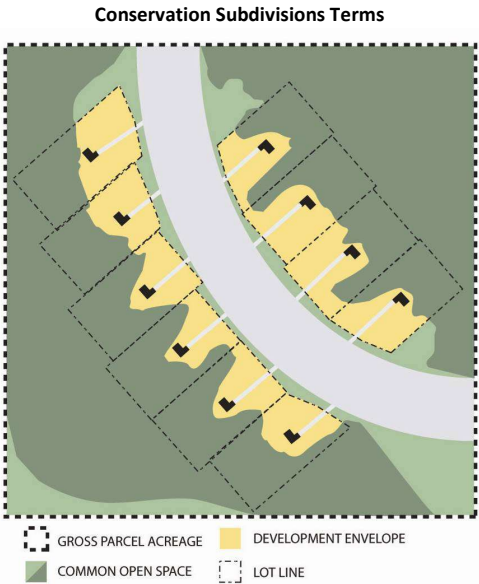
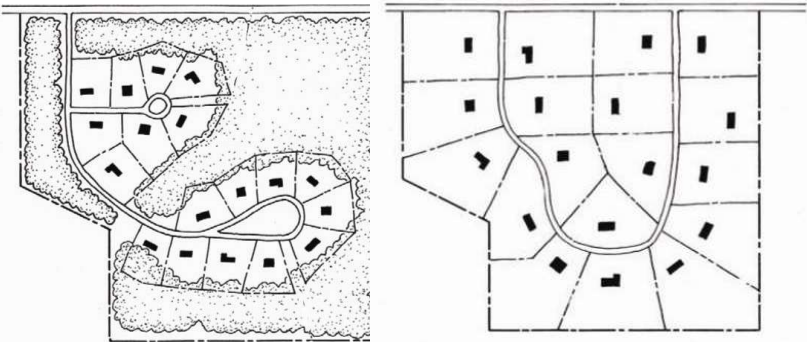
the identification of primary and secondary conservation areas.

Step 3: Calculate Development potential.

Step 4: Prepare a concept map of the conservation subdivision for staff review and recommendations

Step 5: Submit the concept plan and Preliminary Plat for review through the conventional subdivision process.

Conservation Subdivisions versus Conventional Design



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(A) Initial Conference

Before submitting an application for a conservation subdivision, the Applicant shall schedule an appointment and meet with the Planning Director to discuss the procedure for approval of a conservation subdivision, including submittal requirements and design standards. The initial conference may be conducted in coordination with a site visit.

(B) Inventory and Mapping of Existing Resources

After the initial conference, the Applicant shall submit the following information to the Planning Director, which shall be mapped at a scale of no less than one (1) inch to fifty (50) feet:

- (1) Topographic contours at two (2) foot intervals;
- (2) United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems;
- (3) Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways, and steep slopes;
- (4) Land cover on the site, according to general cover type (pasture, woodland, etc.), and stand-alone trees with a caliper of more than twenty-four (24) inches measured four and one-half (4.5) feet off the ground. The inventory shall include comments on the health and condition of the vegetation;
- (5) Current and past land use, including all buildings and structures on the land, cultivated areas, brownfields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances, such as easements or covenants;
- (6) Known critical habitat areas for rare, threatened or endangered species;
- (7) Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location where the photographs were taken;
- (8) Unique geological resources, such as rock outcrops and glacial features; and
- (9) Cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological features. This includes a review of existing local, state and national inventories for historic buildings, archaeological sites, and burial sites.

(C) Site analysis and concept plan.

Using the inventory described in the previous paragraph and applying the design standards specified in the following section, the Applicant shall submit a concept plan and site analysis on one or more sheets that shall include at least the following information at a scale of no less than one inch to 50 feet:

- (1) Open space areas indicating which areas are to remain undeveloped and trail location;
- (2) Boundaries of areas to be developed and proposed general street and Lot layout;
- (3) Number and type (e.g., Single-Family detached, town home, etc) of Dwelling Units proposed;
- (4) Proposed methods for and location of water supply, stormwater management (e.g., Best Management Practices), and sewage treatment;
- (5) Inventory of preserved and disturbed natural features and prominent views;
- (6) Preliminary building envelopes showing areas for lawns, pavement, buildings;

- (7) Proposed methods for ownership and management of open space;
 - (8) General location map showing the general outlines of existing buildings, land use, and natural features such as water bodies or Wooded Areas, roads and property boundaries within five hundred (500) feet of the Tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch: 400 feet;
 - (9) Boundary line of the proposed site and all property to be subdivided, including all contiguous land owned or controlled by the Applicant;
 - (10) Location, width, and names of all existing platted streets and rights-of-way to a distance of one hundred (100) feet beyond the site;
 - (11) The type, width and condition of street improvements; railroad or major utility rights-of-way; parks and other public open spaces; location and widths of existing trails; and permanent buildings and structures on the site and within one hundred (100) feet of the site;
 - (12) Location, widths, and names of all existing public and private easements on the site and within one hundred (100) feet of the site;
 - (13) Name and ownership boundary lines of all adjoining lands within one hundred (100) feet of the site;
 - (14) Topographic data including contours at vertical intervals of not more than two (2) feet;
 - (15) Identification of primary and secondary conservation areas;
 - (16) Existing soil classifications, including hydric soils;
 - (17) Legal description of the property;
 - (18) Existing zoning classifications for land in and abutting the subdivision;
 - (19) Total acreage of the proposed site; and
 - (20) Graphic scale, north arrow, and date.
- (D) Subdivision Design Features
In addition to the information required for a Preliminary Plat for a conventional subdivision, the following information shall be included:
- (1) Development Envelopes showing areas for grading, lawns, pavement and buildings.
 - (2) Open space areas, other than pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres. Provide information on the conditions, if any, of the dedication or reservation.
 - (3) Management plan for restoration and long-term management of the open space areas.

6.2.6. Requirements for Design and Improvements

(A) Primary Conservation Areas

The following are considered Primary Conservation Areas and shall be included in the retained open space unless the Applicant demonstrates that this provision would constitute an unusual hardship or be counter to the purposes of this section:

- (1) The 100-year floodplain
- (2) Buffer zones of at least 75 feet along all perennial and intermittent streams, ponds and lakes
- (3) Slopes above 25 percent of at least 5,000 square feet contiguous area
- (4) Wetlands

- (5) Habitats of endangered or threatened species
- (6) Archaeological sites, cemeteries and burial grounds

(B) Secondary Conservation Areas

The following are considered Secondary Conservation Areas and shall be included in the retained open space to the maximum extent feasible.

- (1) Important historic sites, structures or features
- (2) Healthy native forests of at least one contiguous acre
- (3) Individual existing healthy trees greater than eight (8) inches caliper
- (4) Significant natural features and scenic viewsheds such as ridgelines, peaks and rock outcroppings and scenic pastures, meadows and hedgerows
- (5) Prime agricultural lands of at least five contiguous acres
- (6) Existing trails that connect to adjacent areas

6.2.7. Performance Standards**(A) Residential Lot Requirements**

- (1) The number of new Parcels that can be created shall be consistent with the density established in the applicable zoning district unless bonus densities are sought.
- (2) Lot sizes shall be determined based on DNER requirements and applicable bonus densities.
- (3) Setbacks and building heights shall be consistent with the applicable zoning district regulations, except as modified through the subdivision approval process.
- (4) Lots shall be configured to minimize the amount of impervious surfaces -- maximum lot coverage shall not exceed thirty-five

(35) percent of the Lot area, including buildings and other impervious surfaces.

- (5) All Lots shall take access from interior streets. Existing farmsteads to be preserved may have a driveway as part of the historic landscape that does not access a local street.
- (6) Lots shall be configured to minimize the amount of road length required for the subdivision.
- (7) Building Lots shall be configured to minimize loss of woodlands.
- (8) If agricultural uses are being maintained, Lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
- (9) All Lots within a neighborhood shall abut open space on at least one side. A local street may separate Lots from the open space.
- (10) Building Lots should not be located on ridges, hilltops, along peripheral public roads or in other visually prominent areas.
- (11) Residential structures shall be oriented to maximize solar gain in the winter months.
- (12) A native vegetation buffer not less than thirty (30) feet in width shall be maintained around ponds and lakes, unless a specific common beach or grassed area is identified.

(B) Bonus Densities in the RE and RR Zoning Districts

To promote the retention of open space, the density ranges established in the Exhibit 6-2 shall apply to Development within the **RE** zoning district that retains open space in accordance with section 4.9 **or** agricultural land. Agricultural land shall be limited to limited to pasture or crop production, with the exception that a single homestead may be retained on any agricultural tract encompassing twenty (20) or more acres. Land retained as open space or limited to agricultural uses shall be designated as a separate parcel or parcels on the subdivision plat and shall be protected by

conservation easement. If an existing homestead is retained on an agricultural tract, it shall not be counted when calculating the gross density of the conservation subdivision.

Exhibit 6-2: Density Bonuses

Maximum Gross Density		Minimum Percentage of Gross Acreage Retained for Open Space ⁽¹⁾ Pasture or Crop Production
RE District	RR District	
1 dwelling per 5 acres	1 dwelling per 30,000 sq. ft.	40%
1 dwelling per 4.5 acres	1 dwelling per 27,500 sq.ft.	45%
1 dwelling per 4 acres	1 dwelling per 25,000 sq. ft.	50%
1 dwelling per 3.5 acres	1 dwelling per 22,500 sq. ft.	60%
1 dwelling per 3 acres	1 dwelling per 20,000 sq.ft.	70%

(C) Stormwater Management Requirements (see Exhibit 6-3)

- (1) Minimize the use of curb and gutter and maximize the use of open swales.
- (2) Roof down spouts should drain to porous surfaces.
- (3) Peak discharges during the 10-year, 24-hour storm event shall be no more than pre-Development conditions.
- (4) The Development should capture eighty (80) percent of the total suspended solids from the ten (10) year, twenty-four (24) hour storm event.
- (5) Landscape plantings should be used to increase infiltration and decrease runoff.
- (6) Natural open drainage systems shall be preserved.

Exhibit 6-3: Examples of Stormwater Management Techniques



(D) Residential Cluster Siting Standards

Residential clusters shall be located to:

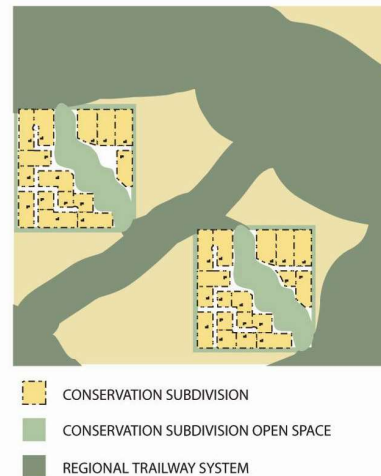
- (1) Minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses;
- (2) Avoid encroaching on rare, threatened or endangered species habitats;
- (3) Enable open spaces to connect with existing or potential open space lands on adjoining Parcels and with greenways (see Exhibit 6-4);

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- (4) Minimize impacts to prime farmland soils and large Tracts of land in agricultural use, and avoid interference with normal agricultural practices;
- (5) Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.
- (6) Prevent downstream impacts due to runoff through adequate on-site storm water management practices.
- (7) Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
- (8) Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
- (9) Enable the use of landscaping around the cluster to reduce off site views of residences.

Exhibit 6-4: Open Space Connectivity**(E) Sewage and Water Facilities**

- (1) Water for a conservation subdivision may be provided by municipal system, individual onsite wells, by one or more community wells meeting State requirements or by other centralized service. Plans for shared or community wells should include a wellhead protection plan with separation distances for the zone of influence and sources of pollution.
- (2) All conservation subdivisions shall be provided with adequate sewage treatment facilities meeting DENR standards. Where sewage treatment is not provided by a publicly owned wastewater treatment works, a common sewage treatment and disposal unit located on the common open space lands is encouraged.

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6.2.8. Ownership and Maintenance of Open Space and Common Facilities

The designated common open space and common facilities may be owned and managed by one or a combination of the following:

- (1) A homeowners' association
- (2) A non-profit conservation organization
- (3) An individual who will use the land for open space or agricultural purposes allowed by the Conservation Easement
- (4) Public ownership

(B) Homeowners' Association

A homeowners association shall be established if the common open space is proposed to be owned by a homeowners association. Membership in the association shall mandatory for all purchasers of homes in the Development and their successors. The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval to the Town as part of the information required for the Preliminary Plat. The homeowners' association bylaws or the declaration of covenants, conditions and restrictions of the homeowners association shall contain the following information:

- (1) The legal description of the common land;
- (2) A description of common facilities;
- (3) The restrictions placed upon the use and enjoyment of the lands or facilities;
- (4) Persons or entities entitled to enforce the restrictions;
- (5) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums;

- (6) A mechanism for resolving disputes among the owners or association members;
- (7) The conditions and timing of the transfer of ownership and control of land facilities to the association;
- (8) Any other matter the developer deems appropriate.

(C) Nonprofit Conservation Organization

If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the Town. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.

(D) Individual Ownership

An individual may hold fee title to the land while a nonprofit or other qualified organization holds a Conservation Easement uses for the common open space.

(E) Public Dedication of Open Space

The Town may, at its sole discretion accept the dedication of fee title or dedication of a Conservation Easement to the common open space provided that:

- (1) The common open space is accessible to the public and is part of the Town's Greenway Plan; and
- (2) The Town agrees to and has access to maintain the common open space.

(F) Streets

Streets that have been designated on a duly adopted official map or element of the Comprehensive Plan shall be dedicated to the Town, County or State as applicable. The streets and right-of-way shall comply with the applicable design standards of the responsible entity.

6.2.9. Conservation Subdivision Management Plan

Every conservation subdivision shall include a plan that documents the means to properly manage the common open space and facilities in perpetuity, including any stormwater facilities. A management plan shall not be required for land that is retained for agricultural use. The plan shall be approved by the Town prior to Final Plat approval and shall:

- (A) Designate the ownership of the open space and common facilities.
- (B) Establish necessary regular and periodic operation and maintenance responsibilities.
- (C) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
- (D) Include a land stewardship plan specifically focusing on the long-term management of common open space lands, and describing:
 - (1) Existing conditions including all natural, cultural, historic, and scenic elements in the landscape;
 - (2) The proposed end state for each common open space area; and the measures proposed for achieving the end state;
 - (3) Proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring historic features and habitats or ecosystems; and
 - (4) The operations needed for maintaining the stability of the resources, including: stormwater management facilities; mowing schedules; weed control; planting schedules; clearing and cleanup; at the Town's discretion, the Applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.
- (E) Document the method for amendment of the plan by the owner with the approval of the Town.

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6.2.10. Failure to Manage Open Space and Common Areas

In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition, the Town may send notice setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation this UDO, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The Town may enter the premises and take corrective action and assess the costs to the management entity.

6.3. SMALL SINGLE-FAMILY LOT PATTERNS**6.3.1. Purpose and Applicability**

The purposes of this section are to enable the Development of existing small Lots and to provide guidance for the creation of smaller Lots as part of Planned Developments.

6.3.2. Existing Single Lot Development

For single Lots that do not meet the minimum Lot width standards, Development shall comply with existing setbacks to the greatest extent practical. However, the Planning Director may grant a reduction of side setbacks by up to two (2) feet upon finding that the following conditions apply:

- (A) The proposed home is not more than two (2) stories in height;
- (B) The home has an entry facing the street that includes a front porch measuring at least six (6) feet in depth and a width not less than the greater of sixteen (16) feet or seventy (70) percent of the front façade width;

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- (C) The roof is either a hip or gable style with a pitch of not less than four (4) feet of rise for every twelve (12) feet of width.
- (D) Parking shall be located at least five (5) feet behind the front building line. Attached or detached garages may be located to the rear of the home. If an attached garage is located to the side of a home, it must be located at least five (5) feet behind the front building line and shall not be greater than thirty (30) percent of the total width of the home.

6.3.3. Existing Multiple Lot Development

Where at least four (4) abutting Lots share a common street frontage:

- (A) The side setbacks may be reduced to zero (0), provided that the minimum distance between buildings is not less than ten (10) feet and the minimum side setback for Lots abutting Existing Development or a street are not more than two (2) feet less than the minimum setback required for the applicable district. Where setbacks are less than four (4) feet from an internal property line, a maintenance easement measuring at least five (5) feet in width shall be required to provide adequate access for home maintenance.
- (B) All other standards for existing single Lot Development in the previous section shall apply.

6.3.4. New Narrow Lot Development

Within a Planned Development, the Applicant may establish any Single-Family Lot pattern that:

- (A) Satisfies the purposes of the district;
- (B) Does not exceed eight (8) Dwelling Units per gross acre;
- (C) Satisfies the requirements established in section 6.3.2; and
- (D) The Applicant demonstrates that the homes will provide adequate housing and a stable neighborhood.

6.4. TRADITIONAL NEIGHBORHOOD DEVELOPMENT

6.4.1. Required Elements

While design flexibility is encouraged within a Traditional Neighborhood Development (TND), the following design elements are mandatory:

- (A) **Land Use Diversity.** A TND shall include a mix of residential, civic and non-residential land uses.
- (B) **Residential Density.** Residential density shall be calculated by dividing the number of Dwelling Units by the residential acreage (excluding street rights-of-way). Densities shall be consistent with the Comprehensive Plan. For mixed use areas, the density shall be based on the following standards:
 - (1) Detached, Single-Family residential Development shall not exceed eight (8) Dwelling Units per acre, excluding street rights-of-way.
 - (2) Attached residential Development shall not exceed twenty-four (24) Dwellings per acre, excluding street rights-of-way.
 - (3) Mixed use buildings shall not exceed sixteen (16) Dwellings per acre.
 - (4) The minimum density of all residential properties shall be at least four (4) Dwellings per acre, excluding street rights-of-way.
 - (5) Housing Diversity. The Development shall include a mix of residential Dwelling Unit types and residential Lot sizes.
- (C) **Connectivity.** To promote walkability and emergency access, streets shall be designed in accordance with section 4.11 with sidewalks and be highly interconnected.
 - (1) Local street blocks shall not exceed 800 feet in length except where a physical feature (e.g., water, wetlands, or Existing Development) limits potential connectivity.

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- (2) Collector street blocks shall not exceed 1,000 feet in length except where a physical feature (e.g., water, wetlands, or Existing Development) limits potential connectivity.
 - (3) Arterial street blocks shall not exceed 2,000 feet in length except where a physical feature (e.g., water, wetlands, or Existing Development) limits potential connectivity.
 - (4) When approving a block that exceeds the minimum block length, a pedestrian cross-walk may be required as a condition of plat approval.
- (D) **Setbacks.** The plats for the TND shall establish minimum and maximum setbacks that promote pedestrian access to non-residential and civic uses.
- (E) **Parking.** Parking shall comply with the provisions of chapter 4 except as modified by section 6.4.4.
- (F) **Common Space.** Common space shall comply with the standards established in section 6.4.5.

6.4.2. Optional Elements

Optional design elements that are encouraged, but not required include:

- (A) **Alleys.** Private alleys are encouraged to provide access to both residential and non-residential uses.
- (B) **Mixed Use Buildings.** Buildings with vertically mixed uses (e.g., residential over retail) and live-work units are encouraged.

6.4.3. Circulation

- (A) **General Circulation Standards.** The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links within the residential areas, mixed use area, and common space of the traditional neighborhood Development and shall be connected to existing and proposed external Development.

The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off street bicycle or multi-use paths or bicycle lanes on the streets), control through traffic, limit Lot access to streets of lower traffic volumes, and promote safe and efficient mobility through the traditional neighborhood Development.

- (B) **Pedestrian Circulation.** Pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the TND. All streets, except for alleys, shall be bordered by sidewalks. The following provisions also apply:
 - (1) Sidewalks in residential areas. Clear and well-lighted sidewalks, at least five (5) feet in width shall be provided along all streets and walkways shall connect all Dwelling entrances to the adjacent public sidewalk.
 - (2) Sidewalks in mixed use areas. Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be a minimum of six (6) feet in width.
 - (3) Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
 - (4) Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.
- (C) **Bicycle Circulation.** Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths.
- (D) **Motor Vehicle Circulation.** Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as curb extensions, traffic circles, and medians may be used to calm traffic speeds.
- (E) **Street Layout.** The TND should maintain the existing street grid, where present, restore any disrupted street grid where feasible and establish

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a new internal grid, if not contiguous with other Development. In addition:

- (1) Intersections shall be at right angles whenever possible, but in no case less than seventy-five (75) degrees. Where more than two streets intersect or two streets intersect at angles less than seventy-five (75) degrees, traffic circles shall be used. Traffic circles are encouraged.
- (2) Corner radii. The roadway edge at street intersections shall be rounded by a tangential arc with a maximum radius of fifteen (15) feet, except that maximum corner radii for parkways and boulevards shall be twenty (20) feet. The Town Engineer may require the installation of rollover curbs at intersections to facilitate emergency service provision.
- (3) Curb cuts for driveways to individual residential Lots shall be prohibited along arterial streets. Curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic or Multi-Family Residential uses.
- (4) The orientation of streets should enhance the visibility of common spaces and prominent buildings. All streets shall terminate at other streets, civic uses or other public land, except those that terminate at stub streets when such streets act as connections to future phases of the Development.

6.4.4. Parking

(A) **General Parking Requirements.** The following provisions supplement the parking standards established in section 4.5. Where there is a conflict between the following standards and other standards the following standards shall prevail:

- (1) In residential areas, garage doors which face the front of a Lot shall be placed a minimum of twenty (20) feet behind the setback of the Principal Structure. However, the Board may modify this requirement for no more than twenty (20) percent

of the Dwelling Units if warranted by topography or other environmental conditions.

- (2) In the mixed-use area, parking lots shall be located at the rear or side of buildings. If located at the side, a wall or hedge not less than thirty (30) nor more than forty-two (42) inches shall be installed to screen the parking Lot.
- (3) In non-residential areas, parking spaces in most instances should be located in parking lots located behind the buildings, internal to the block and to the rear or side of buildings. Side parking lots shall account for no more than twenty-five (25) percent of parking per site, and shall be screened from sidewalks by a wall or hedge not less than thirty (30) nor more than forty-two (42) inches.
- (4) In the case of commercial or office uses which have shop or store fronts adjacent to sidewalks and streets, parking along the street directly in front of the Lot shall count toward fulfilling the parking requirements.
- (5) Required parking must be provided within a five (5) minute (one-quarter (1/4) mile) radius of the site which it serves.
- (6) Parking lots or garages should not be adjacent to or opposite a street or intersection.
- (7) Parking shall be accessed by alley or rear lane, when available. However, there shall be no parking in an alley or lane.
- (8) The location of permitted on-street parking should be coordinated to allow access to mail boxes. A central mail delivery location for all or a portion of the Lots may be provided as opposed to individual deliveries to Lots.
- (9) On-street parking shall be prohibited within thirty (30) feet of intersections to enable public service and emergency vehicles adequate turning radii, and in mid-block sections such that

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emergency vehicles can park and operate within one hundred twenty-five (125) feet of all buildings on the block.

- (10) If a developer desires to exceed minimum requirements for parking for non-residential uses, it shall be provided on grassy, pervious surfaces (of reinforced/plastic grid, reinforced block or similar material) which are adequate to sustain parked vehicles.
 - (11) Parking lots or garages must provide not less than one (1) bicycle parking space for every ten (10) motor vehicle parking spaces.
 - (12) Parking structures may have adjacent commercial uses.
- (B) **Parking in Mixed Use Areas.** In a mixed-use area, a commercial use must provide one (1) parking space for every four hundred (400) feet of Gross Floor Area. The Director may reduce this required number of spaces for commercial and office uses when the Applicant demonstrates reduced demands due to the following shared parking provisions:
- (1) If an office use and a retail use share parking, the parking requirement for the retail use may be reduced by twenty (20) percent, provided that the reduction shall not exceed the minimum parking requirement for the office use.
 - (2) If a residential use shares parking with a retail use other than lodging uses, eating and drinking establishments or entertainment uses, the parking requirement for the non-residential use may be reduced by thirty (30) percent, provided that the reduction does not exceed fifty (50) percent of the minimum parking requirement for the retail and service use.
 - (3) If an office and a residential use share off-street parking, the parking requirement for the office use may be reduced by fifty (50) percent, provided that the reduction shall not exceed fifty (50) percent of the minimum parking requirement for the office use.

6.4.5. Common Space and Natural Areas.

- (A) The following uses may account for common space with the stated limitations:
- (1) Parks, open greenbelt areas, and other recreational space which are readily accessible must account for not less than twenty-five (25) percent of the common space.
 - (2) Greenbelts along roadways and medians that measure at least twenty (20) feet in width may constitute twenty-five (25) percent of the required common space.
 - (3) Lakes, ponds, bayous, streams, or creeks, including stormwater retention basins may constitute up to fifty (50) percent of common space provided that they are designed so that a minimum of twenty (20) percent, but not less than three hundred (300) feet, of frontage of the abutting shoreline is made accessible for the common use.
 - (4) Golf courses may account for up to fifty (50) percent of the common space provided that the course is open to the public. If a golf course is proposed as part of the TND it shall be designed to adhere to the concepts stated herein with regards to the street network to the extent practical.

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- (5) Natural wetlands may account for up to fifty (50) percent of common space if reasonably visible from interpretive walkways provided in and through the wetland.
- (6) Hard surface recreation areas such as recreational courts and pedestrian plazas may account for up to twenty (20) percent of required common space.
- (7) The grounds of school sites, library sites, and other civic sites, excluding the area devoted to buildings and parking, may account for up to twenty (20) percent of required common space.



(B) Common space shall not include:

- (1) Required elements such as:
 - (a) Yards which are not accessible for the common use;
 - (b) Parking areas, unless constructed of pervious surface treatment;
 - (c) Drainage ditches or paved stormwater conveyances.



- (2) Structures (unless a part of the common space such as gazebos);
- (3) Areas reserved for the exclusive use and benefit of an individual tenant or owner.

6.4.6. Architectural Standards

A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

- (A) **Height.** New Single-Family residential structures within a TND shall comply with R-1 zoning district standards. Commercial, Multi-Family Residential or mixed use structures in the village center shall not exceed sixty-five (65) feet in height, or forty (40) feet in height if located within two hundred (200) feet of a Single-Family residence located outside the project TND boundaries.
- (B) **Entries and Facades**
 - (1) The architectural features, materials, and the articulation of a facade of a building shall be continued on all building sides visible from a public street.

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- (2) The front facade of the Principal Building on any Lot in a TND shall face onto a public street or square.
 - (3) The front facade shall not be oriented to face directly toward a parking Lot.
 - (4) Porches no less than five (5) feet in depth, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.
 - (5) For commercial buildings, a minimum of fifty (50) percent of the front facade wall area on the ground Floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
 - (6) New structures on opposite sides of the same street should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.
- (C) **Requirements for garages and secondary Dwelling Units.** Garages and secondary Dwelling Units may be placed on a Single-Family detached residential Lot within the Principal Building or an Accessory Building provided that:
- (1) The secondary Dwelling Unit shall not exceed eight hundred (800) square feet;
 - (2) The garage doors may not be located closer than twenty-five (25) feet to any street except an alley; and
 - (3) Detached structures shall be located in rear yard.
- (D) **Requirements for Exterior Signage.** A comprehensive Sign program is required for the entire TND. This program shall establish a uniform Sign theme, with Signs sharing a common style (e.g., size, shape, material). In the mixed use area, all Signs shall be Wall Signs or cantilever Signs. All street and traffic control Signs shall comply with the Manual for Uniform Control Devices.

(E) **Landscaping Standards**

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- (1) Unless otherwise provided in this section, landscaping shall meet or exceed the standards in section 5.03.00 of this UDO.
- (2) A minimum of one large tree per forty (40) feet of street frontage, or fraction thereof, shall be required. Trees can be clustered and do not need to be evenly spaced. Subject to approval of the Town Engineer, trees may be planted within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees shall be planted within the front yard setback adjacent to the sidewalk.



6.5. EMPLOYMENT CENTER PATTERNS

6.5.1. Purpose

These Development Patterns provide opportunities for Development Patterns that support high-wage jobs while maintaining compatibility with existing and planned Development.

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6.5.2. Development Patterns Established

Development may occur in any of the Development Patterns established in this section in accordance with the use standards, site design standards, building design standards and other applicable provisions of this UDO.

- (A) Corporate Campus/Business Park - A master-planned Development under unified ownership or control that includes offices and flex spaces for target industries with retail, restaurants and lodging as secondary support uses that are permitted by right. Retail and restaurants shall be located within office buildings or clustered in nodes at the entries of the Development.
- (B) Industrial Park – A master planned Development unified ownership or control that provides locations for production, ancillary distribution and office uses.

6.5.3. Uses Permitted

Unless otherwise approved through the Planned Development, Special Use Permit, or Conditional Zoning processes, no building, structure or land shall be used for any purpose except the following:

- (A) Residential Development may be allowed within a mixed-use building that is located in a Development complying with standards established for corporate campus Development subject to Town Council of a Planned Development District.
- (B) Professional offices.
- (C) Manufacturing, processing or product assembly where all operations are contained within a structure. Warehousing and distribution facilities are allowed as an accessory to these uses.
- (D) Scientific laboratories and research enterprises.
- (E) Secondary support uses, including hotels, motels and restaurants, provided that no such use may be established unless included in a

phasing plan and that the square footage of such uses shall not exceed ten (10) percent of the Gross Floor Area of the Development.
(Ord. #1714; Ord. #1919)

6.5.4. Development Intensity/Density

- (A) Exhibit 6-5 establishes the maximum potential density and the maximum floor area ratio allowable for each Development Pattern.
- (B) For buildings with Dwelling Units or lodging units above non-residential Floor area, maximum Dwelling Unit or lodging accommodation unit density and the floor area ratio shall be calculated using the total Lot area.

Exhibit 6-5: Intensity/Density Standards

Development Pattern	Maximum Floor Area Ratio and Guest Rooms per Acre	Maximum Density (Dwellings Units per acre)
Corporate Campus/Business Park	0.5/24	12
Industrial Park	0.5	NA

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6.5.5. Site Design Standards**(A) Building Setbacks.**

Exhibit 6-6 establishes the minimum setbacks from property lines. Greater setbacks may be required where Development is adjacent to residential districts or where other site constraints exist.

Exhibit 6-6: Minimum Building Setbacks

Building Setback	Development Pattern	
	Corporate Campus/Business Park	Industrial Park
Front	15 feet	35 feet
Side, Street	25 feet	35 feet
Side, Internal¹	25 feet	10 feet ²
Rear	25 feet	25 feet ²
Notes:		
1 Common walls between buildings are allowed subject to building code compliance.		
2 Minimum building setback is 50 feet if adjacent to a residential zoning district (see buffer requirements in section 102-875(b)(6)).		

(Ord. #1714)

(B) Landscaping Minimum front yard landscaping requirements are established in Exhibit 6-7.**Exhibit 6-7: Front Yard Landscaping**

Corporate Campus/Business Park	Industrial Park
1. A minimum 10 feet wide planting strip shall be provided along the building perimeter. 2. Planting strips shall include the following: a. Minimum 1 small or large tree for every 15 feet of building façade facing a street, excluding walkways, driveways and loading areas. The trees may be clustered or extended along the building façade; and b. Minimum 1 shrub is required for 2 linear feet of building façade (excluding walkways, driveways and loading areas). The shrubs may be clustered or extended along the building façade.	1. Minimum 5 feet wide planting strip shall be provided along the front and street side building facades. 2. Planting strips shall include the following: a. Minimum 1 small tree for every 15 feet of building façade facing a street, excluding walkways, driveways and loading areas. The palms and /or understory trees may be clustered or extended along the building façade; and b. Minimum 1 shrub is required for every 3 linear feet of building façade (excluding walkways and loading areas). The shrubs may be clustered or extended along the building façade.

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(C) Open Areas. Minimum requirements for open areas are established in Exhibit 6-8. Open areas include landscape areas and other outdoor common areas, such as courtyards and plazas.

Exhibit 6-8: Open Areas/Landscaping

Corporate Campus/Business Park	Industrial Park
At least 20 percent of the total project area shall be devoted to open areas. Retention Ponds with walkways and seating areas shall be counted towards the required open areas.	At least 20 percent of the total project area shall be devoted to open areas. Retention Ponds with walkways and seating areas shall be counted towards the required open areas.
At least one small tree shall be planted for every 200 square feet of open area.	
At least one large tree shall be planted for every 800 square feet of open area.	



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(D) **Parking Lot Landscaping.** Parking Lot landscaping shall comply with the section 4.3.6 except that portions of parking lots that are adjacent to public streets shall include one shade tree per forty (40) feet and be screened by:

- (a) Continuous dense evergreen shrubs at least 3 feet in height adjacent to the parking area, within a minimum 5 feet planting area;
- (b) Low walls made of concrete, masonry, or other similar material and not exceeding a height of 3 feet. Groundcover and trees must still be provided in the required 5 feet planting area; or
- (c) Raised planter walls planted with minimum 80 percent evergreen shrubs not to exceed 3 feet in height.

(E) **Outdoor Storage and Operations.** Outdoor storage and operations are prohibited in the Corporate Campus/Business Park Development Patterns. Screening for Industrial Parks shall comply with the provisions of section 5.12

(F) **Buffers Between Residential and Non-Residential Districts.** Where an employment center Development Pattern abuts a residential district, a landscape buffer or opaque brick or masonry wall complying with the standards in Exhibit 6-9 is required on any rear or side Lot line abutting the residential district. For buffers with walls, the wall shall be located on the side of the buffer located closest to the building on the site providing the buffer.

Parking Lot Landscaping Illustrations



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Exhibit 6-9: Minimum Buffers Abutting Residential Districts

Corporate Campus/Business Park	Industrial Park
1. Landscape buffer complying with fifty (50) foot wide buffer per section 4.3.4. OR 2. Brick or masonry wall complying with the following standards: a. Minimum 6 feet high and a maximum 8 feet high wall with offsets or columns at every 50 linear feet; and b. Minimum twenty (20) foot wide buffer per section 4.3.4 on the side of the wall facing the residential district.	1. Landscape buffer complying with eighty (80) foot wide buffer per section 4.3.4 OR 2. Brick or masonry wall complying with the following standards: a. Minimum 6 feet high and a maximum 8 feet high wall with offsets or columns at every 50 linear feet; and b. Minimum thirty (30) foot wide buffer per section 4.3.4 on the side of the wall facing the residential district.

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(G) Fences and Walls. No fence or wall shall be established in any front or street side yard except as established in these district regulations. Exhibit 6-10 establishes the general standards for fences and walls for

the employment center Development patterns district. Where used, brick or masonry walls shall have graffiti-resistant paint or finishes.

Exhibit 6-10: Fence and Wall Standards

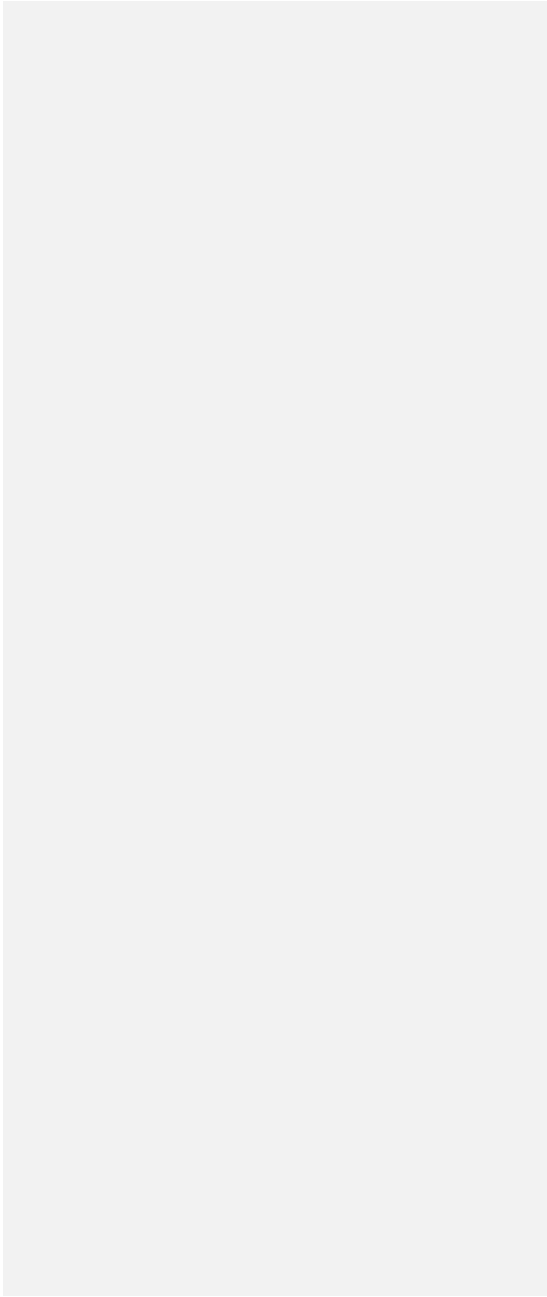
Corporate Campus/Business Park	Industrial Park
1. Wrought-iron or metal picket fencing with a maximum height of 3 feet may be used to delineate outdoor patios/eating areas in any location on a Lot. 2. Brick or masonry walls shall be limited to buffer requirements adjacent to residential zoning districts and parking lots. 3. Brick or masonry walls finishes shall match the Principal Building material, decorative wall cap and offsets or columns shall be provided every 50 linear feet.	1. Fences within front or street side yards shall be wrought-iron or metal picket with a maximum height of 8 feet. The fence may be installed on top of a knee wall in that is not less than one-third nor more than one-half the total fence height. 2. Fences along the rear and interior side yards adjacent to industrial zoning districts may be black vinyl coated chain-link with a maximum height of 8 feet. 3. Brick or masonry walls shall not exceed 8 feet in height. 4. Masonry walls shall have similar exterior finish as the Principal Building, decorative wall cap and offsets or columns at every 50 linear feet.



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(H) Parking

- (1) Parking location. Parking spaces shall be provided and located as required in section 4.5 except as modified by the following provisions.
 - (a) Parking lots which accommodate more than fifty (50) vehicles shall be divided into a series of connected smaller Lots and separated by roads, open areas, structures or landscape strips measuring at least ten (10) feet in width

and having at least one shade tree planted every 40 linear feet.

- (b) Visitor parking shall be located convenient to administration and office areas.
- (c) Truck access and parking areas shall be separate from car parking areas and located in the rear yard
- (d) Parking shall be located in compliance with Exhibit 6-11.

Exhibit 6-11: Parking Location

Corporate Campus/Business Park	Industrial Park
1. Parking spaces shall not be located between buildings and a front or side street. 2. Parking structures shall be located behind the Principal Structure.	1. Parking may be located in the front, street side, side and rear yards, except that: a. No parking space may be located within 50 feet of a street intersection. b. Not more than 50 percent of required parking shall be located in the front or side street yards.



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(I) Loading. Loading standards shall comply with section 4.5.13 and the following standards.

- (1) Loading and service dock areas shall be located to the rear or sides of a building, away from the main building entrance or related high visibility areas.
- (2) No loading docks shall be located between a building and a residential zoning district unless there is a minimum one hundred (100) feet setback between the loading dock and the residential district and that the setback includes a landscape buffer and masonry wall (see screening requirements in section 4.3.5).
- (3) Loading spaces, their access drives and maneuvering areas shall be located and designed so that their use does not impede the normal use of parking spaces and access drives.
- (4) Loading and service docks shall be screened by a brick or masonry wall measuring not less than six (6) feet in height and not more than eight (8) feet in height or a landscape screen consisting of evergreen hedge that will measure at least five (5) feet in height within one (1) year of planting.

Loading Design Illustrations



(J) Bicycle and pedestrian access.

- (1) Internal bicycle circulation systems and easements shall be integrated into site design and connect to existing and future bicycle routes and trails. Multi-use trails are encouraged.
- (2) Where bicycle lanes are required, they shall be at least four (4) feet in width if there is no on-street parking. Where on-street parking is allowed, bicycle lanes shall be at least five (5) feet in width.
- (3) At least one (1) bicycle space shall be provided for every twenty-five (25) vehicular parking spaces.
- (4) Bicycle racks shall be provided within fifty (50) feet of each main building entrance.

Bicycle Rack Illustration



(K) Mechanical equipment and dumpsters shall be located and screened in accordance with the standards of Exhibit 6-12.

Exhibit 6-12: Mechanical Equipment and Dumpster Standards

Corporate Campus/Business Park Industrial Park		
1. Ground-fixed mechanical equipment shall not be located between the front of a building and the street. If located between the building and a street, the equipment shall be screened from view with masonry wall <i>OR</i> evergreen shrubs. 2. Rooftop mechanical equipment shall be screened from adjacent properties and from street view by a parapet or architecturally compatible rooftop screen		
		
1. Trash dumpsters shall not be located between the front building façade and the public or internal street. 2. No trash dumpsters shall be located between a building and a residential district unless set back from the residential district at least minimum 50 feet. If set back less than 75 feet, then no dumpster service shall be allowed between the hours of 8:00 pm and 7:00 am. 3. Dumpsters shall be separated from adjacent parking stalls by a minimum 3 feet wide (interior clear dimension) planting strip. Dumpsters shall be enclosed with a masonry wall constructed of the same materials as the Principal Structure. The wall enclosure shall be at least 6 feet and no more than 8 feet in height		
		

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6.5.6. Building Design Standards**(A) Height**

- (1) Maximum building height shall not exceed:
 - (a) Corporate village -50 feet
 - (b) Corporate campus/business park – 50 feet
 - (c) Industrial Park – 40 feet
- (2) Height transitions abutting residential districts. Where a Lot abuts a residential zoning district or a mixed-use project, the maximum building height shall be no taller than the maximum height of the abutting district within fifty (50) feet of property line. The building height may be increased by one (1) foot for each additional two (2) feet for that the applicable portion of the building is separated from the property line.

(B) Building orientation and entries. In Corporate Villages and Campus Developments entrances shall be located on the front of the building. In industrial parks, entrances may face the front of the building or side parking areas. All buildings shall have clearly defined, visible entrances, featuring no less than three of the following:

- a. Canopies or porticos
- b. Awnings
- c. Overhangs
- d. Recesses/projections
- e. Arcades
- f. Raised corniced parapets over the door
- g. Peaked roof forms or arches
- h. Outdoor patios
- i. Display windows

(C) Building materials

- (1) Predominant wall materials shall have the appearance of brick, stucco or textured masonry. Predominant wall materials shall cover at least eighty (80) percent of walls, exclusive of windows and doors. Materials with the appearance of concrete block, smooth concrete, corrugated or standing seam metal are prohibited.
- (2) Within an industrial park, interior side and rear walls that are twenty-five (25) feet or less in height and do not face a street may be constructed of any material that complies with Building Code requirements.
- (3) The color of all building elevations (front façade, side, and rear) shall be low reflectance, subtle, neutral or earth tones. The use of high-intensity, saturated colors (such as one or more of the "primary" and/or "secondary" colors), metallic colors, florescent colors, or black, is limited to trim or accent features comprising no more than five (5) percent of the total area of any building façade.

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(D) Glazing. Windows shall comply with the standards in Exhibit 6-13.

Exhibit 6-13: Minimum Glazing Standards

Corporate Campus/Business Park	Industrial Park
1. First Floor windows facing a front or street-side shall have a minimum of 30 percent window coverage. 2. Windows may be clear, tinted or reflective glass. 3. Each upper story Floor facing a street shall have at least 15 percent window coverage.	1. First Floor windows facing a front or side street shall have a at least 10 percent window coverage.

(E) Building articulation. The sides of buildings facing streets shall be articulated in accordance with Exhibit 6-14.

Exhibit 6-14: Building Articulation Standards

Corporate Campus/Business Park	Industrial Park
1. Front and street-facing side facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the façade and extending at least 20 percent of the length of the façade. 2. Facades greater than 100 feet in length, measured horizontally, shall have a change in at least three of the following elements every 100 feet along all walls facing a public street or internal street: a. Color change b. Texture change c. Material change d. Architectural feature, such as an offset, projection, columns, canopies, arcades, or reveal with at least 12 inches in depth.	1. Front and street-facing side facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 1 percent of the length of the façade and extending at least 20 percent of the length of the façade. 2. Facades facing a public street or internal street shall have at least one color, texture or material change along all street facing walls.

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(F) Rooflines

- (1) Rooflines shall be varied in height, or at least every one hundred (100) linear feet. Hips, gables or changes in parapet elevation shall be used to provide relief in height.
- (2) Gable and hip roofs, and parapets with cornices shall be used to conceal flat roofs and rooftop mechanical equipment from public view.
- (3) The parapet design shall be a minimum of three (3) feet in height and shall incorporate a three-dimensional cornice treatment.



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Chapter 7. Non-Conformities

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7.1. GENERALLY

7.1.1. Purpose and Findings

The purpose of this chapter is to protect the rights of property owners who have lawfully established, and continuously maintained in a lawful manner, a use prior to the adoption of this chapter or prior to any amendment to this chapter that otherwise renders such use unlawful. A non-conforming use or structure that was recognized prior to the adoption of this chapter shall continue to operate under the provision of law under which the non-conforming structure or use was recognized so long as the non-conforming use or structure is not in violation of such provision of law, the adoption of this chapter notwithstanding. Nothing in this chapter prohibits the voluntary compliance with any future ordinance, regulation, or incentive. Modifications to non-conforming situations, whether in a by-right, special use, or conditional zoning district shall be required to comply with standards of this UDO in effect at the time of the modification unless specifically exempted in this chapter or otherwise approved by the Town. (Ord. #1919)

7.1.2. Applicability

This division applies to any non-conformity. There are three categories of non-conformities established within this chapter, defined as the following:

- (A) Non-Conforming Use - A use that was lawfully established but no longer complies with the use regulations applicable to the use or the zoning district established in this UDO.
- (B) Non-Conforming Lot or Site - A Lot, Parcel or Development site that was lawfully created but no longer complies with the Development standards established in this UDO.
- (C) Non-Conforming Structure - A structure that was lawfully erected but no longer complies with the use or Development standards established in this UDO.

7.1.3. Continuation

- (A) On or after the effective date of this UDO, a non-conformity that was lawfully operated, established, or commenced in accordance with the provisions of all ordinances, statutes, or regulations in effect at that time may continue subject to this division.
- (B) Any non-conformity that legally existed on the date of adoption of this UDO, together with all amendments thereto; or that becomes non-conforming upon the adoption of any amendment to this UDO, may be continued in accordance with the provisions of this chapter.

7.1.4. Repairs and Maintenance

- (A) Incidental repairs and normal maintenance of non-conforming structures or land shall be permitted unless such repairs increase the extent of non-conformity or are otherwise expressly prohibited by this UDO.
- (B) Nothing in this chapter shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.
- (C) Any repair that exceeds twenty-five (25) percent of the replacement value of the structure being repaired is deemed to be a major repair and shall require issuance of a Special Use Permit for the entire lot or

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parcel on which the structure is located prior to the repair. Public education and medical institutions are not subject to this limitation on major repairs.

(Ord. #1714)

7.1.5. Costs

- (A) Costs in this chapter are the fair market value of the materials and services necessary to accomplish the work.
- (B) Costs shall include the total cost of the work, including incremental work that is conducted under one or more permits or Development Approvals within any twenty-four (24) month period.
- (C) Appraised value shall mean either the appraised value of the improvement for property tax purposes or the valuation determined by a professionally recognized appraiser.

7.1.6. Tenancy and Ownership

The status of a non-conformity is not affected by changes of tenancy, ownership or management.

7.1.7. Conditions

The right of non-conformities to expand is subject to such regulations as to the maintenance of the premises and Lot or site and conditions of operation as may, in the judgment of the Town Council, be reasonably required for the protection of adjacent property.

(Ord. #1714)

7.1.8. Expansion of Non-Conformity

- (A) **Expansion Limited.** No non-conformity may expand unless a Special Use Permit has been granted, as provided in this UDO.
- (B) **Criteria for Special Use Permit, Generally.** In addition to the criteria required to be met for a Special Use Permit, the following criteria shall

apply to the issuance of a Special Use Permit for the expansion of a non-conformity:

- (1) The termination of such non-conformity will result in unnecessary hardship;
- (2) The continuation of the non-conformity will not be contrary to the 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;
- (4) The use will be in harmony with the spirit and purpose of these regulations and the Comprehensive Plan goals, objectives, and policies;
- (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;
- (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;
- (7) The continuation of the non-conformity will not adversely affect the public health, safety, and welfare; and
- (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.

(Ord. #1919)

- (C) **Criteria for Special Use Permit for Non-Residential Use.** In addition, the following criteria shall apply to the issuance of a Special Use Permit for the expansion of a non-residential non-conformity:

- (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;

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- (2) All Non-Conforming Signs shall be brought into compliance with the requirements of this UDO;
- (3) Unsightly or unsafe conditions on the site have been or will be mitigated pursuant to the Special Use Permit;
- (4) Outdoor storage, displays or operations shall comply with the terms of this UDO;
- (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.

(Ord. #1919)

- (D) **Conditions Applicable.** Any conditions attached to any rezoning, Special Use Permit, variance, or zoning permit or any other or Development Approval issued under any previously enacted zoning regulations, subdivision, or any other provision of this UDO shall continue to apply to the proposed use and shall be enforceable. Such conditions may be waived if an application is approved pursuant to this chapter whereby the Applicant agrees to waive and abandon all rights secured under the regulations formerly in effect.

(Ord. #1919)

7.1.9. Determination of Non-conformity Status

The burden of establishing the non-conformity status of a use, structure or land shall be upon the owner of the claimed non-conformity and not upon the Town.

7.1.10. Certificate of Non-conforming Use

- (A) **Generally.** The owner of a non-conformity shall register such non-conformity by filing with the Planning Director a registration statement. Registration is voluntary unless the owner applies for a Development Approval.

(Ord. #1714)

- (B) **Exemptions.** Registration is not required for:

- (1) Any use or structure that is made non-conforming by any governmental action other than annexation or rezoning;
 - (2) Any fence of legal height and construction that does not constitute a non-conforming use and does not require registration; and
 - (3) Any non-conforming Lot or site.
- (C) **Contents.** Registration shall be made on behalf of the owner by any person, firm, corporation, or other entity that has a legal or equitable interest in the non-conformity. Registration statements shall require a disclosure of the complete ownership of the land and/or structure, and shall be in such form and require the furnishing of such information, photographs, and documentation as are needed to show that:
- (1) The use was lawfully established prior to the effective date of the applicable regulations;
 - (2) The use has been continuously maintained since it was established; and
 - (3) The use has not been abandoned.
- (D) **Denial of Registration.** The Planning Director shall deny any registration if it appears that the documents relied thereon are not valid, or that the documents produced do not show the existence of a lawful non-conformity in accordance with the criteria set forth as an exemption. The Applicant may appeal this determination to the Board of Adjustment.
- (E) **Amendment.** At any time after registration, upon application to the Planning Director and with the written consent of the owner affected thereby, a registration statement may be amended to indicate changes in ownership. A copy of each registration statement shall be returned to the owner and a copy filed among the records of the department. The Planning Director shall accept and file all tendered

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registration statements within the permitted time period, but the acceptance of such statements shall not constitute an authorization to operate an unlawful use. The filing of a false registration statement with the department shall constitute a violation of this chapter.

7.1.11. Termination of Non-conformities

- (A) **Violation of Chapter.** The violation of this chapter shall immediately terminate a non-conformity.
- (B) **Specific Acts of Termination.** Any of the following specific acts of termination shall immediately terminate a non-conformity:
 - (1) Changing a non-conformity to conform to this type of termination applies only to the non-conforming use existing prior to any change;
 - (2) Abandonment of a non-conformity for a period of one hundred eighty days (180) or more; or
 - (3) Failure to register a non-conformity within six (6) months of notification of the non-conformity by the Town.
- (C) **Partial Vacancy Excluded.** For purposes of determining whether a right to continue a non-conforming situation is lost pursuant to this section, all of the buildings, activities and operations maintained on a Lot are generally to be considered as a whole. For example, the failure to rent one apartment in a non-conforming apartment building for one hundred and eighty (180) days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained.
- (D) **Notice.** Termination of non-conforming rights under this section shall provide for thirty (30) days notice and hearing before the Board of Adjustment.
- (E) **Action of the Board of Adjustment.** The Board of Adjustment may inquire into the existence of a non-conformity, fire or health hazards,

and any other danger or nuisance to the public due to or created by any condition or use existing on the property. Upon written findings, the Board may require the discontinuance of such use. The owner of the use under inquiry shall have at least thirty (30) days written notice prior to the day of the public hearing. Time allowed for discontinuance of such use shall be prescribed by the Board at a subsequent public hearing, after having heard from the affected parties, based on the Board's ruling as to a reasonable amortization period for the non-conforming use. In prescribing said time period, the Board shall consider the following factors:

- (1) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became non-conforming;
 - (2) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages;
 - (3) Any return on investment since inception of the use, including net income and depreciation; and
 - (4) The anticipated annual recovery of investment, including net income and depreciation.
- (F) **Accessory Uses.** No use that is accessory to a principal non-conforming use shall continue after such Principal Use has ceased or terminated.

7.1.12. Abandonment

- (A) If a non-conformity is abandoned for one hundred eighty (180) days, any future use of such premises shall be in conformity with the provisions of this UDO.
- (B) Abandonment of a non-conformity shall terminate the right to continue the non-conformity.

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- (C) The Planning Board may grant a one-time, ninety (90) day extension period for the purpose of bringing the site into conformance with this chapter. Extension applications shall be filed in accordance with the procedures for variance review in the UDO.
- (D) For purposes of this ordinance, rental payments or lease payments and taxes shall not be considered as a continued use, and the disconnection of utilities shall constitute a means of establishing the commencement of the abandonment of the use of the Development site.

7.2. NON-CONFORMING USE

7.2.1. Applicability

This section applies to the continuation, enlargement, or expansion of a non-conforming use.

7.2.2. Continuance and Expansion

- (A) A use may be continued and extended throughout the structure, provided that no structural alterations or additions to the structure, except those made in conformance with law or ordinance.
- (B) This section shall not be construed as prohibiting additions to or reconstruction of any Single-Family Dwelling regardless of the zoning district in which such Dwelling is located, nor shall any provision of this chapter be construed as prohibiting the construction of any use that is accessory to a Dwelling Unit regardless of the zoning district in which the Dwelling is located.

7.2.3. Change of Use

- (A) Changes to Conforming Uses. Any non-conforming use may be changed to a use conforming with these regulations established for the district in which the non-conforming use is located, provided,

however, that a non-conforming use so changed shall not in the future be changed back to a non-conforming use.

- (B) Changes to Other Non-Conforming Uses. A non-conforming use may be changed to another non-conforming use by order of the Planning Director, provided that the new use is determined to be more consistent with the spirit of the UDO, the neighborhood, and the Comprehensive Plan. A non-conforming use that is changed to another non-conforming use shall not be changed back to the former non-conforming use.
- (C) Limitations on Changing Non-Conforming Uses. All changes of non-conforming uses shall conform to all Development standards established in this UDO. A non-conforming use shall not be changed to another non-conforming use unless the original non-conforming use was registered in conformance with this chapter.

7.2.4. Non-Conforming Signs

Regulations addressing non-conforming signs are located in section 4.6.21 of this UDO.

7.2.5. Non-conforming Lighting

Non-conforming lighting shall comply with the provisions of section 4.8.3(B).

7.3. NON-CONFORMING LOT OR SITE

7.3.1. Applicability

This section applies to the continuation, enlargement or expansion of a non-conforming Lot or site.

7.3.2. Generally

A substandard Lot shall comply with the buffer, setback, and bulk regulations of the zoning district that makes the Lot conforming to the area of the Lot. This section does not require the replatting or combination of

platted Lots under same ownership that is protected by state vested rights law.

7.3.3. Relocations

No structure shall be relocated to a non-conforming site until the site is brought into conformance with the provisions of this ordinance.

7.3.4. Change in Use

- (A) No existing structure located on a non-conforming Lot or site shall be changed from one use classification to another use classification unless:
- (1) The Lot or site is brought into conformance with the provisions of this UDO;
 - (2) The Planning Director determines that the use is substantially similar or less intensive in its operational characteristics, including, but not limited to the intensity of activity, traffic generation or parking demand; or
 - (3) A non-conforming site variance has been approved by the Board of Adjustment.
- (B) Single-Family residential structures that are located on a legally non-conforming site may be structurally altered or enlarged, providing the portion of the structure that is altered or enlarged conforms to the provisions of this UDO.

7.3.5. Temporary Use

No Temporary Use Permit shall be issued for a non-conforming Lot or site or for site containing a non-conforming use, if the proposed temporary use or event has the potential to generate additional traffic, noise or other adverse impacts upon the surrounding area.

7.3.6. Uses for Non-conforming Lots

- (A) **Single-Family Dwellings.** Vacant non-conforming Lots may be developed with one Single-Family Dwelling and Accessory Structures, provided that such Development complies with all applicable requirements of this UDO or a variance is obtained from the Board of Adjustment.
- (B) **Other Uses.** Vacant non-conforming Lots may be developed with uses other than Single-Family Dwellings as may be allowed in the underlying zoning district, provided that such Development complies with all requirements of this UDO and the Board of Adjustment approves any variances required for the Development.
- (C) **Prohibition on Reduction of Size.** A non-conforming Lot may not be further reduced in size.

7.4. NON-CONFORMING STRUCTURES

7.4.1. Applicability

This section applies to the continuation, enlargement, or expansion of a non-conforming structure.

7.4.2. Continuance and Expansion

- (A) Subject to all limitations in this chapter, any non-conforming structure may be occupied, operated, and maintained in a state of good repair, but no non-conforming structure shall be enlarged or extended.
- (B) A non-conforming structure in which only permitted uses are operated may be enlarged or extended if the enlargement or extension can be made in compliance with all of the provisions of this chapter established for structures in the district in which the non-conforming structure is located. Such enlargement shall also be subject to all other applicable Town ordinances and provisions of this UDO.

- (C) A conforming structure in which a non-conforming use is operated shall not be enlarged or extended except as required by law or ordinance.

7.4.3. Termination of Non-Conforming Structures

- (A) **Damage to Structures.** The right to operate and maintain any non-conforming structure shall terminate and shall cease to exist whenever the non-conforming structure is damaged in any manner and from any cause whatsoever, and the cost of repairing such damage exceeds fifty (50) percent of the replacement cost of such structure on the date of such damage.
- (B) **Obsolescence of Structure.** The right to operate and maintain any non-conforming structure shall terminate and shall cease to exist whenever the non-conforming structure becomes obsolete or substandard under any applicable ordinance of the Town, and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the replacement cost of such structure on the date that the proper official of the Town determines that such structure is obsolete or substandard.
- (C) **Determination of Replacement Cost.** In determining the replacement cost of any non-conforming structure, the cost of land or any factors other than the non-conforming structure itself shall not be included.

7.4.4. Exception for Repairs Pursuant to Public Order

Nothing in this section shall be deemed to prevent the strengthening or restoration to a safe condition of a building or structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this section prohibiting the repair or restoration of partially damaged or destroyed buildings or structures.

7.4.5. Destruction or Damage of Structure

The right to operate and maintain any non-conformity, except for a Single-Family Dwelling Unit, shall terminate and shall cease to exist whenever the structure or structures in which the non-conforming use is operated and maintained is damaged or destroyed from any cause whatsoever, and the cost of repairing such damage or destruction exceeds fifty (50) percent of the replacement cost of such building or structure on the date of such damage or destruction. A non-conforming Single-Family Dwelling Unit that is destroyed or damaged more than fifty (50) percent of the replacement cost may be rebuilt, provided that a Development approval is issued within one year of the date of such damage or destruction. The Planning Director shall require the submission of sufficient evidence to verify the date of damage or destruction.

7.4.6. Incomplete Construction

Construction may be completed on any structure legally under construction upon adoption of this UDO, annexation or extension of the Towns extra-territorial jurisdiction, provided that:

- (A) The owner or his/her designated representative applies to the Planning Director for a Development approval to authorize further work on the structure, stating the proposed use of the structure and attaching the plans and specifications relating to the construction; and
- (B) The construction is completed within two (2) years of the effective date of the event that lead to the non-conformity. Action on such Development approvals shall be taken by the Planning Director within thirty (30) days from the date of application. The Planning Director shall deny the Development approval upon a finding that the construction will not meet the requirements of the building, fire protection or minimum housing codes of the Town. If the Development approval is refused, the construction work shall cease until necessary corrections are made.

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7.4.7. Proposed Construction

(A) Proposed construction may be completed upon a finding by the Planning Director that:

- (1) Sufficient evidence exists that a valid Development Approval or permit was obtained from the Town and was validly in place on the date of the event causing the non-conformity.
- (2) Construction was begun at least one hundred eighty (180) days before the effective date of this chapter.
- (3) The non-conforming project is at least ten (10) percent completed in terms of the total expected cost of the project on the effective date of this chapter.
- (4) The permits were validly issued and remain unrevoked and unexpired.
- (5) If a Development is designed to be completed in stages, this section shall apply only to the particular phase under construction.
- (6) As provided in G.S. 160D-108, neither this ordinance nor any amendment to it shall, without the consent of the property owner, affect any Lot with respect to which a building permit has been issued pursuant to G.S. 160D-1110 prior to the enactment of the ordinance making the change so long as the building permit remains valid, unexpired and unrevoked.

(Ord. #1919)

(B) For any project that doesn't comply with paragraph (A) of this section, all work on any non-conforming project shall cease on the effective date of this chapter and all permits previously issued for work on nonconforming projects may begin or may be continued only pursuant to a Zoning, Special Use or Sign permit issued in accordance with this section by the individual or board authorized by this UDO to issue permits for the type of Development proposed. The Permit Issuing Authority shall issue such a permit if it finds that the Applicant has in

good faith made substantial Expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on the land use law as it existed before the effective date of this UDO and thereby would be unreasonably prejudiced if not allowed to complete the project as proposed. In considering whether these findings may be made, the Permit Issuing Authority shall be guided by the following, as well as other relevant considerations:

- (1) All Expenditures made to obtain or pursuant to a validly issued and unrevoked Building, Zoning, Sign or Special Use Permit shall be considered as evidence of reasonable reliance on the land use law that existed before this chapter became effective.
- (2) Except as otherwise provided, no Expenditures made more than one hundred eighty (180) days before the effective date of this chapter may be considered as evidence of reasonable reliance on the land use law that existed before this UDO became effective. An Expenditure is made at the time a party incurs a binding obligation to make that Expenditure.
- (3) To the extent that Expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those Expenditures. For example, a party shall not be considered prejudiced by having made some Expenditure to acquire a potential Development site if the property obtained is approximately as valuable under the new classification as it was under the old, for the Expenditure can be recovered by a resale of the property.
- (4) To the extent that a non-conforming project can be made conforming and that Expenditures made or obligations incurred can be effectively used in the completion of a conforming project, a party shall not be considered prejudiced by having made such Expenditures.

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- (5) An Expenditure shall be considered substantial if it is significant both in dollar amount and in terms of the total estimated cost of the proposed project and the ordinary business practices of the developer.
- (6) A person shall be considered to have acted in good faith if actual knowledge of a proposed change in the land use law affecting the proposed Development site could not be attributed to him.
- (7) Even though a person had actual knowledge of a proposed change in the land use law affecting a Development site, the Permit Issuing Authority may still find that that the person acted in good faith if there is no evidence of a deliberate attempt to circumvent the effects of the proposed ordinance. The Permit Issuing Authority may find that the developer did not proceed in an attempt to undermine the proposed ordinance if it determines that:
- (a) At the time the Expenditures were made, either there was considerable doubt about whether any ordinance would ultimately be passed or it was not clear that the proposed ordinance would prohibit the intended Development and
 - (b) The developer had legitimate business reasons for making Expenditures.
- (8) In deciding whether a permit should be issued under this section, the Permit Issuing Authority shall not be limited to either denying a permit altogether or issuing a permit to complete the project (or phases, sections or stages thereof) as originally proposed or approved. Upon proper submission of plans by the Applicant, the Permit Issuing Authority may also issue a permit authorizing a Development that is less non-conforming than the project as originally proposed or approved but that still does not comply with all the provisions of the ordinance making the project non-conforming.
- (9) When it appears from the developer's plans or otherwise that a project was intended to be or reasonably could be completed in phases, the developer shall be allowed to complete only those phases or segments with respect to which the developer can make show substantial compliance with the preceding requirements. In determining whether a developer would be unreasonably prejudiced if not allowed to complete phases or segments of a Non-Conforming Project, the Permit Issuing Authority shall consider the following in addition to other relevant factors:
- (a) Whether any plans prepared or approved regarding uncompleted phases constitute conceptual plans only or construction drawings based upon detailed surveying, architectural or engineering work.
 - (b) Whether any improvements such as streets or utilities have been installed in phases not yet complete.
 - (c) Whether utilities and other facilities installed in completed phases have been constructed in such a manner or location or such a scale, in anticipation of connection to or interrelationship with approved but uncompleted phases, that the investment in such utilities or other facilities cannot be recouped if such approved but uncompleted phases are constructed in conformity with existing regulations.
- (Ord. #1919)
- (C) The Permit Issuing Authority shall not consider any application for the permit authorized by paragraph (B) that is submitted more than sixty (60) days after the effective date of this UDO. The Permit Issuing Authority may waive this requirement for good cause shown, but in no case may it extend the application deadline beyond one (1) year.
- (D) The Planning Director shall send copies of this section to the persons listed as owners for tax purposes (and developers, if different from the

owners) of all properties in regard to which permits have been issued for non-conforming projects or in regard to which a nonconforming project is otherwise known to be in some stage of Development. This notice shall be sent by certified mail not less than fifteen days before the effective date of this chapter.

- (E) The Permit Issuing Authority shall establish expedited procedures for hearing applications for permits under this section. These applications shall be heard, whenever possible before the effective date of this chapter so that construction work is not needlessly interrupted.

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Chapter 8. Administration

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PART I - ADMINISTRATION, GENERALLY

8.1. AUTHORITY

This UDO is adopted pursuant to the authority contained in Chapter 160D and Chapter 160A Article 8 of the North Carolina General Statutes. Whenever any

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provision of this UDO refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the UDO shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.
(Ord. #1919)

8.2. ENACTMENT AND REPEAL OF EXISTING DEVELOPMENT REGULATIONS

The Town of Southern Pines UDO hereby adopted, shall replace and repeal the existing Town Unified Development Regulations and shall supersede all provisions of any other Town ordinances in conflict herewith.

8.3. EFFECTIVE DATE

The provisions in this UDO were adopted and became effective on October 8, 2013, and shall be published and recorded in the Southern Pines Code of Ordinances.

8.4. JURISDICTION

This UDO shall be effective throughout the Town's Planning Jurisdiction. The Town's Planning Jurisdiction comprises the area within the corporate boundaries of the Town as well as the area described in that Ordinance adopted by the Town Council on December 12, 1989 entitled an *Ordinance Establishing Extraterritorial Jurisdiction*, and as amended. Such Planning Jurisdiction may be modified from time to time in accordance with Article 2 of Chapter 160D of the North Carolina General Statutes. In addition to other location required by law, a copy of a map showing the boundaries of the Town's Planning Jurisdiction shall be available for public inspection in the planning department.
(Ord. #1919)

8.5. EXEMPTIONS

8.5.1. Application of Regulations During Local Emergency

The Town Council shall have the authority to waive standards within this UDO during local emergencies declared by federal, state or local officials.

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8.5.2. Specific Exemptions

The Town Council shall have the authority to waive standards within this UDO if the following apply:

- (A) Exemptions granted by State law;
- (B) The acquisition of land by the Town for right-of-way;
- ~~(C) Leaseholds for space within a multi-occupant building or a commercial building site, provided the property is a part of an approved subdivision;~~
- ~~(D) Leaseholds for agricultural uses provided the uses do not include a residence or other purpose not directly related to agricultural use.~~

~~(E)(C)~~ The conveyance of Parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities which does not involve new streets or off-site easements.

~~(F) Conveyances relating to the dedication of land for a public use.~~

~~(G) A conveyance made to correct a description in a plat, such as:~~

- ~~(1) To correct an error in the description of property in a plat; or~~
- ~~(2) To show the proper location or character of any monument which has been changed in location or character or which was shown incorrectly on the prior plat.~~

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

~~(I) If an Applicant is prevented from completing and having accepted such required site improvements within the prescribed time by reason of strikes, riots, acts of God, acts of a public enemy, injunction, or other cause similar to those enumerated beyond the Applicant's reasonable control. The Applicant shall be entitled to an extension of time equal to the time of such delay that shall be fixed by written certificate made by the Town Engineer. It is expressly declared that no such allowance of time will be~~

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~~made unless claimed by the Applicant and allowed and certified in writing by the Town Engineer at the end of each period of such delay.~~

8.6. INTERPRETATION

8.6.1. Generally

This UDO shall be interpreted to promote the safety, health, convenience, comfort, prosperity, and general welfare of the public. The UDO shall be liberally interpreted in order to further its underlying purposes. The meaning of any and all words, terms, or phrases in the UDO shall be construed in accordance with 0 – Definitions.

8.6.2. Rules of Language

Words and phrases used in this UDO shall be interpreted as follows:

(A) The UDO shall be interpreted by considering, among others:

- (1) The intent of the Mayor and Town Council when adopting this UDO; the occasion and necessity for the provision; the circumstances under which it was enacted;
- (2) The threat to the public health, safety and welfare to be remedied;
- (3) The former provision, if any, including other provisions upon the same or similar subjects;
- (4) The consequences of a particular interpretation;
- (5) Any contemporaneous legislative history; and
- (6) Legislative, administrative, and Town Attorney interpretations of the provision.

(B) Every provision shall be construed, if possible, to give effect to all its terms. When the words of a provision in its application to an existing situation are clear and free from all ambiguity, the letter of the provision shall not be disregarded under the pretext of pursuing the spirit. When the words of a provision are not explicit, the intention of the Mayor and Town Council shall be determined by Decision-Making Body.

Commented [BG11]: This is unnecessary because it's covered by UDO 2.8.2.

Commented [BG9]: This is addressed already, and in more detail, in UDO 1.6.1(D).

Commented [BG10]: Moved to UDO 2.5.8(C) where it makes more sense, not here under "Specific Exemptions."

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- (C) General words are construed to be restricted in their meaning by particular and specific words. When a general provision is in conflict with a specific provision, the two shall be construed, if possible, so effect may be given to both. If irreconcilable, the specific shall prevail and be construed as an exception to the general, unless the general was enacted as a later amendment to the UDO, then it shall be construed to have the latter general provision prevail.
- (D) In the case of a difference in meaning or implication between the text of the UDO and the captions for each section, the text shall control.
- (E) Where an amendment is adopted and conflicts with or overlooks a provision of the UDO, the two shall be interpreted together, if possible, and effect shall be given to each. If the amendment is irreconcilable, the latest in date of final adoption shall prevail.
- (F) When the UDO has been amended more than once, the latest amendment shall be read into the UDO as previously amended and not as originally adopted.
- (G) Words and phrases are construed according to the rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a special meaning, or are defined by this UDO, are construed according to the special meaning or their definition.
- (H) Words used in the present tense include the future; words in the singular include the plural; and words of one gender include the other gender, unless the context clearly indicates the contrary;
- (I) All words, terms and phrases not otherwise defined herein shall be given their usual and customary meaning, unless the context clearly indicates a different meaning was intended;
- (J) The word "shall" is always mandatory; the word "may" is permissive and is at the discretion of the appropriate decision-maker.

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8.6.3. Graphics

Illustrations are provided for the convenience of the user; in case of a conflict with the text, the text shall control.

8.7. SEVERABILITY

8.7.1. Town Council Intention

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses and phrases of this UDO are severable and if any such section, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this UDO since the same would have been enacted without the incorporation into this UDO of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

8.7.2. Application of Severance

If any court of competent jurisdiction decrees that any specific provision of the UDO is invalid or unenforceable, that determination shall not affect any provision not specifically included in the order or judgment. If any court of competent jurisdiction determines that any provision of the UDO cannot be applied to any particular property, building, structure or use, that determination shall not affect the application of the UDO to any other property, building, structure or use not specifically included in the order or judgment.

PART II - RESPONSIBILITIES FOR APPLICATION OF UDO

8.8. TOWN MANAGER

The Town Manager shall be responsible for:

- (A) Designation of persons having responsibilities for administering this UDO;
- (B) Approval of amendments to the UDO appendices;
- (C) Requesting Town Council ratification of amendments to the UDO appendices; and

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- (D) Other UDO administration responsibilities as established by these regulations or the Town Council.

8.9. PLANNING DIRECTOR

A person shall be designated by the Town Manager to serve as the Planning Director. Where this UDO assigns a responsibility to the Planning Director, the Planning Director may delegate that responsibility to any other official, employee or consultant of the Town. The Planning Director shall perform the following duties:

- (A) The Planning Director is the administrative head of the Planning Department and shall make all determinations as to the interpretation of this UDO, the amount and applicability of administrative fees, the administrative enforcement of this UDO, the adequacy of security instruments and escrow deposits, and the issuance of administrative Development approvals, subject to appeal to the Board of Adjustment. When requested, determinations by the Planning Director shall be provided in writing and delivered by personal delivery, electronic mail or by first-class mail to the requestor and the property owner if the party seeking the determination is different than the owner.
- (B) Serve as staff for the Town Council, Planning Board and other Town Councils and commissions as directed by the Town Manager, and shall act as a liaison to other governments, districts, utilities, neighborhoods and associations in land use matters;
- (C) No action shall be taken to litigate any matter arising from any application for Development approval, or under the enforcement of this UDO without express approval of the Town Council upon recommendation of the Town Attorney.;
- (D) Make recommendations to the Town Council, Planning Board, the Board of Zoning Adjustment and other Town Councils and commissions as directed by the Town Manager regarding amendments to of this UDO, the Official Zoning Map, the Comprehensive Plan and the Capital Improvements Program;

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- (E) Accept applications for Development approval; certify the completeness of submitted applications with the requirements of these regulations; review and prepare staff reports recommending approval, approval with conditions or denial of applications for amendments to the Comprehensive Plan, amendments to the Future Land Use Map, amendments to the text of this UDO and all legislative and quasi-judicial applications;
- (F) Accept applications for, review, and approve, approve with conditions or deny, applications for all administrative Development approvals which the Planning Director is authorized to issue;
- (G) Monitor Development projects to ensure compliance with conditions of a Development approval;
- (H) Facilitate the creation and adoption of special area, corridor, neighborhood and floodplain plans;
- (I) Monitor and assist in the enforcement of this UDO;
- (J) Review all floodplain Development approval applications to ensure that the provisions of this UDO will be met;
- (K) Review Development applications to ensure that all necessary permits, licenses, franchises and approvals have been obtained from federal, state, local governmental districts, public and private utilities and other public agencies; the amount and applicability of administrative and consulting fees, the administrative enforcement of the UDO, the adequacy of security instruments and escrow deposits and issuance of administrative Development approvals, subject to appeal to the Planning Board;
- (L) Serve as the chair of the TRC;
- (M) Maintain a record of all permits, appeals, variances, certificates, reviews and such other transactions and correspondence pertaining to the administration of this UDO;
- (N) Oversee code enforcement and responsibilities related to ensuring compliance with the UDO, notification of violations, ordering actions on violations and keeping records of related activities; and

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(O) Such other responsibilities as may be assigned by the Town Manager.
(Ord. #1919)

8.10. TOWN ENGINEER

The Town Engineer shall be designated by the Town Manager, and shall perform the following duties:

- (A) Serve as a member of the TRC;
- (B) Assist the Planning Director with Development review responsibilities for conformance with this UDO and make written recommendations;
- (C) Review Development Agreements for conformance with this UDO and determine the amount of the letter of credit, cash escrow or surety bond required for the construction of public improvements;
- (D) Review and approve, approve with conditions, or deny applications for Engineering Plan approval;
- (E) Inspect public improvements and recommend appropriate action;
- (F) Decide on all sidewalk waivers; and
- (G) Such other responsibilities as may be assigned by the Town Manager.

8.11. TECHNICAL REVIEW COMMITTEE

- (A) There is hereby established a Technical Review Committee (TRC).
- (B) The TRC shall serve as a review and recommending body, assisting the Town Manager, Planning Director, Town Council, Planning Board and other bodies where appropriate, with the review of applications for Development approval. The TRC shall provide advice and recommendations on environmental, planning, fiscal, design, engineering, transportation, utility, geo-hydrological, water availability, sustainability, environmental and technical issues, and to assess the comments and reports of reviewing Town departments, regional, state and federal agencies and officials, owner/Applicants and other interested parties with standing.

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- (C) The TRC shall meet at the request of the Town Manager or Planning Director. An owner/Applicant may be invited to attend meetings of the TRC only at the discretion of the Town Manager or Planning Director.
- (D) The TRC shall make recommendations to the Town Manager, Planning Director, Town Council, Planning Board and other bodies for approval, conditional approval or denial of applications for Development approval.
- (E) In addition to members of the TRC specifically required in this UDO, additional members may be appointed by the Town Manager or Planning Director, including but not limited to representatives from Fire, Police, Public Services, Planning, Code Enforcement and Utilities. In addition and as appropriate, the TRC may include, for a specific Development approval application, representatives of other jurisdictions or service providers, including but not limited to representatives from the Sheriff, fire districts, school districts, other municipalities, county, public and private utilities, assessment or public improvement districts and regional, state or federal agencies.

8.12. TOWN COUNCIL

The Town Council shall have the responsibilities set forth in this UDO as well as all powers and duties conferred upon it by State Law. The Town Council shall have the following powers and duties:

- (A) Initiate legislative amendments to the Comprehensive Plan, an area, community, or historic district plan.
- (B) Initiate legislative amendments to the text and map of this UDO after a recommendation from the Planning Board.
- (C) Except where a final Development Approval has been authorized to be issued by the Planning Board, to approve, approve with conditions or deny specific property owner applications for Development Approvals, including but not limited to establishment of planned Development districts, overlay zone district classifications or rezoning.
(Ord. #1714; Ord. # 1716)
- (D) Approve Development agreements.

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- (E) Legislatively adopt and amend an Official Map and CIP.
- (F) Legislatively establish assessment and public improvement districts and public utilities.
- (G) Legislatively establish and amend schedules for administrative and consultant fees, dedications, other exactions and security instruments, including but not limited to bonds, letters of credit and cash escrow deposits, for payment and performance of obligations;
- (H) Initiate litigation and seek equitable and legal remedies to enforce violations of this UDO, Development agreements and the terms and conditions of Development approval and take such any other actions, including the settlement of actions, as is authorized by this UDO, other ordinances, regulations and statutes;
- (I) Take such other action not expressly delegated exclusively to any other agency or official by this UDO as Town Council may deem desirable and necessary to implement the provisions of this UDO and the Comprehensive Plan.
- (J) Appoint members of the Planning Board and other boards and commissions that it may create.
- (K) Delegate to the Planning Board the power, authority, jurisdiction and duty to enforce and carry out the provisions of law relating to planning, platting and zoning as it has delegated to the Planning Board in this UDO; as well as to retain as much of this power, authority, jurisdiction and duty to the Town Council as it has retained in this UDO and pursuant to State statute.
- (L) Hear and rule on appeals from quasi-judicial decisions of the Planning Board as set forth in this UDO.
- (M) Ratify amendments to the UDO appendices from time to time as requested by the Town Manager.
- (N) The Town Council shall hold public hearings, and issue Development Approvals, on applications for legislative or quasi-judicial discretionary Development approval, except where a final Development Approval is authorized to be issued by the Planning Board. Where the Planning Board

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has authority to issue a Development Approval, determining a matter, the Town Council shall have appellate authority to review such Development Approval if an appeal is properly undertaken by the Town Council, the Planning Director, the owner/Applicant, or any other person or entity with standing to review the Development Approval no more than thirty (30) days from the date of the Development Approval.

8.13. PLANNING BOARD

8.13.1. Appointment and Composition

- (A) There is hereby established a Planning Board.
- (B) The Planning Board shall consist of seven (7) members, all of whom shall be resident citizens. Five members appointed by the Town Council shall reside within the Town. Two members appointed by the County Board of Commissioners shall reside within the Town's Extraterritorial Planning Area. If, despite good faith efforts, sufficient numbers of residents of the Extraterritorial Planning Area cannot be found to fill the seats reserved for residents of such area, then the County Board of Commissioners may appoint other residents of the County (including residents of the Town) to fill these seats. If the County Board fails to make these appointments within ninety days after receiving a resolution from the Town Council requesting that they be made, the Council may make them.
- (C) Planning Board members shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed. Vacancies may be filled for the unexpired terms only. Members may be appointed to not more than two successive complete terms. After two consecutive full terms, a member shall be ineligible for reappointment until one year has elapsed from the date of the termination of the second term.
- (D) Faithful and prompt attendance at all meetings of the commission and conscientious performance of the duties required of members shall be a prerequisite to continuing membership on the Planning Board.

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- (E) The Town Council may remove Planning Board members at any time for failure to attend three (3) consecutive meetings or for failure to attend thirty (30) percent or more of the meetings within any twelve (12) month period or for any other good cause related to performance of duties. If an in-town member moves outside the Town or if an Extraterritorial Planning Area member moves outside the Planning Jurisdiction, that shall constitute a resignation from the Planning Board, effective upon the date a replacement is appointed by the council.

8.13.2. Responsibilities

- (A) Prepare a Comprehensive Plan for the future Development, including recommendations relative to goals, policies and objectives relating to the growth, Development and redevelopment of the Town and the surrounding Extraterritorial Planning Area.
- (B) Prepare zoning and subdivision regulations, including recommendations relative to the location, length, width, and arrangements of the streets, alleys, bridges, viaducts, parks, parkways, playgrounds, boulevards, or other public grounds or improvements, the platting of public property into Lots, plots, streets or alleys, the locations of railroad or street car lines, transportation or other channels for communication of any kind, the grouping of public buildings, the design and placing of memorials, works of art, power or lighting plants, street lighting standards, telegraph and telephone poles, street name Signs, billboards and Projecting Signs.
- (C) Make recommendations in connection with the execution and detailed interpretation of the Comprehensive Plan and this UDO, and make such changes and adjustments in the plan as may be deemed desirable from time to time.
- (D) Develop and recommend to the Town Council policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.
- (E) Recommend, from time to time, legislation which may be desirable to further the purpose of Town planning.
- (F) Make recommendations to the Town Council concerning:

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- (1) Development and amendment of the Comprehension Plan and Official Map;
 - (2) Development and amendment of this UDO and a Zoning Map;
 - (3) Planned Development Districts;
 - (4) Special Use Permits;
 - (5) Plats and other land subdivision; and
 - (6) Development Agreements.
- (Ord. #1919)
- (G) In addition to all other powers and duties provided by the provisions of this UDO, the Planning Board shall have such other powers and/or duties as may be provided by the Town Council.

8.14. BOARD OF ADJUSTMENT

8.14.1. Appointment and Terms of Board of Adjustment

- (A) There shall be a Board of Adjustment consisting of five regular members and three alternates. Three regular members and two alternates, appointed by the council, shall reside within the town. Two regular members and one alternate, appointed by the county board of commissioners, shall reside within the Town's extraterritorial planning area. If, despite good faith efforts, sufficient numbers of residents of the extraterritorial planning area cannot be found to fill the seats reserved for residents of such area, then the county board of commissioners may appoint other residents of the county (including residents of the town) to fill these seats. If the county board of commissioners fails to make these appointments within ninety days after receiving a resolution from the Town Council requesting that they be made, the Council may make them.
- (B) Board of Adjustment regular members and alternates shall be appointed for three-year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. Vacancies may be filled for the unexpired terms only.

(Ord. #1981)

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- (C) Regular Board of Adjustment members may be removed by the Council at any time for failure to attend three consecutive meetings or for failure to attend thirty percent or more of the meetings within any twelve-month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures.
- (D) If a regular or alternate in-town member moves outside the town or if an extraterritorial area regular or alternate member moves outside the planning jurisdiction, that shall constitute a resignation from the board effective upon the date a replacement is appointed.
- (E) Extraterritorial planning area members may vote on all matters coming before the Board.
- (F) The in-town alternate may sit only in lieu of a regular in-town member and the extraterritorial area alternate may sit only in lieu of the regular extraterritorial area member. When so seated, alternates shall have the same powers and duties as the regular member they replace.

8.14.2. Meetings of the Board of Adjustment

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

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8.14.3. Quorum

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

8.14.4. Voting

- (A) The concurring vote of four-fifths of the regular board membership (excluding vacant seats) shall be necessary to reverse any order, requirement, decision, or determination of the administrator or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance (including the issuance of a Special Use Permit) or to grant any variance. All other actions of the board shall be taken by majority vote, a quorum being present.
- (B) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with paragraph (C) or has been allowed to withdraw from the meeting in accordance with paragraph (D).
- (C) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
 - (1) If the member has a direct financial interest in the outcome of the matter at issue; or
 - (2) If the matter at issue involves the member's own official conduct; or
 - (3) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or

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- (4) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
- (D) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.
- (E) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.
- (F) A roll call vote shall be taken upon the request of any member.

8.14.5. Board of Adjustment Officers:

- (A) At its first regular meeting in July, the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and preside over the board's meetings and one member to serve as vice-chairman. The persons so designated shall serve in these capacities for terms of one year. Vacancies may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).
- (B) The chairman or any member temporarily acting as chairman may administer oaths to witnesses coming before the board.
- (C) The chairman and vice-chairman may take part in all deliberations and may vote on all issues.

8.14.6. Responsibilities

- (A) Power to hear and decide administrative appeals from any order, decision, requirement or interpretation of the Planning Director.
- (B) Power to hear and decide administrative appeals from any order, decision, requirement or interpretation of the Town Engineer or Code Enforcement Officer pursuant to a requirement or other provision in this UDO, but not

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including any matter related to a technical code referenced in section 2.31 or any engineering design standard.

- (C) Decide upon Applications for variances and from flood hazard district overlay requirements.
- (D) Decide upon Questions involving interpretations of this UDO or the zoning map, including disputed district boundary lines and Lot lines. If it is a matter of interpretation of the terms of this UDO or the municipal code, the Board of Adjustment shall render a recommendation in writing to the Mayor and Town Council for ratification and final approval.
- (E) In exercising the abovementioned powers, the Board of Zoning Adjustment may, in conformance with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

Commented [BG12]: Appeals of interpretations of the UDO text or zoning map go to the Board of Adjustment for a decision. The BoA does not render recommendations to the Town Council.

8.15. SPECIAL PROJECT ADVISORY COMMITTEE

8.15.1. Appointment and Composition

- (A) The Town Council may establish Special Project Advisory Committees to assist the Planning Board to carry out its planning responsibilities. Members of such an Advisory Committee sit as non-voting members of the Planning Board, but may participate in formal recommendations by the Planning Board to the Town Council.
- (B) The Town Council also may establish Special Project Advisory Committees as an independent advisory group, committee or commission to make recommendations on any issue directly to the Council.
- (C) An ordinance establishing a Special Project Advisory Committee shall specify the composition and duties of the committee.
(Ord. #1919)
- (D) One or more citizens that are residents of the Town or Extraterritorial Planning Area may be appointed to a Special Project Advisory Committee,

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to lend their talents, energies and expertise to the Town, to a term defined by the Town Council but not exceeding one year. Members may be appointed to not more than two (2) successive complete terms.

- (E) The Town Council may remove Special Project Advisory Committee members at any time for failure to attend three (3) consecutive meetings or for failure to attend thirty percent or more of the meetings within any twelve (12) month period or for any other good cause related to performance of duties. If a member moves outside the Town or Extraterritorial Planning Area, that shall constitute a resignation from the Committee, effective upon the date a replacement is appointed by the Council.

8.15.2. Responsibilities

- (A) The purpose of the Special Project Advisory Committee is to serve as a body to guide, advise and make recommendations concerning issues related to planning. Advisory Committees provide judicious advice, from a citizen perspective, to the Town Council which is the Town's elected policy-making body. Advisory Committees are advisory in nature, do not establish policy, or supersede the legal responsibility and authority vested in the Town Council. Advisory Committees are a structured way for individual citizens to share their opinions and perspectives, study issues, and develop recommendations in a focused, small group structure.
- (B) Special Project Advisory Committee activities may include study of critical issues, hearing public testimony, independent research and reviewing staff reports and recommendations, intended so that the committee is prepared to discuss, formulate, and forward well-developed, thoughtful recommendations to the Town Council in a timely manner.
- (C) The Special Project Advisory Committee shall serve as directed by the Town Council, relative to a specific project or issue.

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8.16. HISTORIC DISTRICT COMMISSION

8.16.1. Appointment and Composition

- (A) There is hereby created for Southern Pines a Historic District Commission (HDC) to coincide with the designation of an historic district as described in this UDO.
- (B) The HDC shall consist of seven (7) members, all of whom shall ~~be resident~~ reside within the planning and development regulation jurisdiction of the Town.
- (C) HDC members shall be appointed for four-year staggered terms. Vacancies may be filled for the unexpired terms only. Members may be appointed to not more than two (2) successive complete terms. After two (2) consecutive full terms, a member shall be ineligible for reappointment until one (1) year has elapsed from the date of the termination of the second term.
- (D) Members shall have demonstrated special interest, experience or education in history or architecture and all members shall be residents of the Town of Southern Pines.
- (E) Faithful and prompt attendance at all meetings of the commission and conscientious performance of the duties required of members shall be a prerequisite to continuing membership on the HDC.
- (F) The Town Council may remove HDC members at any time for failure to attend three (3) consecutive meetings or for failure to attend thirty (30) percent or more of the meetings within any twelve (12) month period or for any other good cause related to performance of duties. ~~If a member moves outside the Town, that shall constitute a resignation from the HDC, effective upon the date a replacement is appointed by the Council.~~

8.16.2. Responsibilities

- (A) Review and act on applications for Certificates of Appropriateness for Major Work pursuant to section 2.28. The approval of Minor Work has been delegated to the Planning Director.

Commented [BG13]: The change to (B) above and this section are the result of a member of the HDC moving to Aberdeen and it was determined that continuing to serve "until a replacement is appointed" was not strictly consistent with NCGS 160D-303, which is now quoted in (B) above.

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- (B) Perform any other duties assigned by the Town Council.
- (C) The HDC may request the North Carolina Department of Cultural Resources or the North Carolina Historic Commission review, comment upon and/or make recommendations upon all applications for a certificate of appropriateness.

8.16.3. Designation of Historic District

- (A) It is the intent and purpose of the Town that historic district designation:
 - (1) Safeguards the heritage of the Town of Southern Pines by preserving any area which reflects elements of its cultural, social, economic, political or architectural history;
 - (2) Stabilize and improves property values in such areas;
 - (3) Fosters civic beauty;
 - (4) Strengthens the local economy; and
 - (5) Promotes the use and preservation of such areas for the education, welfare and pleasure of residents of Southern Pines and the state as a whole.
- (B) The Town Council may designate from time to time one or more historic districts within the jurisdictional boundaries of the Town.
- (C) No historic district(s) shall be designated until:
 - (1) The Southern Pines Historic District commission shall have made an investigation and report on the historic Significance of the buildings, structures, features, sites or surroundings included in any such proposed district and shall have prepared a description of boundaries of such district.
 - (2) The Southern Pines Historic District Commission shall have requested an analysis and recommendation based on the report required in (1) of this subsection from the North Carolina Department of Cultural Resources, including the proposed boundaries of the district. If the department has not provided the requested analysis and recommendations within thirty (30) days

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after a written request for such analysis and recommendations have been mailed to it, the Town Council is relieved of any responsibility for securing such analysis and recommendations and may at any time thereafter take any necessary action to adopt or amend its zoning ordinance.

8.17. BOARD, COMMISSION AND COMMITTEE ADMINISTRATION

8.17.1. Application

This section applies to the administration of the Planning Board, Board of Adjustment, Special Project Advisory Committees and Historic District Commission. The Town Council may designate that other appointed boards, commissions or committees adhere to these same administrative provisions.

8.17.2. Administration and Governance

- (A) At its first meeting in January of each year the body shall by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and vice chairman. The persons so designated shall serve in these capacities for terms of one year. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the board membership excluding vacant seats). The chairman and vice-chairman may take part in all deliberations and vote on all issues.
 - (1) The chairman shall preside over all meetings off the commission and shall decide all points of order and procedure, subject to the commission's by-laws and rules of procedure.
 - (2) The vice-chairman shall serve as acting-chairman in the absence of the chairman and at such times shall have the same powers and duties as the chairman.
 - (3) Town staff shall serve as secretary to generally supervise the clerical work of the commission, keep minutes of each meeting and perform other duties as specified in the commission's by-laws.
- (B) The body shall adopt rules of procedure governing its procedures and operations not inconsistent with the provisions of this UDO. A copy of

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adopted rules of procedure shall be maintained by the Town Clerk and posted on Town website.

(Ord. #1919)

- (C) The body shall establish a regular meeting schedule and shall meet at least quarterly and more often as it shall determine and require.
- (D) Special meetings may be called at any time by the chairman. At least forty-eight (48) hours notice of the time and place of special meetings shall be given by the secretary or by the chairman to each member of the commission; provided that this requirement may be waived by action of a majority of all the members.
- (E) All meetings shall be open to the public and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting. Minutes shall be kept of all proceedings.
- (F) A quorum shall consist of a majority of the body membership (excluding vacant seats). A quorum is necessary for the board to take official action.
- (G) All actions of the body shall be taken by majority vote, a quorum being present. For bodies that have Extraterritorial Planning Area members, specifically including but not limited to the Planning Board, Extraterritorial Planning Area members may vote on all matters considered by the body regardless of whether the property affected lies within or outside of Town municipal boundaries.
- (H) A roll call vote shall be taken upon the request of any member.
- (I) Once a member is physically present at a meeting of the body, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been or has been allowed to withdraw from the meeting.
- (J) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
 - (1) If the member has a direct financial interest in the outcome of the matter at issue; or
 - (2) If the matter at issue involves the member's own official conduct; or

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- (3) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
- (4) If a member has such close personal ties to the Applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
- (K) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.
- (L) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.
- (M) All members appointed to a body identified under this section shall, before entering their duties, qualify by taking an oath of office as required by G.S. 160A-61.

(Ord. #1919)

PART III – COMPLIANCE AND ENFORCEMENT

8.18. VIOLATIONS

8.18.1. Inspection of Work in Progress

As the work pursuant to a permit progresses, the Planning Director or Town Engineer, as applicable, shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this UDO and the terms of the permit. In exercising this power, the Planning Director has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purpose of inspection or other enforcement action; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

(Ord. #1919)

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8.18.2. Complaints Regarding Violations

Whenever the Planning Director receives a written, Signed complaint alleging a violation of this UDO, he shall request the Code Enforcement Officer to assist with the investigation of the complaint, take whatever action is warranted and inform the complainant in writing what actions have been or will be taken.

8.18.3. Persons Liable

The owner, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

8.18.4. Procedures upon Discovery of Violations

- (A) If the Planning Director finds that any provision of this chapter is being violated, he or she shall send a written notice to the holder of the Development Approval and owner of the property involved (if that person is not the holder of the Development Approval), indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Planning Director's discretion.

(Ord. #1919)

- (B) The final written notice (and the initial written notice may be the final notice) shall state what action the Planning Director intends to take if the violation is not corrected and shall advise that the Planning Director's decision or order may be appealed to the Board of Adjustment in accordance with section 2.23.

(Ord. #1919)

- (C) Notwithstanding, the foregoing, in cases when delay would seriously threaten the effective enforcement of this chapter or pose a danger to the public health, safety or welfare, the Planning Director may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this UDO.

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8.18.5. Violations to Be Corrected

When the Planning Director finds violations of applicable state and local laws, it shall be his or her duty to notify the owner of the building of the violation. The owner shall each immediately remedy the violations of law in the property he or she owns.

(Ord. #1919)

8.19. ENFORCEMENT

8.19.1. Stop Orders

Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this article, the Planning Director may order the work to be immediately stopped if the violation poses an imminent threat to life, safety and/or the environment; or where no permits have been issued prior to work commencing. The stop order shall be in writing and directed to holder of the Development Approval and owner of the property involved (if the person is not the holder of the Development Approval). The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.

(Ord. #1919; Ord. #1959)

8.19.2. Revocation of Permits or Approvals

- (A) A Development Approval may be revoked by the Permit Issuing Authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this chapter or any additional requirements lawfully imposed by the Permit Issuing Authority.

(Ord. #1919)

- (B) Before a Development Approval may be revoked, the Development review and approval process required for issuance of the Development Approval shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

(Ord. #1919)

- (C) A motion to revoke a permit shall include, in so far as practicable, a statement of the specific reasons or findings of fact that support the

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motion. The burden of presenting evidence sufficient to authorize the Permit Issuing Authority to conclude that a permit should be revoked for any of the reasons set forth in this section shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.

- (D) Before a Development Approval may be revoked, the Planning Director shall give the permit recipient ten (10) days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his or her right to obtain an informal hearing on the allegations. If the permit is revoked, the Planning Director shall provide to the permitted a written statement of the decision and the reasons therefore.

(Ord. #1919)

- (E) No person may continue to make use of land or buildings in the manner authorized by any Development Approval after such approval has been revoked in accordance with this section.

(Ord. #1919)

8.19.3. Actions in Event of Failure to Take Corrective Action

If the owner of a building or property shall fail to take prompt corrective action, the Planning Director shall give him or her written notice, by certified or registered mail, to the owner's last known address or by personal service:

- (A) That the building or property is in violation of this UDO.
- (B) That a hearing will be held before the Planning Director at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
- (C) That following the hearing, the Planning Director may issue such order to alter, vacate, or demolish the building or structure as appropriate.

(Ord. #1919)

8.19.4. Order to Take Corrective Action

If, upon a hearing held pursuant to the notice prescribed above, the Planning Director shall find that the building or Development is in violation of this UDO,

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he shall make an order in writing to the owner, requiring the owner to remedy the violations, within such period, not less than thirty (30) days, the Planning Director may prescribe; provided, that where the Planning Director finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

(Ord. # 1716)

8.19.5. Appeal

Any owner who has received an order to take corrective action may appeal in writing to the Board of Adjustment and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Planning Director shall be final. The Board of Adjustment shall hear appeals within a reasonable time and may affirm, modify and affirm, or revoke the order.

(Ord. #1919)

8.19.6. Penalties

- (A) Any person found to be violating this UDO or failure to comply with any of its requirements including violations of any conditions, safeguards or standards established in connection with grants of approval shall be subject to fines and other civil penalties as allowed by law.

(Ord. #1959)

- (B) Violations of the provisions of this chapter, or failure to comply with any of its requirements including violations of any conditions and safeguards established in connection with grants of variances or Special Use Permits shall be subject to a fine of fifty (50) dollars per day for each day that the violation continues to exist, or a maximum thirty (30) days imprisonment.

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

- (C) If the offender fails to pay this civil penalty within ten (10) days after being notified of a violation, the penalty may be recovered by the Town in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with this UDO and did not take an appeal to the Board of Adjustment within the prescribed time.

(Ord. #1919; Ord. #1959)

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- (D) This chapter may also be enforced by any appropriate equitable action. In addition to the remedies allowed by law, the regulations and standards contained in this UDO may be enforced through the issuance of a civil citation by the Planning Director or his designee.
- (E) Any one, all or any combination of the foregoing penalties and remedies may be used to enforce this chapter.

8.19.7. Separate Offences May Be Charged

Each day that any violation continues after notification by the Planning Director that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

8.20. JUDICIAL REVIEW

- (A) Every decision of the Town Council granting or denying a Special Use Permit and every final decision of the Planning Board shall be subject to review by the Superior Court of Moore County by proceedings in the nature of certiorari.
- (B) The petition for the writ of certiorari must be filed with the Moore County Clerk of Court within thirty (30) days after the later of the following occurrences:
 - (1) A written copy of the decision has been filed in the office of the planning department; and
 - (2) A written copy of the decision has been delivered, by personal service or certified mail, return receipt requested to the Applicant or appellate and every other aggrieved party who has filed a written request for such copy at the hearing of the case.
 - (3) A copy of the writ of certiorari shall be served upon the Town of Southern Pines.

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Chapter 9. Definitions

9.1. RULES OF INTERPRETATION

9.1.1. Generally

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

9.1.2. Rules of Construction

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

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

9.1.3. Responsibility for Interpretations

All interpretations shall be the responsibility of the Planning Director.

9.2. ABBREVIATIONS

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

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

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9.3. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Built-Up-on Area: Built-upon areas shall include that portion of Development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

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.

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

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

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

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

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

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does consider the relative scale, design and intensity of nearby structures, uses and activities.

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

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

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

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

Cutoff Fixture: An outdoor light fixture shielded or constructed in such a manner that no more than two and one half (2½) percent of the total light emitted by the fixture is projected above the horizontal plane of the fixture.

Determination: A written, final, and binding order, requirement, or determination regarding an administrative decision.

Developer: A person, including a governmental agency or reDevelopment authority, who undertakes any Development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake Development on that property.

Development: Any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in G.S. 160D-802.
- d. The initiation or substantial change in the use of land or the intensity of use of land.

Development Approval: An administrative or quasi-judicial approval made pursuant to this UDO that is written and that is required prior to commencing Development or undertaking a specific activity, project, or Development

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proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, Special Use Permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this UDO, including plat approvals, permits issued, Development agreements entered into, and building permits issued. Unless provided otherwise by law, Development Approvals attach to and run with the land.

Development Conditions: The written Development program, dimensional standards, special conditions and restrictions on Development submitted with the application for zoning approval.

Development Envelope: Area within which grading, lawns, pavement and buildings will be located.

Development Pattern: A type of Development described in chapter 6 of this UDO or otherwise established that is characterized by a mix of uses, intensities of Development or specific design characteristics.

Diameter Breast Height: A standard measure of size for existing trees. The tree trunk diameter is measured in inches at a height of four and one-half (4 ½) feet above grade. If a tree splits into multiple trunks below 4½ feet, then the trunk is measured at its most narrow point beneath the split.

Down-zoning: A zoning ordinance that affects an area of land in one of the following ways:

- a. By decreasing the Development density of the land to be less dense than was allowed under its previous usage.
- b. By reducing the permitted land uses of the land that are specified in a zoning ordinance or land Development regulation to fewer than were allowed under its previous usage.

Dwelling: Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of minimum housing codes, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

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Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Estoppel: A bar or impediment preventing a party from asserting a fact or a claim inconsistent with a position that party previously took, either by conduct or words, especially where a representation has been relied or acted upon by others.

Evidentiary Hearing: A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a Development regulation adopted under this UDO.

Existing Development. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance based on at least one of the following criteria:

- (A) Substantial Expenditures or resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- (B) Have an outstanding valid building permit as authorized by the General Statutes (G.S. 160D-108); or
- (C) Having expended substantial resources (time, labor, money) and having an approved site specific or phased Development plans as authorized by the General Statutes (G.S. 160D-108.1).

Existing Lighting: Any and all lighting installed prior to the effective date of this UDO.

Expenditure: A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future Expenditures, as well as any other substantial changes in position.

Extraterritorial Planning Area: That portion of the Town's Planning Jurisdiction that lies outside the corporate limits of the Town.

Family: One or more persons living together as a single housekeeping unit.

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Floor: The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in a frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Food Cart: A smaller mobile facility, typically wheeled, from which food is sold that typically contains cooking facilities where the food is prepared and served. Food carts shall not be self-propelled and not exceed four (4) feet in width by ten (10) feet in length by eight (8) feet in height.

Food Trailer: A non-automotive, wheeled vehicle from which food is sold that typically contains cooking facilities where the food is prepared and served.

Food Truck: An automotive, wheeled vehicle from which food is sold that typically contains cooking facilities where the food is prepared and served.

Food Truck Campus: A collective of multiple food trucks, food trailers or food carts operating together on one parcel of land.

Gaming Operations: Any business activity, whether as a principal or Accessory Use, in which patrons use electronic or mechanical machines, including, but not limited to, computers and gaming terminals, to conduct or stimulate games of chance, including the use of the machines to reveal the pre-determined value of an entry, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether the value is determined by the machines or by pre-determined odds. Gaming Operations do not include any Lottery approved by the State of North Carolina or any nonprofit activity otherwise lawful under state law.

Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Gross Leasable Floor Area. The total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors. It is measured from the center line of joint partitions and from outside wall faces.

Halfway House: A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness (as defined in G.S. 122C-3.(14), or anti-social or criminal conduct, together with not

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more than two persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

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

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

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

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

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

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

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

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

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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.

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 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

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- (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 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.

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.

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

Multi-Family Residence: A building including three (3) or more dwelling units.

Multi-Use Trail: A trail designed for compatible and safe concurrent use by pedestrians and bicyclists.

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

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

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

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

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

Ordinary Maintenance: Exterior work that is undertaken on a frequent and routine basis to maintain the functional and structural integrity of an existing building, structure, or architectural or appurtenant features. Ordinary

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Maintenance is defined further as being repair work that maintains, and does not change, the architectural material, design, style, size and scale, arrangement, detailing or texture of the feature.

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

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

Parking Area 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.

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

Quasi-judicial Decision: A decision involving the finding of facts regarding a specific application of a Development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, Special Use Permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial

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Commented [BG14]: There are a lot of possible definitions. This one comes from "A Planner's Dictionary" put out by the American Planning Association and was taken by APA from Clarkdale, Arizona. Other options can certainly be discussed during discussion following a public hearing. Staff will bring alternatives and discuss why this one was deemed acceptable based on professional judgment.

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in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

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

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

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

Residence, Multi-Family Conversion: A Multi-Family Residence containing not more than four Dwelling Units and results from the conversion of a single building containing at least 2,000 square feet of Gross Floor Area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a Single-Family residence.

Residence, Townhouse: A Multi-Family Residential 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.

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

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

Setback: The shortest distance between the building and the property line.

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

Setback, Exterior Side: The shortest distance between the street side of the building and the side property line abutting a street or the distance from the street centerline where the right-of-way line is undefined.

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

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

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

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- (B) Is designed to attract the attention of such persons or communicate information to them.

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

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

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

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

- (A) Are filled with neon or some other gas that glows when an electric current passes through it; and
- (B) Are intended to form or constitute all or part of the message of the Sign, rather than merely providing illumination to other parts of the Sign that contain the message shall also be considered Internally Illuminated Signs.

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

Sign, Logo Emblem: A type of Wall Sign in which the logo of the business is displayed separately from the wall sign. Logo emblem signs contain no words or text. One (1) logo emblem sign is allowed to accompany the permitted number of wall signs. Logo emblem signs are calculated into the permitted wall

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sign square footage. The logo emblem sign is subject to the same standards as a wall sign and must adhere to all other applicable requirements.

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

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

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

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

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

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

Sign, Temporary: A Sign that:

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

Sign, Wall: A Wall Sign is

- (A) A Sign attached to or painted on a wall or building with the exposed display surface of the Sign in a plan parallel to the plane of the wall to

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which it is attached or painted and including Signs affixed to or otherwise displayed on or through a facade window.;

- (B) Any Sign attached to, painted on or erected against any wall of a building or structure so that the exposed face of the Sign is on a plane parallel to the plane of said wall and which does not extend more than 12 inches from the wall;
- (C) Any Sign erected against, installed on or painted on a penthouse above the roof of a building as long as the wall of the penthouse is on a plane parallel to the wall of the building; or
- (D) A Sign attached to, painted on or erected against a false wall or false roof that does not vary more than thirty (30) degrees from the plane of the adjoining wall elevation.

Site Plan: A plan depicting the proposed Development of a property, in terms of the location, scale, and configuration of buildings and other features.

Special Events: Temporary, organized events that:

- (A) Run no longer than two weeks;
- (B) Are intended to or likely to attract substantial crowds; and
- (C) Are unlike the customary or usual activities generally associated with the property where the special event is to be located.

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

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

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- (A) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
- (B) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities: For the purposes of this UDO, "Specified Sexual Activities" is defined as:

- (A) Human genitals in a state of sexual stimulation or arousal;
- (B) Acts of human masturbation, sexual intercourse or sodomy; or
- (C) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Subdivision: The division of a Tract or parcel of land into two or more Lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building Development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within the definition nor be subject to the regulations of this UDO applicable strictly to subdivisions:

- (A) The combination or re-combination of portions of previously subdivided and recorded Lots where the total number of Lots is not increased and the resultant Lots are equal to or exceed the standards as shown in this UDO;
- (B) The division of land into Parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- (C) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors;
- (D) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right of way dedication is involved and where the resultant lots are equal to or exceed the standards as shown in this UDO; or

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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 building occupied by an owner or operator in which rooms are rented 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

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that does not satisfy one or more of the definition criteria of a manufactured home.

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)

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Amendments to the UDO

Agenda/Ordinance Number	Text Amendment Summary	Date Adopted
OA-01-14/ Ord. #1538	Requires PD or CUP approval for more than 5 single-family attached dwellings in a Development	5/13/14
OA-03-14/ Ord. #1714	Clean up errors and omissions, clarify PD requirements, expand minor subdivision applicability, clarify applicability of minor subdivisions	6/10/14
OA-04-14 Ord. #1715	Allowing for private drives in the RS-1 district	10/11/14
OA-02-15/ Ord. #1716	Clarify procedures, clarify district provisions, update zoning use matrix, and revise parking standards	9/8/15
OA-03-15/ Ord. #1717	Revise standards and permissions for bed and breakfast establishments	11/10/15
OA-04-15/ Ord #1718	Add standards for Homeless Shelters	12/8/15
OA-01-16/ Ord. #1604	Allow veterinary services in the Neighborhood Business District	4/12/16
OA-02-16/ Ord. #1630	Allowing for private drives in the RS-3 district	8/9/16
OA-01-17/ Ord. #1696	Amending rules for automobile service stations and fuel sales operations	12/12/17
OA-02-17 Ord. #1703	Amending provisions related to Planned Development, Site Plan Review, Highway Corridor Regulations, lighting standards, political signs, design standards, and CUP amendments; and eliminating references to business licenses	2/13/18
OA-01-18 Ord. #1745	Amending provisions related to street design standards, traffic impact analyses and other matters involving transportation	7/10/18
OA-02-18 Ord. #1746	Amending provisions related to notice and other procedural matters	7/10/18
OA-01-19 Ord. #1775	Renaming "conditional use district" to "conditional zoning district" modifying planned Development criteria, clarifying conditions for keeping horses, modifying standards for signs in historic districts, and providing for elevation certificates	4/9/19
OA-02-19 Ord. #1808	Sec. 3.6.3(D)(2) & (3) amended to eliminate the requirement that areas with RM base zoning within the DTO comply with OS setbacks.	7/9/19

Amended

11-15-22

Southern Pines Unified Development Ordinance

Amendments

Agenda/Ordinance Number	Text Amendment Summary	Date Adopted
OA-03-19 Ord. #1820	Revising regulations and definitions for mobile food services	12/10/19
OA-01-20 Ord. #1871	Revising standards related to bonding improvements, setbacks, authorized land uses, lot dimensions for equestrian access, minimum living area, street standards, and utilities; and revising definitions and appendix A.	8/24/20
OA-03-20 Ord. #1887	Revising the maximum heights in the RM-1 and RM-2 districts	11/23/20
OA-04-20 Ord. #1890	Revising the appeals body for Certificates of Appropriateness for Major Work, bonding requirements, criteria for minor subdivisions, setbacks, lot dimensions, tree planting requirements, appendices B & C, references to appendices B & C, and correcting scrivener's errors	1/6/21
Ord. #1919	Amendments throughout the UDO to bring it into compliance with the provisions of G.S. 160D	7/1/21
Ord. #1959	Amendments to the subdivision and special use permit procedures, height, landscaping, and penalties	1/11/22
Ord. #1981	Amendments to landscaping, Board of Adjustment, and definitions	4/12/22
Ord. #2000	Amendments clarifying the need for PD approval for Multi-Family or Condominium Development including ten or more Dwelling Units	6/14/22
Ord. #2040	Amendments addressing building Height and exemption from certain stormwater management provisions.	11/15/22

File Number	Zoning Map Amendment Summary	Date Adopted
Z-01-14	Rezone the Southern Pines Corporate Park from Industrial (I) to Planned Development (PD)	5/13/14
Z-03-14	Rezone Property from OS-CD to RM-2; 360 N. Bennett St.	5/13/14
Z-04-14	Rezone Property from RS-1 to NB; 1064 W. Massachusetts Avenue	5/13/14
Z-02-15 1539	Rezone Property from GB to RM-2; Between Midlothian Drive and Clark Street	11/10/15
Z-01-16	Rezone Property from RS-1 to NB-CD: 1650 W. New York Avenue - American Legion Post 177	3/8/16

Amended

11-15-22

Southern Pines Unified Development Ordinance

File Number	Zoning Map Amendment Summary	Date Adopted
Z-02-16	Rezone 1515 Midland Rd from RS-2 to RS-1CD	2/14/17
Z-03-17	Rezone 93.04 ac. on Waynor Rd from RR to RS-3	10/16/17
Z-04-17	Rezone 2250 E Connecticut Ave and Lot 1A Ft. Bragg Rd from RS-3 to RE	10/16/17
Z-06-17	Rezone Waynor Road & Hwy 22 from PD to FRR	11/14/17
PD-03-17	Rezone 1605 Central Drive from FRR to PD	12/11/17
Z-05-17	Rezone 940 E Connecticut Ave from RS-3 to RE	12/12/17
Z-01-18	Rezone The Carolina golf course tracts to FRR	4/10/18
Z-02-18	Rezone Central Drive from FRR to I	5/15/18
PD-02-18	Rezone Caropines - modification of The Carolina subdivision plan from RS-2 to PD	10/9/18
Z-04-18	Rezone 14.8 ac., 1645 E. Indiana Ave from RS-3 to RE	1/8/19
Z-05-18	Rezone 1105 Morganton Rd from FRR to GBCD	3/19/19
PD-01-19	Rezone wo parcels totaling 31.85 acres west of US 15-501 between Applecross Road and Inverrary Road from PD w/o a CDP to PD with approved CDP	6/11/19
Z-01-19	0.65 acres at 375 Pinehurst Avenue from OS to GB	12/10/19
Z-02-20	Rezone 35.43 acres within Forest Creek, 200 Meyer Farm Drive from RS-3 to M-2	4/13/19
PD-01-21	Rezone 15.04 acres at the corner of Yadkin Road and Trimble Plant Road from I to PD with an approved CDP	3/22/21

Amendments

Amended

11-15-22

TOWN OF SOUTHERN PINES ORDINANCE #2052
AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
(OA-04-22)

THAT WHEREAS, the Town of Southern Pines planning staff prepared a copy of the Town of Southern Pines Unified Development Ordinance (UDO) showing proposed changes to the text and that copy has been available for inspection at the planning office during normal business hours since November 14, 2022.

THAT WHEREAS, after notice being duly given according to North Carolina General Statute and the UDO, a public hearing was held before the Town of Southern Pines Planning Board during its regular meeting on December 15, 2022 at 6:00 PM for the purpose of considering and making a recommendation on the proposed changes to the UDO; and

WHEREAS, after holding a public hearing and discussing the proposed changes to the UDO, the Planning Board did determine that the proposed changes are consistent with the Comprehensive Long Range Plan (CLRP) and are reasonable as an implementation of the CLRP, and did therefore unanimously vote to recommend approval of the proposed changes to the Town Council.

THAT WHEREAS, after notice being duly given according to law, a public hearing was held before the Town Council of Southern Pines, North Carolina, during its regular meeting on January 10, 2023 at 6:00 PM for the purpose of considering an ordinance amending the Unified Development Ordinance (UDO) of the Town of Southern Pines, North Carolina; and

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

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina assembled at Regular Meeting on the 10th day of January, 2023:

Section 1. That the Southern Pines Unified Development Ordinance is hereby modified as depicted, using underlining for additions and strikeouts for deletions, on the attached copy of the Unified Development Ordinance.

Section 2. Sections that include changes are:

- | | | | |
|-----------------|-----------------|-----------------|-----------------|
| - §2.5.8(C) | - §2.11 | - §2.15.2(D) | - 218.3(C) |
| - §2.18.4(I)(4) | -2.18.5(I) | - §2.18.7 | - §2.18.8 |
| - §2.18.8(A) | - §2.18.8(A)(3) | - §2.18.8(B) | - §2.18.8(B)(3) |
| - §2.18.8(B)(9) | - §2.20.4(G) | - §2.20.4(I) | - 3.5.14(I) |
| - §3.5.14(J) | - §4.7 | - §4.10.4(E)(3) | - §5.9.3(C) |
| - §8.5.2(C) | - §8.5.2(D) | - §8.5.2(E) | - §8.5.2(F) |
| - §8.5.2(G) | - §8.5.2(H) | - §8.5.2(I) | - §8.14.6(C) |
| - §8.14.6(D) | - §8.16.1(B) | - §8.16.1(F) | - §9.3 |

Section 3. This amendment is effective upon signature.

Adopted this 10th day of January, 2023.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Town Clerk

Carol R. Haney, Mayor

APPROVED AS TO FORM:

DeWitt F. McCarley, Town Attorney

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on January 10, 2022 as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk

DRAFT

COUNTY OF MOORE
STATE OF NORTH CAROLINA

I swear that this is a true and accurate copy of an Ordinance amending the Unified Development Ordinance of the Town of Southern Pines adopted on January 10, 2023 (OA-04-22).

<u>Elizabeth Robertson, Town Clerk</u>	<u> </u> Date
--	----------------------------------

DRAFT

Southern Pines Unified Development Ordinance

Adopted October 8, 2013
Edits through November 15, 2022
Includes G.S. 160D Revisions

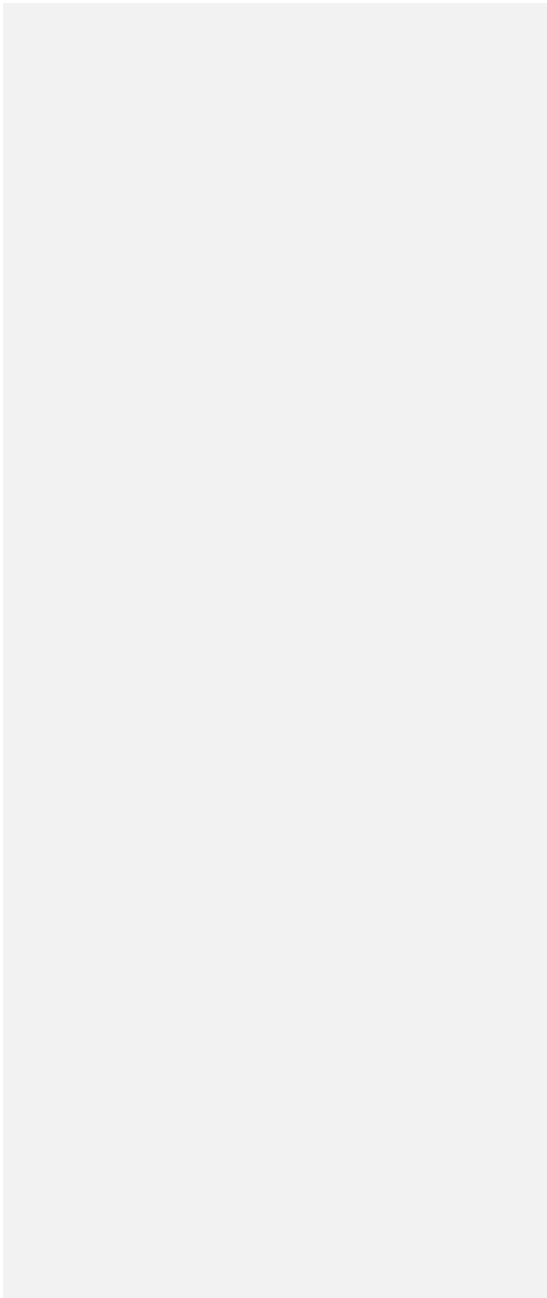


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Chapter 1. Administration

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1.1. TITLE

This Code shall be known as the "Unified Development Ordinance of Southern Pines" ("UDO") and may be so cited.

1.2. PURPOSE AND INTENT

1.2.1. Compliance with this Ordinance Required

The UDO intends that no Development shall occur on any public or private property within the jurisdiction of the Town of Southern Pines (Town) until and unless all applicable Development Approvals for the Development have been granted.

1.2.2. UDO to Implement the Comprehensive Plan

The UDO and all Development Approvals issued pursuant to the UDO are designed to implement and be consistent with the goals, objectives, policies, and strategies of the Comprehensive Plan through consistent and effective land Development regulation. The UDO shall implement goals as established by the Town Council, including but not limited to:

- (A) Protect and enhance the commercial and civic vitality of Downtown, including its residential neighborhoods;
- (B) Protect and enhance the civic vitality and function and aesthetic characteristics of Southern Pines’ neighborhoods;
- (C) Protect and enhance the aesthetic and functional characteristics of Horse Country throughout the extra-territorial jurisdiction (ETJ) of Southern Pines;
- (D) Protect and enhance public parks, open-space areas and cultural landscapes;
- (E) Contribute to a sustainable, balanced economy, providing community prosperity and fiscal health, improving the Town’s economic resilience and self-reliance;
- (F) Improve Southern Pines’ interconnectivity with the regional and national transportation network, including rail, highways, and air-travel;
- (G) Protect and enhance Southern Pines’ natural environment for present and future generations;
- (H) Maintain the Town’s fiscal and physical health and quality of life as defined in the Comprehensive Plan through proactive, long-range planning and implementation;
- (I) Maintain fiscal solvency while providing adequate levels of public services;
- (J) Identify and provide for sufficient land area for future community needs;
- (K) Involve the community in local government planning and decision-making; and
- (L) Retain golf as an essential part of Southern Pines’ economy, physical character and culture.
(Ord. #1714)

1.3. CONSISTENCY WITH COMPREHENSIVE PLAN

The Town Council intends this UDO to implement the planning policies adopted by the Council for the Town and its extra-territorial planning area, as reflected in the Comprehensive Plan and all other area or corridor plans if it complies

with the goals, objectives and policies contained therein. While the Council reaffirms its commitment that this UDO and any amendment to it be in conformity with adopted planning policies, the Council hereby expresses its intent that neither this UDO nor any amendment to it may be challenged on the basis of any alleged non-conformity with any planning document. Any amendments to the UDO, including but not limited to Development approvals, shall be consistent with the adopted Comprehensive Plan, as it may be amended from time to time, in effect at the time of the request for amendment; an adopted area or corridor plans; and the Capital Improvement Plan (CIP).

1.4. ORGANIZATION

This UDO consists of nine Chapters, which are listed below. The appendices include a variety of documents necessary to carry out the provisions of this UDO and are referred to as appendices throughout this document.

Chapter 1 establishes the purposes and applicability of the UDO, as well as providing guidance on its organization and interpretation.

Chapter 2 establishes procedures and criteria for approval of Development applications, as well as changes to this UDO and the Comprehensive Plan.

Chapter 3 establishes zoning districts, creates the official zoning district map and lists the uses allowed in each zoning district.

Chapter 4 establishes Development and design requirements for buildings, sites and subdivisions, which includes rules for infrastructure Development and environmental factors.

Chapter 5 establishes supplemental conditions for specific land uses.

Chapter 6 establishes a variety of Development Patterns that may be established in appropriate areas of the Town's jurisdiction.

Chapter 7 establishes the rules for non-conforming situations and vested rights.

Chapter 8 establishes the rules for administering the UDO, which includes the jurisdiction of the UDO, responsibilities for UDO administration and penalties for violations of the UDO.

Chapter 9 defines the terms used in this UDO

Appendices are administrative rules for the application and enforcement of the UDO that include applications, submittal requirements, landscape planting standards and design standards for infrastructure improvements.

1.5. INTERPRETING THE CODE

This UDO is intended to be administered with the flexibility to respond to unique circumstances of individual properties in ways that best achieve its purposes.

- (A) This UDO establishes many, but not all, of the standards and procedures for Development. Other portions of the Municipal Code, as well as other standards, shall apply to Development, including, but not limited to, building codes, fire codes, utility, street and drainage design and construction standards.
- (B) The issuance of any Development approval pursuant to this UDO shall not relieve the recipient from the responsibility to comply with all other Town, County, State or federal laws, ordinances, rules or regulations.
- (C) References to other regulations or provisions of the UDO are for the convenience of the reader. The lack of a cross-reference does not exempt a land, building, structure, or use from other regulations.
- (D) The UDO contains numerous graphics, pictures, illustrations, and drawings to assist the reader in understanding and applying the UDO. However, to the extent that there is any inconsistency between the text of the UDO and any such graphic, picture, illustration, or drawing, the text controls unless otherwise provided in the specific section.
- (E) Additional rules for interpreting language and the provisions are included in Chapter 9 of this UDO

1.6. APPLICABILITY

1.6.1. Generally

- (A) The use of buildings and land within the Town of Southern Pines is subject to all other regulations, as well as the UDO, whether or not such other provisions are specifically referenced in the UDO.

- (B) Subject to provisions of this UDO regulating non-conformities, no person may use, occupy or subdivide any land or buildings or authorize or permit the use, occupancy or sale of land or buildings under his control except in accordance with all of the applicable provisions of this UDO.
- (C) For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on or in a building or land.
- (D) Agricultural Exemption
 - (1) Agricultural land uses in the Town's ETJ are exempt from the Town land use regulations when the property is used for bona fide farm purposes and those uses are an integral part of the agricultural use.
 - (2) If bona fide agricultural uses occupy a portion of the property, then the agricultural uses on that portion of the property are exempt from the Town's land use regulations.
 - (3) If the primary use is for non-agricultural purposes, then the property is not exempt.
 - (4) If the property is subdivided so that all or portions of the property is no longer a bona fide farm, then such portions are not exempt.
 - (5) For purposes of this section, a bona fide farm use shall be established by the following evidence:
 - (a) A farm sales tax exemption issued by the State Department of Revenue.
 - (b) A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3
 - (c) A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
 - (d) A forest management plan.

(Ord. #1919)

- (E) This UDO does not apply to activities that are exempted by State or Federal law.

1.6.2. Use of Land

Except as herein specifically provided, no building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except under the following circumstances:

- (A) The use shall be permitted in the district in which the use is located, pursuant to chapter 3 of this UDO.
- (B) No more than one Principal Building may be located on one Lot, unless otherwise authorized.
- (C) No mobile home, camper, bus, tractor trailer, or other structure not specifically designed as a permanent residence may be used as an Accessory Structure in a residential district.
- (D) No structure or land shall be occupied or used without first obtaining a Certificate of Occupancy.
- (E) All uses shall comply with all applicable building, life, safety, fire and health codes adopted by the Town and all applicable regulations adopted by the County, State or federal governments.

1.6.3. Subdivision of Land

No land shall be divided or subdivided, except in conformance with this UDO and subject to the following conditions:

- (A) All divisions or subdivisions of land into two (2) or more Tracts, Parcels or Lots that are located within the jurisdiction of the Town shall be subject to the procedures and requirements established herein.
- (B) No subdivision plat shall be filed for record, recorded, or modified until approved in conformance with this UDO.
- (C) No grading, clearing, and grubbing, shall occur prior to the issuance of Engineering Plan, Land Disturbance Permit or Building Permit approval, except for Development of a Single-Family residence on a Lot that is not a part of a larger Common Plan of Development of 30,000 square feet or less in size, in which case an Erosion Compliance Permit shall be required. Minimal clearing of brush or sight lines for purpose of surveying sites shall be allowed.

(Ord. #1919)

1.6.4. Transfer of Land; Permits

No Parcel of land in a subdivision created after the adoption date of this UDO shall be transferred or sold; nor shall a Building Permit or Certificate of Occupancy be issued for any use or structure thereon, until a final plat has been recorded with the Register of Deeds.

(Ord. #1714; Ord. #1919)

1.6.5. Fees

Any action on an application for Development shall be subject to payment of the required fee in the amount established by resolution of the Council. All required fees shall accompany an application, shall be made payable to the Town, and shall be submitted to the Planning Director. All fees are non-refundable.

1.7. UDO TO PROTECT AND PROMOTE HEALTH, SAFETY AND WELFARE

The UDO is designed to protect and promote the health, safety and general welfare of the present and future residents of the Town. The UDO is a police power, public nuisance, environmental and land use regulation designed to establish standards and procedures to promote positive impacts and prevent or mitigate negative impacts from Development on the quality of life in the Town.

1.8. COORDINATION WITH OTHER REGULATIONS

1.8.1. Higher Standards Prevail

Where a regulation contained within the UDO imposes higher standards than those required under another statute, ordinance or regulation, the regulation adopted under the UDO controls. If the other statute, ordinance or regulation imposes higher standards, that statute, ordinance, or regulation controls so long as it is consistent with the purposes, findings and intent of the UDO and with the goals, objectives, policies and strategies of the Comprehensive Plan.

(Ord. #1919)

1.8.2. Issuance of Rules and Regulations for Public Improvements

The Town may promulgate reasonable rules and regulations regarding the design and installation of improvements required pursuant to this UDO. The Planning Director shall prepare such rules for review and approval by the Town Council consistent with application and process requirements for a UDO Text Amendment.

- (A) **Minimum Standard.** Any rule and regulation established shall meet the minimum Town and State standards, but nothing in this section shall prevent the Town from requiring compliance with higher requirements than the State regulations.
- (B) **When Effective.** Rules and regulations issued by the Town shall be effective after approval by the Town Council.

1.8.3. Relationship to Private Agreements

This UDO is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of this UDO are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement, the regulations of this UDO shall govern.

1.8.4. Minimum Requirements

The requirements of this UDO are considered to be the minimum requirements for the promotion of the public health, safety and general welfare. The UDO also shall require that new Development:

- (A) Express and reflect the unique sense of place and the desirable qualities of Southern Pines through innovative and sustainable design and architectural standards for Development;
- (B) Promote the use of the best available technology at reasonable cost, using local, state and federal grants, loans, tax credits and deductions, for installation of energy and resource conservation measures, including green and sustainable building and neighborhood requirements for all public and private buildings, structures and land uses;
- (C) Ensure that building projects are planned, designed, constructed, and managed to minimize adverse environmental impacts; to conserve natural

resources; to promote sustainable Development; and to enhance the quality of life in Southern Pines;

- (D) Respect historical patterns, precedents, and boundaries in the Development approval process for new Development and reDevelopment;
- (E) Reflect the transportation network of the region and provide within each Development a framework of transportation alternatives and inter-connectivity, including transit, pedestrian, and bicycle systems to maximize access and mobility throughout the region while reducing dependence upon the automobile; and
- (F) Place high regard for the protection of individual property rights in appropriate balance with the community's need to implement the goals, objectives, policies and strategies of the Comprehensive Plan.

1.9. ADMINISTERING THIS UDO

This UDO is intended to be administered in an efficient manner that provides appropriate opportunities for public involvement and an efficient Development review process. The roles of the Town Council, Planning Board, Board of Adjustment, other boards and Town staff are established in chapter 8.

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Chapter 2. Development Processes

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PART I - GENERAL PROCEDURES

2.1. PURPOSE

The purpose of this chapter is to establish procedures for filing and processing applications for Development approval. The format is designed to allow users to conveniently determine the steps involved to obtain Development approval.

2.2. PROCEDURAL REQUIREMENTS

No Development is permitted unless all applicable approvals are issued in accordance with this chapter. Development approvals are required for all Development, unless otherwise exempted, to ensure compliance with adopted codes, standards, and laws, and to ensure consistency with the Comprehensive Plan. This part describes procedural elements common to all applications. The

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specific procedures followed in reviewing various applications for Development approval differ. Subsequent sections of this chapter address the procedures and requirements for particular applications. Generally, the procedures for all applications have five common elements:

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

2.3. APPROVALS REQUIRED

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

2.4. AUTHORITY TO CONDITION DEVELOPMENT APPROVALS

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

2.5. CATEGORIES OF DEVELOPMENT APPROVALS

There are three basic categories of Development approvals pursuant to this chapter: legislative, quasi-judicial, and administrative approvals. These are classified in Exhibit 2-1.

Chapter 2. Development Processes

(Ord. #1919)

2.5.1. Legislative Development Approval

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

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

2.5.2. Quasi-Judicial Development Approval

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

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

2.5.3. Administrative Development Approval

- (A) Administrative Development Approvals involve the application of the standards of the UDO to an application by an administrative official or agency (typically the Planning Director, Town Engineer or Town Manager). A public hearing is not required. Administrative approvals may be referred to as administrative decisions. Applications for administrative Development approvals must be made by a person with an interest in the property, such as a landowner, lessee, a person holding an option or contract to purchase or lease or an authorized agent of the landowner. Administrative Development approvals shall be in writing, in print or electronic form.
- (B) No administrative official shall make an administrative decision when a conflict of interest exists, per G.S. 160D-109(c).

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

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Chapter 2. Development Processes

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

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

2.5.5. Authorizing Use or Occupancy before Completion of Development

(A) Subject to TRC comments, Planning Director may authorize the use or the occupancy of Developments prior to completion if:

- (1) The Applicant provides security satisfactory to the Planning Director that is sufficient to ensure that all approval requirements will be fulfilled by a specified date not to exceed twelve (12) months as determined by the Planning Director; and

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

(Ord. #1919)

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

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

Exhibit 2-1: Review Process Overview

Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
Approvals Requiring a Public Hearing:					
Comprehensive Plan Amendment	Legislative Hearing	Planning Board	Town Council	Superior Court	2.16
UDO Text Amendment	Legislative Hearing	Planning Board	Town Council	Superior Court	2.17
UDO Map Amendment	Legislative Hearing	Planning Board	Town Council	Superior Court	2.17
Planned Development District:					2.18
Pre-Application Conference (required)	---	---	---	---	2.5.7 / Advisory
Neighborhood Meeting (required)	---	---	---	---	2.15 / Applicant responsibility
Conceptual Development Plan	Legislative Hearing	Planning Board	Town Council	Superior Court	2.18.4
Preliminary Development Plan (includes contingent zoning approval, preliminary plat approval is a quasi-judicial decision)	Evidentiary Hearing	Planning Board	Town Council	Superior Court	2.18.5

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Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
Development Agreement (optional)	Legislative Hearing	Town Manager	Town Council		2.20.7
Final Development Plan (includes final zoning approval and may include Final Plat approval)		Planning Director/TRC	Planning Director	Town Council	2.18.7
Major Subdivision:					2.20
Pre-Application Conference (required)	---	---	---	---	2.20.2 / Advisory
Neighborhood Meeting (recommended)	---	---	---	---	2.20.3 / Applicant responsibility
Preliminary Plat (includes SUP approval)	Evidentiary Hearing	Planning Board	Town Council	Superior Court	2.20.4
Development Agreement (optional)	Legislative Hearing	Town Manager	Town Council		2.20.7
Final Plat (includes final SUP approval)	---	Planning Director/TRC	Planning Director	Town Council	2.20.8
Special Use Permit	Evidentiary Hearing	Planning Board	Town Council	Superior Court	2.21
Variance	Evidentiary Hearing	Planning Director	Board of Adjustment	Superior Court	2.22
Appeals	Evidentiary Hearing	Planning Director	Board of Adjustment	Superior Court	2.23
Vested Rights Determination	Evidentiary Hearing	Planning Director	Town Council	Superior Court	2.24
Development Approval Revocation	Evidentiary Hearing	Planning Director	Planning Board	Town Council	2.25
Architectural Compliance Permit (greater than 3,500 square feet)	---	Planning Director	Town Council/ Planning Director	Superior Court	2.26 / Mixed-use and non-residential only
Certificate of Appropriateness – Major Work	Evidentiary Hearing	Planning Director	Historic District Commission	Board of Adjustment	2.28
Vacations of Streets and Alleys	Legislative Hearing	Planning Director/TRC	City Council	Superior Court	2.29
Approvals NOT Requiring a Public Hearing:					
Minor Subdivision (includes lot splits, lot consolidation, dedications, and conveyances to the public)	---	TRC	Planning Director	Town Council	2.32
Vacations of, Easements or Plats	---	Planning Director/TRC	Town Council	District Court	2.33
Plats, Amending	---	TRC	Planning Director	Town Council	2.34
Zoning Permit / Change of Use	---	TRC	Planning Director	Board of Adjustment	2.35

Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
Land Disturbance Permit (Grading and Erosion Control Plan)	---	TRC	Planning Director	Board of Adjustment	2.36
Building Permit	---	TRC	Planning Director	Board of Adjustment	2.37 / TRC review not required for detached single-family dwellings
Certificates of Occupancy	---	TRC	Planning Director	Board of Adjustment	2.39
Floodplain Development Permit	---	TRC	Planning Director	Board of Adjustment	2.40
Sign Permit	---	TRC	Planning Director	Board of Adjustment	2.41
Driveway Permit / Right-of-Way Permit	---	TRC	Planning Director	Board of Adjustment	2.42
Home Occupation Permit	---	TRC	Planning Director	Board of Adjustment	2.43
Temporary Use Permit	---	TRC	Planning Director	Town Council	2.44
Certificate of Appropriateness – Minor Work	---	Planning Director	Planning Director	Historic District Commission	2.45
Administrative Relief	---	TRC	Planning Director	Board of Adjustment	2.46
Watershed Protection Permit (inside of CB zoning district)	---	TRC	Planning Director	Town Council	2.47
Watershed Protection Permit (outside of CB zoning district)		Planning Director	Town Council	Superior Court	2.47
Site Plan (Engineering and Construction Plans)	---	Planning Director Town Engineer Fire Marshal	TRC	---	2.20.5 / 2.48
Improvement Guarantees (optional)	---	TRC	Town Manager	---	2.20.6

(Ord. #1714; Ord. #1716; Ord. #1703; Ord #1890; Ord. #1919)

2.5.6. Burden of Persuasion Regarding Approval

- (A) The Applicant has the burden of producing sufficient substantial, competent and material evidence for the Hearing Body to conclude that the requirements of the applicable ordinance(s) have been met. If the Applicant shows they meet all the requirements of this UDO, the Applicant is entitled to approval. If the Applicant fails to produce sufficient evidence

to show they meet all the criteria, then the Hearing Body may deny the application or impose conditions to ensure compliance with this UDO.

- (B) Regarding appeals, neither party has the burden of proof or any right to any affirmative decision. An appeal of an administrative decision presents a question of law, which the Hearing Body considers de novo, meaning the Hearing Body is not bound by the ordinance interpretation of Town staff. Instead, the Hearing Body must interpret the ordinance to reflect the Town Council's intent when it adopted the ordinance. The Hearing Body shall not

reverse or modify an administrative decision unless it finds that the administrative officer erred in the application or interpretation of the terms of this UDO or related policies adopted by the Town.

2.5.7. Pre-Application Conference

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

2.5.8. Application Requirements

- (A) Appendix A of this UDO lists the detailed submittal requirements for each application listed in this chapter. Requests for any Development approval required by this UDO shall be made on applications provided by the Planning Department, which may include submittal requirements, instructions for completing forms, internal procedures for filing of applications, and provisions for waiver by establishing administrative guidelines. All Applicants shall complete a written application containing the information established in Appendix A of this UDO.
- (B) Applications for Development approvals will be accepted only from the owners or lessees of property, persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this chapter, or the agents of such persons. The Planning Director shall require evidence of the Applicant's authority to submit the application when there is a reasonable basis for questioning this authority.
- (C) Town Initiated Requests. The Town Manager, Mayor, Chair of the Planning Board or Town Council may initiate a request for any Development Approval or permit on behalf of the Town. Such requests shall not be subject to fees but shall otherwise follow the same procedures established herein.

2.5.9. Official Filing Date

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

2.5.10. Application Processing

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

2.5.11. Computation of Time

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

2.5.12. Streamlining the Review and Approval Process

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

2.5.13. Applications to be Processed Expeditiously

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

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2.5.14. Continuance

- (A) Nothing in this section precludes an Applicant and the Planning Director from mutually agreeing to a continuance or extension of any time limit provided by this section.
- (B) If the Planning Director receives the written request for a continuance at least seven (7) days prior to the public hearing at which the application is scheduled to be heard, the Applicant's request for a continuance will be automatically granted. An Applicant is not entitled to more than two (2) automatic continuances.
- (C) If the Planning Director receives the written request for a continuance less than seven (7) days prior to the public hearing at which the application is scheduled to be heard, the Applicant is not entitled to an automatic continuance. The Hearing Body will consider the request for a continuance and shall only grant such request upon a demonstration by the Applicant of good cause for a continuance.
- (D) If an Applicant receives a continuance, the Applicant shall reimburse the Town for all advertising costs associated with rescheduling the public hearing for the application. If the Applicant does not reimburse the Town for such costs by ten (10) days prior to the rescheduled hearing, the hearing will be cancelled and the application will be deemed withdrawn.

(Ord. # 1716; Ord. #1919)

2.5.15. Staff Consultation after Application Submitted

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

2.5.16. Withdrawal of Pending Applications

- (A) An Applicant may withdraw an application at any time prior to issuance of a Development Approval. The Applicant shall provide written notice of the withdrawal to the Planning Director.

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

2.6. COMPLETENESS REVIEW

2.6.1. Applications to Be Complete

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

(Ord. #1919)

- (B) Additional information may be required by the Permit Issuing Authority to decide whether or not the Development, if completed as proposed, will comply with all of the requirements of this chapter. Failure to provide additional required information may result in application denial. The presumption established by this UDO is that all required application information is necessary.
- (C) Review for completeness of application forms is solely for the purpose of determining whether preliminary information required for submission with the application is sufficient to allow further processing, and shall not constitute a decision as to whether application complies with the provisions of the UDO.
- (D) The Planning Director may agree to process an application without all required information at the risk to the Applicant that the decision-making body may later require the information prior to acting on the application.

2.6.2. Time Limits for Completeness Determination

- (A) Not later than five (5) business days after the Planning Director has received an application, the Planning Director shall determine in writing whether the application is complete and shall immediately transmit the determination to the Applicant.
- (B) If the application requires review by any other local or special district, or regional, state, or federal agency or entity, the Planning Director shall within five (5) business days transmit the application to such agency or entity requesting written comments within thirty (30) days. In such case, the Planning Director shall have forty-five (45) days to render a decision.
- (C) If the written determination is not made within the five (5) or forty-five (45) day period, whichever is applicable, after receipt of the application, the application shall be deemed complete for purposes of this chapter. Upon receipt of any re-submittal of the application, a new five (5) day period shall begin, during which period the Planning Director shall determine the completeness of the application.
- (D) If the application, together with the submitted materials, is determined not to be complete:
 - (1) The Planning Director shall specify in writing the information required.
 - (2) The Applicant may resubmit the application with the information required by the Planning Director or may appeal that decision in writing to the Planning Board.
 - (3) The Planning Board shall render a final written determination on the appeal not later than the next available meeting after receipt of the Applicant's written appeal.

2.7. FAILURE TO ACT

If a Reviewing Body has failed to convene a quorum or to make a recommendation approving or denying such action at two (2) consecutive meetings, such action, at the option of the Applicant, shall be deemed to be a negative recommendation. The Planning Director shall then submit the application to the Town Council for its consideration.

2.8. DEVELOPMENT APPROVALS**2.8.1. Expiration of Development Approval**

- (A) Unless otherwise identified in this chapter or specified in the approval, a valid Development approval shall not expire if work on the project has substantially commenced within twenty-four (24) months of the date of issuance of the approval. Substantial commencement of work shall be determined by the Planning Director to have occurred when there is substantial construction, erection, alteration, excavation, demolition or similar work authorized by such permits.
- (B) Even if work has substantially commenced, a Development approval expires if Development work is intentionally and voluntarily discontinued for a period of not less than twenty-four (24) consecutive months, as calculated and tolled pursuant to G.S. 160D-108.

(Ord. #1919)

2.8.2. Extension of Development Approval

- (A) Except as specifically provided in this chapter, the Permit Issuing Authority may extend the approval for a period of up to twelve (12) months if it concludes:
 - (1) The approval has not yet expired;
 - (2) The approval recipient has proceeded with due diligence and in good faith; and
 - (3) Conditions have not changed so substantially as to warrant a new application.
- (B) Successive extensions may be granted for periods up to twelve (12) months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.

(Ord. #1714; Ord. #1919)

2.8.3. Effect on Successors and Assigns

Development approvals are transferable if the use of land or structures or any portion thereof subject to the approval continues to comply with all the terms and requirements of that approval.

2.8.4. Amendments to Development Approvals

- (A) The Planning Director may authorize Minor Amendments to Development Approvals upon finding that the amendment has no discernible impact on neighboring properties, the general public or those intended to occupy or use the proposed Development.
- (B) All other requests for changes in approved plans will be processed as a modification to the original application, and new conditions may be imposed only on the specific site or area requested to be modified. The Applicant retains the right to withdraw the request for an amendment and may then proceed in accordance with the previously issued permit.
- (C) A vested right established in accordance with this UDO shall not be extended by any amendments or modifications to a Development Approval unless expressly provided for by the Town Council.

2.8.5. Permit Choice

If this ordinance is amended between the time a complete Development permit application is submitted and a Development permit decision is made, the Development permit applicant may choose which adopted version of the ordinance will apply to the Development permit.

- (A) If the applicant chooses the version of the ordinance applicable at the time of the complete application, the applicant shall not be required to await the outcome of the amendment to the ordinance prior to acting on the Development permit.
- (B) If a Development permit application is placed on hold at the request of the applicant for a period of six (6) consecutive months or more, or the applicant fails to respond to comments or provide additional information reasonably requested by the Town or State government for a period of six (6) consecutive months or more, the application review is discontinued and the Development regulations in effect at the time permit processing is resumed apply to the application.
- (C) When multiple Development permits are required to complete a Development project, the Development permit applicant may choose the version of each of the local land Development regulations applicable to the

project upon submittal of the application for the initial Development permit. This provision is applicable only for those subsequent Development permit applications filed within eighteen (18) months of the date following the approval of an initial permit.

(Ord. #1919)

2.8.6. Vested Rights

A vested right is a period of time within which amendments to this ordinance or other local Development regulations are not applicable or enforceable to a valid Development approval. Once established, vested rights as described herein run with the land. An applicant may seek an administrative determination of vested rights pursuant to section 2.24. Types and durations of vested rights are as follows:

(A) Development Permit:

- (1) A Development permit is any Development approval that does not otherwise qualify for a longer period of vested rights as described below.
- (2) A Development permit is vested for so long as the permit remains valid pursuant to this ordinance.

(B) Site-Specific Vesting Plans:

- (1) Planned Developments, Special Use Permits, Major Subdivision Preliminary Plats and Conditional Zoning Districts are types of Development permits that may include a site-specific vesting plan.
- (2) A site-specific vesting plan shall, at a minimum, contain the information required for the type of application as established in Appendix A of this UDO.
- (3) An applicant must specifically include a document identified as a site-specific vesting plan with an application for Development approval, and the Town Council shall specify the document that constitutes the approved site-specific vesting plan at the time of approval.
- (4) A site-specific vesting plan is valid for twenty-four (24) months from the date of issuance of the Development permit.

(C) **Multi-Phased Development:**

- (1) A multi-phased Development is any Development containing 25 acres or more that is both submitted for Development permit approval to occur in more than one phase and is subject to a master Development plan with committed elements showing the type and intensity of use of each phase.
- (2) A multi-phased Development is vested for the entire Development in the land Development regulations in place at the time a site plan approval is granted for the initial phase of the multi-phased Development.
- (3) A multi-phased Development is valid for seven (7) years from the date a site plan approval is granted for the initial phase of the multi-phased Development.

(D) **Development Agreement:** A Development agreement vests the Development project in the manner, and for the duration, specified in the agreement.

(E) **Common Law:** Common law vested rights may exist within a reasonable time and may be established following such time as determined pursuant to the criteria and process described in section 2.24.

(Ord. #1919)

2.9. PHASED DEVELOPMENT

An Applicant may submit plans that show multiple phases provided that:

- (A) The requirements of this UDO will be satisfied with respect to each phase.
- (B) A phasing plan shall be approved by the Town that designates a date or event by which substantial work on each phase will begin and be completed.
- (C) If a Development that is to be built in phases includes improvements that benefit the entire Development, then the Applicant shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases.

- (D) Once a schedule has been approved and made part of the approval by the Permit Issuing Authority, no land may be used, buildings occupied or subdivision Lots sold except in accordance with the approved schedule unless otherwise provided in this chapter.

2.10. NOTICE

2.10.1. Generally

- (A) The notice requirements for each type of application are established in Exhibit 2-2 and as prescribed in the individual subsections of this chapter and/or the state statute. For any inconsistency between the provisions of this chapter and state statute, the state statute governs.
- (B) Any defective notification of a required Town procedure, not otherwise required by State or Federal law, shall not invalidate the proceedings if the defect is determined to be harmless by the Decision-Making Authority.
- (C) The Planning Director shall make every reasonable effort to comply with the notice provisions set forth in this chapter and shall document such notice.

2.10.2. Content

- (A) Posted notices shall indicate the following information:
 - (1) The Development approval requested; and
 - (2) Contact information for persons seeking additional information about the application.
- (B) Published, mailed and internet notice shall include:
 - (1) A description of the property subject to the application that includes the street address or if the street address is unavailable the legal description and the real property tax assessment roll Parcel number;
 - (2) A brief description of the proposed Development, including, current and revised zoning classification (if any); and
 - (3) Notice that the full permit request application can be reviewed at the office of the Planning Director.

2.10.3. Format and Timing

- (A) **Published Notice.** Notice shall be given once a week for two consecutive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten (10) days nor more than twenty-five (25) days before the date set for the Town Council hearing.
- (B) **Mailed Notice.** Notice shall be mailed to the owners of all properties involved in the permit request as well as to the owners of all properties any portion of which is within two hundred (200) feet (not counting streets, railroads, or other transportation corridors) of the outermost boundaries of the property owned by the applicant. Not fewer than the ten (10) closest property owners shall be notified by mail. Notice must be mailed at least ten (10) but not more than twenty-five (25) days prior to the hearing date
- (C) **Posted Notice.** At least one (1) sign shall be posted at least ten (10) but not more than twenty-five (25) days prior to the hearing in conspicuous places visible from each street along the frontage of the subject property. Signs shall be in a form approved by the Planning Director with words clearly describing the Development approval (zoning decision or subdivision decision) in six (6) inch tall lettering and the planning department phone number clearly legible from the street.
- (D) **Internet Notice.** A copy of the notice shall be posted on the Town's website from at least ten (10) days prior to the initial hearing until the proceeding has been completed.

(Ord. #1746; Ord. #1919)

2.11. EXEMPTION FROM THE UDO (RESERVED FOR FUTURE CODIFICATION PURPOSES)

- ~~(A) In considering an exemption from the requirements of this UDO, the Town Council may approve the exemption, provided that it makes findings,~~

~~based on the evidence presented, regarding at least one of the following criteria:~~

- ~~(1) The exemption is in the public interest and is not contrary to health, safety, and welfare considerations;~~
- ~~(2) The exemption is necessary for the petitioner or the Town to comply with or conform to federal or state law; or~~
- ~~(3) The exemption is necessary to avoid or resolve any alleged violation of rights afforded to any person under federal or state law caused by the enforcement of any regulation of the UDO.~~

~~(B) The Town Council shall either grant or deny the exemption within thirty (30) days of the conclusion of the public hearing at which it considers the exemption. The Town Council may request additional information from the petitioner, may continue the hearing from time to time to consider the petition and all pertinent information. The Council may grant the exemption in full or in part subject to conditions that are related to public health, safety and welfare.~~

~~(C) If the Town Council grants the exemption in full or in part, it shall prepare a written order that approves the exemption. If appropriate, the order may contain conditions relating to the exemption. If the Town Council denies the exemption, it shall issue a written decision that identifies the reasons for the denial and shall provide a copy of the decision to the Applicant.~~

~~(D) Temporary Certificate of Compliance. The petitioner may file a written request with the Town Council for a temporary certificate of compliance to allow the use or activity pending a final order of the exemption request.~~

~~(E) The Council may approve deviations from the provisions of this UDO through Planned Development (section 2.18) and Special Use Permit (section 2.21) approvals.~~

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

Exhibit 2-2: Notice Requirements

Development Application	Review Process	Publication	Mail	Signage	Internet
Comprehensive Plan Amendment	Legislative Hearing	✓			✓
UDO Text Amendment	Legislative Hearing	✓*			✓
UDO Map Amendment	Legislative Hearing	✓*	✓	✓	✓
Planned Development District					
Conceptual PD Plan	Legislative Hearing	✓	✓	✓	✓
Preliminary PD Plan	Evidentiary Hearing	✓	✓	✓	✓
Final PD Plan	Administrative				
Major Subdivision					
Preliminary Plat	Evidentiary Hearing		✓	✓	✓
Final Plat	Administrative				
Development Agreement	Legislative Hearing	✓	✓	✓	✓
Special Use Permit	Evidentiary Hearing		✓	✓	✓
Variances	Evidentiary Hearing		✓	✓	✓
Appeals	Evidentiary Hearing		✓	✓	✓
Vested Rights Determination	Evidentiary Hearing		✓	✓	✓
Development Approval Revocation	Evidentiary Hearing	✓	✓	✓	✓
Certificate of Appropriateness – Major Work	Evidentiary Hearing		✓	✓	✓
Vacations of Streets or Alleys	Legislative Hearing	✓*	✓	✓	✓
Vacations of Easements or Plats	Legislative Hearing	✓*			✓

* Additional notification requirements in applicable procedures section
 (Ord. #1714; Ord. #1716; Ord. #1703; Ord. #1919)

PART II – APPROVALS REQUIRING A PUBLIC HEARING

2.12. GENERALLY

The following requirements apply to all public hearings:

2.12.1. Continuances and Deferrals

The Hearing Body shall consider requests for continuances and may grant continuances in its sole discretion. If, in the opinion of the Hearing Body, any testimony or documentary evidence or information presented at the hearing justifies allowing additional research or review to evaluate the issue presented, then the Hearing Body may continue the matter to a date and time certain to allow for such research or review.

2.12.2. Modification of Application at Hearing

- (A) In response to questions or comments by person appearing at the hearing or to suggestions or recommendations by the Hearing Body, the Applicant may agree to modify the application, including the plans and specifications submitted.
- (B) Unless such modifications are so substantial or extensive that the Hearing Body cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the Hearing Body may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the planning staff.
- (C) No modification may allow a more intensive zoning district or use than advertised for the public hearing.
(Ord. #1714)

2.12.3. Record of Proceedings

The Hearing Body shall record the minutes of the proceedings by any appropriate means as prescribed by rule and consistent with statute and case law. Such record shall be provided at the request of any person upon application to the Planning Director and payment of a fee set by the Town Council to cover the cost of duplication of the transcribed record.

2.13. LEGISLATIVE HEARING PROCEDURES

2.13.1. Purpose

The purposes of legislative public hearings are to:

- (A) Obtain public input on decisions on matters of policy. Legislative public hearings are generally less formal than evidentiary public hearings. They typically affect numerous properties or the entire jurisdiction.
- (B) To provide the public with an opportunity to be heard consistent with procedures provided by statute.
- (C) To secure citizens' comments on a specific policy proposal.
(Ord. #1919)

2.13.2. Conduct of Hearing

- (A) Any party may appear at any legislative hearing, in person, or by agent or attorney.
- (B) Public hearings on legislative zoning decisions must be conducted in a fair and impartial manner, but the formalities of an evidentiary hearing (oaths, exhibits, cross-examinations, avoiding gathering evidence outside of the hearing, and the like) need not be observed.
- (C) The deliberations of the Hearing Body shall be guided by Robert's Rules of Order (most current edition). The Town may adopt reasonable rules governing the conduct of the public hearing, including but not limited to rules:
 - (1) Fixing the maximum time allotted to each speaker;
 - (2) Providing for the designation of spokesmen for groups of persons supporting or opposing the same positions;
 - (3) Providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall; and
 - (4) Providing for the maintenance of order and decorum in the conduct of the hearing.

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- (D) The Hearing Body may question the Applicant, other parties, witnesses and Town staff at any time during the hearing.
- (E) The Hearing Body may receive petitions, hear personal opinions or talk to members of the public about the issue prior to the hearing.
- (F) Although no written findings of fact or explanation of the decision is required, the Chair may decide that the Hearing Body should make findings of fact and conclusions as to applicable standards and any conditions. The Chair may direct the Planning Director or Town Attorney to draft a written decision for approval by the Hearing Body at its next regularly scheduled meeting, which approval may be on a consent agenda.
- (G) Members of the Hearing Body shall not vote on any legislative decision regarding a Development regulation where the outcome on the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member, nor where the applicant is a person with whom the member has a close familial, business, or other associational relationship. If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

(Ord. #1919)

2.14. EVIDENTIARY HEARING PROCEDURES

2.14.1. Purpose

Quasi-judicial decisions made at evidentiary public hearings must be based upon and supported by the "record" developed at the hearing. Evidentiary hearings are subject to stricter procedural requirements than legislative hearings. Evidentiary hearings are a formal means of gathering evidence before a decision is made in the application of the UDO to an individual situation. These hearings are much like a court proceeding--witnesses present testimony, exhibits are submitted, detailed minutes are kept, and a formal written decision is rendered. In making quasi-judicial decisions, decision makers must investigate facts or ascertain the existence of facts; hold hearings; weigh evidence; and draw conclusions from them as a basis for their official action; and exercise discretion of a judicial nature. In the land use context, these quasi-judicial decisions involve the application of land-use policies to individual

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properties as opposed to the creation of policy. These decisions involve two key elements:

- (A) The finding of facts regarding the specific proposal; and
- (B) The exercise of discretion in applying the standards of the ordinance.
(Ord. #1919)

2.14.2. Due Process Required

Due process requirements for quasi-judicial decisions mandate that all fair trial standards be observed when these decisions are made. This includes an evidentiary hearing with the right of the parties to offer evidence; cross-examine adverse witnesses; inspect documents; have sworn testimony; and have written findings of fact supported by competent, substantial, and material evidence.

2.14.3. Responsibilities of the Chairperson

- (A) The Chair shall:
 - (1) Preside over the hearing.
 - (2) Recognize speakers and members of the Hearing Body before they may be heard.
 - (3) Rule on any objections or requests from participants in the hearing regarding the procedure of the hearing, evidence presented, or jurisdictional issues. The chair's rulings may be appealed to the full board.
- (B) The Chair may:
 - (1) Rule on the competence (i.e. the admissibility) of evidence with or without an objection from a participant.
 - (2) Place reasonable and equitable limitations on the presentation of evidence, arguments, and cross-examination of witnesses so that the matter at hand is heard without undue delay. Adequate time shall be provided for presentation of all evidence as provided in section 2.14.7.

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- (3) Impose additional requirements and take actions as may be necessary or desirable to facilitate the fair and efficient conduct of the hearing and other agenda items. Additional requirements or actions may include requiring witnesses to sign up in advance of the hearing allocating reasonable time for each side to present their testimony and evidence, limiting the overall time for the hearing, and delaying a hearing to a later point in the agenda or continuing the hearing to a later meeting.

(Ord. #1919)

2.14.4. Responsibilities of the Hearing Body

- (A) Members of the Hearing Body must make their decision solely on the written, graphic and oral evidence presented and cannot consider information obtained through independent research or undisclosed ex parte communications.
- (B) Members may view the premises at issue before the hearing so long as the members disclose the site visit and any facts or information gleaned from the site visit that are relevant to the case.
- (C) Members must disclose any specialized knowledge they may have that is relevant to the case.
- (D) Members of the Hearing Body shall not engage in ex parte communications about upcoming or ongoing cases with any parties or other members of the Hearing Body, and at the commencement of the hearing, members must disclose any intentional or inadvertent ex parte communications.
- (E) Members may receive administrative materials containing applications, reports, and other general, technical information pertaining to the case from Town staff prior to the hearing, but the Town staff shall provide the information at the same time to the applicant and to the landowner if that person is not the applicant and to all during the hearing before the entire Hearing Body.

(Ord. #1919)

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2.14.5. Responsibilities of Witnesses

- (A) Witnesses shall observe time limits imposed on testifying unless the Chair grants additional time for good cause shown.
- (B) Witnesses shall avoid all hearsay evidence.
- (C) Witnesses shall focus their testimony on the applicable criteria. Unless they are a qualified expert or have knowledge of the preparation and implementation of the specific site's Development or use, witnesses are not competent to testify about matters that require special training or expertise. Non-expert witnesses are competent to testify about facts known to them and their opinion so long as it is not about matters that require special training or expertise.

2.14.6. Conduct of Hearing

- (A) The hearing shall be conducted in accordance with the procedures set forth in this UDO, by statute and by case law. If a quorum of the hearing body is not present, the hearing shall be continued until the next regular meeting without further advertisement.
- (B) The deliberations of the Hearing Body shall be guided by Robert's Rules of Order (most current edition). The Town may adopt reasonable rules governing the conduct of the public hearing, including but not limited to rules:
 - (1) Fixing the maximum time allotted to each speaker;
 - (2) Providing for the designation of spokesmen for groups of persons supporting or opposing the same positions;
 - (3) Providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall; and
 - (4) Providing for the maintenance of order and decorum in the conduct of the hearing.
- (C) The applicant(s), Town staff, and persons with standing shall have the right to participate as a party at the hearing. Any person or persons may appear

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at a public hearing and submit competent, material, and substantial evidence, either individually or as a representative. Each person who appears at a public hearing shall state for the record his/ her name, address, and, if appearing on behalf of an organization or group, the name and mailing address of the organization or group.

- (D) All testimony, including from Town staff, must be sworn testimony. All persons wishing to speak will be given a reasonable time in which to be heard; however, groups are encouraged to select a spokesperson to speak for the group in order to avoid repetitive testimony. Inflammatory, irrelevant, repetitive and incompetent testimony and hearsay is not permitted.
- (E) At any point, members of the Hearing Body may ask questions of the Applicant, staff, or public, or of any witness, or require cross-examination to be conducted through questions submitted to the chair, who will direct the questions to the witness.
- (F) The order of proceedings for each evidentiary hearing should be as follows:
 - (1) All persons, including Town staff, who intend to present evidence must be sworn in.
 - (2) Members of the Hearing Body should disclose the following:
 - (a) Any site visits,
 - (b) Ex parte communications,
 - (c) Specialized knowledge they have relevant to the case,
 - (d) Whether they have a fixed opinion that is not susceptible to change based on what they learn at the hearing;
 - (e) Whether they have a close familial, business or other relationship with the Applicant or other affected person;
 - (f) Whether they have a financial interest in the outcome of the case; and
 - (g) Any other information relevant to determining whether a conflict of interest exists.

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- (3) The Planning Director should present the staff report. Evidence and exhibits that were not provided by the deadline in advance of the hearing shall be given to the Applicant and any opposing party. If an exhibit is presented it becomes part of the record and will not be returned.
- (4) The Applicant and a representative of an opposing party may present brief opening statements that shall only be considered as argument and not testimony.
- (5) The Applicant shall present the arguments and evidence in support of the application, and address applicable approval criteria.
 - (a) Members of the Hearing Body or any attorney representing the Hearing Body or the Town may ask questions for clarification.
 - (b) If all parties are represented by attorneys, opposing parties may ask questions of (cross-examine) the Applicant (if the Applicant testifies) or supporting witnesses at this time.
 - (c) If those opposed to the Applicant are not represented by attorneys, the Chair may delay cross-examination until all sides present their arguments and evidence.
- (6) Persons opposed to granting the application shall present the arguments and evidence against the application based on the applicable approval criteria.
 - (a) Members of the Hearing Body or any attorney representing the Hearing Body or the Town may ask questions for clarification.
 - (b) The Applicant may cross-examine the speaker or opposing witnesses at this time.
- (7) If cross-examination was not done at the conclusion of each side's case, then both sides will be permitted to cross examine previous witnesses.
 - (a) Those who oppose the application should cross examine the Applicant (if the Applicant testified) and the Applicant's supporting witnesses first.

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- (b) Then the Applicant may cross examine those witnesses who spoke in opposition to the application.
- (8) Both sides will be permitted to present rebuttals to opposing testimony. Both sides may, as necessary, object to incompetent evidence and testimony (such as improper lay opinion testimony and hearsay) offered by other witnesses. The Chair shall rule on such objection.
- (9) Unless the Chair continues the public hearing to a publicly stated date, time and location, the Chair shall close the period for public discussion and the Hearing Body shall publicly discuss the case without further general input from the public. Members of the Hearing Body, however, may seek clarification or ask questions of persons previously sworn on any piece of evidence presented. Cross-examination and rebuttals may be made only on new evidence presented. The Hearing shall be closed after Hearing Body deliberations are complete.
- (10) Unless the public hearing has been continued, the Hearing Body shall render a decision on the matter, or, if it so chooses, recess the case to a publicly stated date, time and location, which should generally be the next regular meeting of that body.
- (11) A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the Hearing Body, which shall generally be the next scheduled meeting. As part of the written decision, the Hearing Body must make findings of fact and conclusions as to applicable standards and any conditions. The Chair may direct the Planning Director or Town Attorney to draft a written decision for approval by the Hearing Body at its next regularly scheduled meeting, which approval may be on a consent agenda.

(Ord. #1919)

2.14.7. Evidence

- (A) The Hearing Body's decision must be based on substantial, competent, and material evidence. Substantial evidence is "that which a reasonable mind would regard as sufficiently supporting a specific result." Competent

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- evidence is evidence that can be subjected to cross-examination, inspection, explanation and rebuttal. Material evidence is evidence that is relevant to the issue being considered by the Hearing Body.
- (B) As a general rule, anyone with knowledge material to the case may provide factual information, but only experts may provide opinion testimony. Except as provided in G.S. 160D-1402(j)(3), lay witnesses may provide opinion testimony, but this testimony is generally deemed incompetent unless it is corroborated by competent evidence.
 - (C) Competent evidence shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:
 - (1) The use of property in a particular way would affect the value of other property.
 - (2) The increase in vehicular traffic resulting from a proposed Development would pose a danger to the public safety.
 - (3) Matters about which only expert testimony would generally be admissible under the rules of evidence.

2.14.8. Findings of Fact

- (A) To either approve or deny an application, the Hearing Body must make findings of facts. The findings of fact are a summation of the facts presented that the members of the Hearing Body think are relevant to the application.
- (B) Hearing Bodies shall investigate facts or ascertain the existence of facts, weigh evidence and make final findings of fact applicable to the specific proposal as a basis for their official action.

(Ord. # 1716)

2.14.9. Conclusions of Law

- (A) To either approve or deny an application, the Hearing Body also shall make conclusions of law. Conclusions of law are the application of specific standards and criteria in this UDO that are relevant to the application by the Hearing Body.

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- (B) Hearing Bodies shall exercise their discretion applying the standards and criteria of this UDO and draw conclusions from them as a basis for their official action.

(Ord. # 1716)

2.15. NEIGHBORHOOD INFORMATION MEETINGS

2.15.1. Purpose

- (A) Encourage Applicants to pursue early and effective communication with the affected public in conjunction with applications, giving the Applicant an opportunity to understand and attempt to mitigate potential adverse impacts of the proposed project on the adjoining community and to educate and inform the public; and
- (B) Provide citizens and property owners of affected areas with an opportunity to learn about applications.

2.15.2. Applicability

- (A) The Town strongly encourages Applicants to meet with surrounding neighborhoods prior to filing an application for a Development approval requiring a public hearing.
- (B) The applicant should confer with the Planning Director during a pre-application meeting to determine the most effective means of communicating with neighboring property owners, which may include formal or informal meetings with individuals or groups.
- (C) The Applicant shall hold a formal neighborhood information meeting when Conceptual Development Plan approval for a PD or Conceptual Master Plan approval in the Morganton Road Overlay District is sought.

2.15.3. Notice, Meeting

The following provisions apply to any required neighborhood information meeting. Compliance with this section is voluntary for Applicants who voluntarily meet to neighboring property owners

- (A) The Applicant shall at a minimum, mail notice to all owners of property located within two hundred (200) feet of the boundaries of the property

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subject to the application and to the Planning Director. Mailed notice shall be sent to no fewer than the ten (10) nearest distinct property owners.

- (B) Notice shall be mailed and posted on the site of the proposed Development in accordance with section 2.10.
- (C) The Applicant shall be responsible for securing a location and conducting the informational meeting to discuss the proposed Development with affected property owners. Required information meetings shall be conducted at a location within the Town.

2.15.4. Record

- (A) The Applicant shall provide a written report on the results of its citizen participation efforts to the Planning Director, which shall be forwarded to the applicable Hearing Body. The report shall include the following information:
 - (1) Copies of graphics presented at the meeting;
 - (2) A copy of the sign-in sheet showing attendees;
 - (3) Representations made by the Applicant regarding the proposed Development; and
 - (4) A summary of public comments and responses provided by the Applicant.

2.16. COMPREHENSIVE PLAN AMENDMENTS

This section applies to any amendment to the Comprehensive Plan or to the preparation or amendment of an area or corridor plan that is adopted as part of the Comprehensive Plan.

2.16.1. Approval Process Overview

The approval process and typical timing for Comprehensive Plan amendments are summarized in Exhibit 2-3 and 2.4. Actual timing may vary based on the date of submittal and scheduled hearing dates.

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Exhibit 2-3: Approval Process Summary

Plan Amendment Process
Application, Review and Notice
Planning Board Public Hearing
Town Council Public Hearing

Exhibit 2-4: Typical Timing

Plan Amendment Timing	
Completeness Review	5 business days (from Application Submittal)
Planning Board Public Hearing	25 days (from Completeness Certification)
Planning Board Decision	30 days (from Planning Board Public Hearing)
Town Council Public Hearing	30 days (from Planning Board Decision)
Town Council Decision	30 days (from Town Council Public Hearing)

2.16.2. Initiation

- (A) The Planning Board, the Town Council, the Town Manager, a property owner, a neighborhood association, or the owner of any business located in the Town of Southern Pines may initiate a request for an amendment to the future land use map or text of the Comprehensive Plan.
- (B) The application for amendment of the future land-use map may be accompanied by an application for a zoning district map amendment, which may be processed concurrently.
- (C) By resolution, the Town of Southern Pines may establish a schedule prescribing when and how frequently Comprehensive Plan amendments will be considered.
- (D) Before any application is made, the Applicant should schedule a pre-application conference with the Planning Director to discuss the

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procedures and requirements for a Comprehensive Plan amendment request pursuant to these regulations.

- (E) The application shall be filed with the Planning Director, shall describe the proposed amendment and shall include a complete application in accordance with Appendix A of this UDO.

2.16.3. Completeness Review

The Planning Director shall review the Comprehensive Plan amendment application and shall determine if the application is complete pursuant to the provisions of section 2.6. Upon finding that the application is complete the Planning Director shall consult with the Technical Review Committee (TRC) and prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 2.10.

2.16.4. Planning Board Action

The Planning Board shall hold a legislative public hearing and shall render its recommendation in accordance with the procedures set forth in this chapter.

2.16.5. Town Council Action

Within thirty (30) days of the Planning Board recommendation, the application shall be submitted to the Town Council to review at a legislative public hearing. Following the hearing, the Council may approve, conditionally approve or deny the application. If the Application is denied, the Town Council shall advise the Applicant of the reason for denial.

2.16.6. Criteria

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

- (A) Original Errors or Omissions: Whether there was error or omission in the adoption of the Comprehensive Plan, or in the supporting premises and findings.
- (B) Subsequent Events: Whether events subsequent to the Comprehensive Plan adoption have invalidated portions of the Plan, changed the character of the Town, or demonstrated new information, such that an amendment is acceptable.

2.16.7. Effect of Approval

The approval of an amendment to the Comprehensive Plan does not authorize the use, occupancy, or Development of property until the Applicant receives necessary Development approvals, such as zoning changes, subdivision and site plan approval.

2.17. UDO TEXT/MAP AMENDMENTS (REZONINGS)

2.17.1. Applicability

- (A) The provisions of this section apply to any application to:
- (1) Revise the text of the UDO (Text Amendment); or
 - (2) Reclassify a Tract, Parcel, or land area from one zoning district to another (Map Amendment).
- (B) Conditional zoning district zoning requests shall be made in accordance with the provisions of this UDO.

2.17.2. Approval Process Overview

The approval process and typical timing for UDO amendments are summarized in Exhibits 2-5 and 2-6. Actual timing may vary based on the date of submittal and scheduled hearing dates.

Exhibit 2-5: Approval Process Summary

UDO Amendment Process
Application, Review and Notice
Planning Board Public Hearing
Town Council Public Hearing

Exhibit 2-6: Timing

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

2.17.3. Initiation

- (A) The Planning Board, the Town Council, the Town Manager, a property owner, a neighborhood association, or the owner of any business located in the Town of Southern Pines may initiate a request for an amendment to the UDO text or Official Zoning Map (rezoning). No amendment to the UDO text or Official Zoning Map that down-zones property shall be initiated without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the Town.
- (B) When any amendment request is made by the Town Council, Planning Board or Town Manager, the Planning Director shall cause an appropriate ordinance to be drafted and shall set a date for a public hearing.
- (C) When any other person requests an amendment, the application shall be filed with the Planning Director, shall describe the proposed amendment and shall include a complete application in accordance with Appendix A of this UDO.
- (D) For Zoning Map Amendments, a pre-application conference with the Planning Director is strongly encouraged prior to submittal of a zoning map amendment application to the Planning Director.

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(E) For UDO Text Amendments

- (1) The Planning Director shall forward applications for text amendments to the Council with or without written comment for a determination of whether an ordinance should be drafted and a public hearing set in accordance with the provisions of this UDO.
- (2) Upon receipt of a petition for an ordinance amendment as provided herein, the Council may summarily deny the petition or set a date for a public hearing on the requested amendment and order the attorney, in consultation with the Planning Director, to draft an appropriate ordinance.

(Ord. #1919)

2.17.4. Completeness Review

The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of section 2.6. Upon finding that the application is complete the Planning Director shall consult with the TRC and prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 2.10 and the following section.

2.17.5. Notice

- (A) The Planning Director shall publish a notice of the public hearing on any ordinance that amends the provisions of this chapter once a week for two (2) successive weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not fewer than ten (10) days or more than twenty-five (25) days before the date fixed for the hearing before the Permit Issuing Authority. In computing this period, the date of publication shall not be counted but the date of the hearing shall be.

(Ord. #1714)

(B) For Zoning Map amendments:

- (1) The Planning Director shall mail written notice of the public hearing to the record owners for tax purposes of all properties whose zoning classification is changed by the proposed amendment as well as all property owners and property within two hundred (200) feet of the rezoning request (not counting streets, railroads, or other

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transportation corridors and within one hundred (100) feet of all other property contiguously owned by the property owner/Applicant or all pieces of land that were part of the property requesting rezoning prior to the requested rezoning.

- (2) The Planning Director shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right of way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.

(Ord. #1919)

2.17.6. Protests to Zoning District Changes

If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification or repeal to a zoning ordinance to the Town Clerk at least two business days prior to the proposed vote on such change, the Clerk shall deliver such written statement to the Town Council. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160D-406, the Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the Town Council shall not disqualify any member of the Council from voting.

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

2.17.7. Planning Board Action

The Planning Board shall hold a legislative public hearing and shall advise the Town Council on whether the proposed amendment is consistent with the Comprehensive Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses consistency with the Comprehensive Plan and other applicable criteria as set forth in this chapter.

(Ord. #1919)

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2.17.8. Town Council Action

- (A) The Council shall allow thirty (30) days for the Planning Board to review and comment on a proposed amendment to the zoning regulation. If no written report is received from the Planning Board within thirty (30) days of referral to the Planning Board, the Town Council may act on the proposed amendment without a Planning Board report. The Town Council is not bound by any recommendations of the Planning Board that are before it at the time it takes action on a proposed amendment.
- (B) The Council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.
- (C) At the conclusion of the public hearing on a proposed amendment, the Council may proceed to vote on the proposed ordinance, refer it to a committee for further study or take any other action consistent with its usual rules of procedure.
- (D) Following the hearing, the Council may approve, conditionally approve or deny the application. The Council shall approve a statement describing the reasons for the decision that shall, at a minimum, describe the consistency or inconsistency of the proposed amendment with the adopted comprehensive plan and an analysis of the reasonableness of the proposed amendment based on the applicable criteria set forth herein.
- (E) If an application for a zoning map amendment is approved and the action taken is inconsistent with the adopted comprehensive plan, the zoning amendment shall also have the effect of automatically amending any future land-use map in the adopted comprehensive plan.
- (F) Voting on amendments to this chapter shall proceed in the same manner as other ordinances.

(Ord. # 1716; Ord. #1919)

Amended

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2.17.9. Criteria for Zoning Map Amendments

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

(Ord. # 1716)

- (A) **Consistency.** Rezoning shall be consistent with the adopted Comprehensive Plan.
- (B) **Adverse Impacts on Neighboring Lands.** The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Town finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings may promote mixed uses subject to a high degree of design control.
- (C) **Suitability as Presently Zoned.** The Hearing Body shall consider the suitability or unsuitability of the Tract for its use as presently zoned. This factor, like the others, should be weighed in relation to the other standards, and instances can exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the neighborhood, or to effectuate important goals, objectives and policies of the Comprehensive Plan or UDO.
- (D) **Health, Safety, and Welfare.** The amending ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.
- (E) **Public Policy.** Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.
- (F) **Size of Tract.** The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single Lot when there have

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been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.

- (G) **Other Factors.** The Hearing Body may consider any other factors relevant to a rezoning application under state law.
- (H) **Applicant Representations.** Except for rezoning requests submitted in accordance with the provisions herein for conditional zoning districts, the Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

(Ord. # 1716; Ord. #1919)

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.

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- (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.

(Ord. # 1716)

2.17.11. Conditional Zoning Districts (Conditional Zoning)

- (A) There are circumstances in which a conventional zoning district designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly developed, be appropriate for the property and consistent with the objectives of this ordinance and the adopted Land Development Plan. The review process established in this section provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions that ensure compatibility of the use with the use and enjoyment of neighboring properties.
- (B) The conditional zoning district approval process allows the Council to approve a proposal for a specific use with reasonable conditions to mitigate the negative impacts of the proposed Development and assure the compatibility of the use with surrounding properties. Any use permitted under this process must also conform to the regulations for the corresponding general zoning district.
- (C) Conditional zoning is a voluntary procedure that is allowed only in response to a petition by all owners of the property to be included and is intended for specific Development proposals. It is not intended or suited for securing early zoning for tentative proposals, which may not be undertaken for some time.
- (D) Uses that may be proposed and considered for a conditional zoning district shall be restricted to those uses permitted in the underlying conventional zoning district.
- (E) Every petition for the reclassification of property to a conditional zoning district shall be accompanied by a site plan containing the requisite information specified in Appendix A. In the course of evaluating the proposed use, the Hearing Body may request additional information deemed appropriate to provide a complete analysis of the proposal.

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- (F) The Council may approve the reclassification of property to a conditional zoning district only upon determining that the proposed use will meet all standards and requirements in these regulations that are applicable to the proposed use.
- (G) In approving a petition for the reclassification of property to a conditional zoning district, the petitioner, Planning Board and the Council may propose specific conditions to approval of the petition, but only those conditions approved by the Council and consented to by the petitioner in writing may be incorporated into the Conditional Zoning District.
- (H) If a petition is approved under this section, the district that is established, the approved petition and all conditions that have been attached to the approval are binding on the property as an amendment to these regulations and to the zoning map. All subsequent Development and use of the property shall be in accordance with the standards for the approved conditional zoning district; the approved petition and all conditions attached to the approval. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. Any Development in the district shall comply with all provisions of and conditions to the approved petition and site plan. Any uses and structures on the subject property also shall comply with all standards and requirements for Development in the underlying general zoning district.
- (I) Following the approval of the application for a conditional zoning district, the subject property shall be identified on the zoning map by the appropriate district designation. A conditional zoning district shall be identified by the same designation as the underlying general zoning district followed by the letters "CD" (for example, RS-1 CD).
- (J) Except as provided in paragraph (K), changes to the approved petition or to the conditions attached to the approval shall be treated the same as amendments to these regulations or to the zoning map and shall be processed in accordance with the procedures in this section.
- (K) Minor changes in the detail of the approved petition or site plan that do not involve a change in uses permitted or the density of overall Development permitted and that will not alter the basic relationship of the proposed Development to surrounding properties or the standards and

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requirements of these regulations or to any conditions attached to the approval may be approved by the Planning Director without going through the amendment process or a public hearing. The Planning Director may forward any application for changes in detail to the Planning Board for its consideration as an amendment to these regulations or the zoning map. The Applicant may appeal the decision of the Planning Director to the Planning Board for review and decision as to whether an amendment to the approved district shall be required.

- (L) The Planning Director shall periodically examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. If the Planning Director determines that construction has not commenced or is not in accordance with the approved petition and conditions, the Planning Director shall either initiate a reclassification of the property in accordance with the procedures established in this section or shall forward a report to the Council recommending that the property be classified to another district.

(Ord. #1775; Ord. #1919)

2.17.12. Effect of Approval

Approval of a map amendment entitles the property owner to use the property in accordance with the standards of the applicable zoning district. The approval of an amendment to the UDO text or Zoning Map does not authorize the use, occupancy, or Development of property until the Applicant receives necessary Development approvals, such as subdivision, site plan and building permit approval.

2.17.13. Recording Procedures

When the amendment involves changes to the existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land showing the new zoning classifications and indicating their boundaries. The Planning Director shall refer to the attested ordinance as a record of the current zoning status until such time as the zoning map can be changed.

2.18. PLANNED DEVELOPMENT

2.18.1. Purpose

The purpose of this section is to establish procedures and review criteria for the establishment of Planned Development (PD) ~~districts (PDD)~~ that comply with the purposes and standards established in section 3.5.14. Exempt or Minor Subdivision may be approved, but no building permits shall be issued prior to Final Development Plan approval within a PDD, except for single-family detached dwelling units on a single parcel.

(Ord. # 1716; Ord. #1703)

2.18.2. Approval Process Overview

The general approval process for the creation of a PDD involves concurrent zoning map amendments and subdivision of land. Because most PDDs involve a mix of uses and the application of flexible Development standards that deviate from the specific standards in other zoning districts, many applications will involve approval of site plans that must receive Architectural Compliance Permits. The process summarized in Exhibit 2-7 identifies the steps involved in a typical PDD creation. Actual process may vary based on the complexity of the proposed Development.

Exhibit 2-7: Approval Process Summary

Planned Development Process
Pre-application Conference (required)
Neighborhood Meeting (required)
Conceptual Development Plan
Preliminary Development Plan (includes Preliminary Plat, conceptual site plan and contingent zoning approval)
Engineering Plans
Improvement Guarantees and Development Agreement (optional steps contingent on the Applicant's proposed phasing and improvements plans)
Final Development Plan (includes final zoning approval and may include Final Plat approval)

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(Ord. #1703; Ord. #1716)

2.18.3. Initiation

- (A) **Pre-Application Conference Required.** Before any application is made, the Applicant shall schedule a pre-application conference with the Planning Director to discuss the procedures and requirements for a PDD request pursuant to these regulations.
- (B) **Application Filing.** The application shall be filed with the Planning Director, shall describe the proposed ~~DD~~ development and shall include a complete application for the Conceptual Development Plan in accordance with Appendix A of this UDO.
- (C) **Ownership and Division of Land.** No Tract of land may be considered for a Planned Development (PD) ~~DD~~ district (~~PDD~~), unless such Tract is under single or unified ownership or control. If listed in several ownerships, the application for the creation or amendment of a PDD 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.
- (D) **Neighborhood Meeting Required.** The Applicant is required to conduct a neighborhood information meeting in accordance with section 2.15 of this UDO. The meeting shall be conducted prior to submittal of the Conceptual Development Plan application.
- (E) **Joint Work Session (Optional).** At the developer's request, or at the recommendation of the Planning Director, a Joint Work Session of the Town Council and Planning Board may be held by the Town to provide an opportunity for the developer to present Conceptual Development Plans and respond to any initial questions that members of the Town Council and Planning Board might have regarding the proposed PDD.

(Ord. #1703)

2.18.4. Conceptual Development Plan

- (A) **Purpose.** The purposes of the Conceptual Development Plan are to demonstrate that:

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- (1) The mix and intensity of land uses are consistent with the Comprehensive Plan;
- (2) The general street layout is consistent with mobility needs of the Town and the proposed Development;
- (3) The phasing plan enables each phase to be developed in a way that it creates a sustainable neighborhood that will be enhanced as each successive phase is developed; and
- (4) The proposed arrangement of land uses and the phasing plan are compatible with surrounding neighborhoods.
- (B) **Applicability.** A Conceptual Development Plan shall be required when an Applicant is planning to develop less than the entire, contiguous land area held in common ownership in a single phase or subdivision plat. The Conceptual Development Plan shall illustrate future Development of the entire area under common ownership.
- (C) **Conceptual Development Plan Process Overview.** The approval process and typical timing for Conceptual Development Plan approval are summarized in Exhibits 2-8 and 2-9. Actual timing may vary based on the date of submittal and scheduled hearing dates.

Exhibit 2-8: Conceptual Development Plan Approval Process Summary

Conceptual Development Plan Process
Application, Review and Notice
Planning Board Public Hearing
Town Council Public Hearing

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Exhibit 2-9: Timing

Final Conceptual Development Plan Timing	
Completeness Review	5 business days (from Application Submittal)
Planning Board Public Hearing Notice	25 days (from Completeness Certification)
Planning Board Decision	30 days (from Planning Board Public Hearing)
Town Council Public Hearing	30 days (from Planning Board Decision)
Town Council Decision	30 days (from Town Council Public Hearing)

- (D) **Initiation.** The Conceptual Development Plan application shall be filed with the Planning Director. It may be submitted for concurrent review with Preliminary Development Plans for one or more of the planned phases of Development. The Conceptual Development Plan shall comply with the application requirements established in Appendix A. If a portion of an Applicant's landholdings is intended to remain in agricultural production for the foreseeable future, the Director may waive Conceptual Development Plan content requirements for those areas.
- (E) **Completeness.** The Planning Director shall review the application and shall determine if the application has been submitted and is complete pursuant to the provisions of section 2.6. Upon finding that the application is complete and consulting with the TRC, the Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 2.10.
- (F) **Planning Board Action.** The Planning Board shall conduct a legislative hearing and advise the Town Council on whether the proposed Conceptual Development Plan is consistent with the Comprehensive Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses consistency with the Comprehensive Plan and other applicable criteria.
- (G) **Town Council Action.** The Town Council shall conduct a legislative hearing and approve, conditionally approve or deny the Conceptual Development

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Plan following the process for Town Council Action on zoning amendments, but only those conditions approved by the Council and consented to by the petitioner in writing may be incorporated into the Conditional Zoning District.

(H) Criteria

- (1) The proposed PD~~is~~ satisfies the criteria for a zoning map amendment established in this chapter;
- (2) The Conceptual Development Plan represents an overall ~~D~~d~~evelopment~~ ~~P~~p~~attern~~ 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;
- (3) The proposed ~~D~~d~~evelopment~~ is appropriate for the area of the Town in which it is located; and
- (4) The proposed ~~D~~d~~evelopment~~ will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.

(Ord. #1775)

(I) Effect of Approval

- (1) Approval of a Conceptual Development Plan constitutes acceptance that the proposed type, density and intensity of land use; the classification and arrangement of streets; the proposed phasing plan; and the nature of utility service proposed are consistent with the Comprehensive Plan.
- (2) Approval of a Conceptual Development Plan shall constitute acceptance of the general land-use mix, range of Development types and intensities, street patterns, drainage patterns, Lot patterns, parks and open space, and pedestrian and bicycle trails.
- (3) Action on the Conceptual Development Plan may include approval of a Conversion Schedule providing for the substitution of certain land uses for other land uses. The Conversion Schedule shall be based on relative peak hour trip generation, peak parking demand

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and other impacts affecting the function of on- and off-site infrastructure and land use compatibility.

- (4) Conceptual Development Plan approval does not ensure approval of a Preliminary Development Plan involving a substantially different concept, failing to meet specific requirements of these regulations, or failing to satisfy conditions of Conceptual Development Plan approval. Approval does not comprise any ~~vesting of Development rights or any~~ assurance that permits of any kind will be issued.

- (J) **Denial and Appeal.** If the Town Council finds that the Conceptual Development Plan fails to meet the criteria established in the section, it shall deny the Conceptual Development Plan application. The Applicant may appeal such denial to the Superior Court.

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

2.18.5. Preliminary Development Plan

- (A) **Purpose.** The purposes of the Preliminary Development Plan are to demonstrate that:

- (1) The proposed land use mix and intensity are consistent with the Comprehensive Plan, the purposes of the PD~~is~~ and the approved Conceptual Development Plan, if applicable;
- (2) Proposed system of streets, trails and greenways are consistent with this UDO, as well as the mobility needs of the Town and the proposed ~~D~~d~~evelopment~~;
- (3) The proposed Development is consistent with the ability to provide and maintain public facilities and services on which the ~~D~~d~~evelopment~~, area and Town depend;
- (4) The proposed ~~D~~d~~evelopment~~ is well integrated with the protection of natural features, including Watersheds, woodlands and other natural features; and
- (5) The proposed ~~D~~d~~evelopment~~ ~~P~~p~~atterns~~ and ~~D~~d~~evelopment~~ products are compatible with the character and vitality of the neighborhood and community.

- (B) **Applicability.** A Preliminary Development Plan is a mandatory step in the process for PD~~B~~ approval and shall be required to show all contiguous land holdings and the detailed Development Patterns for the portions that are proposed to be developed. Preliminary Development Plan and Conceptual Development Plan approval are not required if the property has a valid approval of a Conceptual Master Plan and zoning under the prior PD, PUD or MU Development process.
- (C) **Preliminary Development Plan Process Overview.** The approval process and typical timing Preliminary Development Plan approval are summarized in Exhibits 2-10 and 2-11. Actual timing may vary based on the date of submittal and scheduled hearing dates.
- (D) **Initiation.** The Preliminary Development Plan application shall be filed with the Planning Director. The Preliminary Development Plan shall comply with the application requirements established in Appendix A, which combine and supplement the requirements for Zoning Map amendments and Preliminary Plat approval. The application shall include renderings illustrating the proposed Development Patterns and architectural character of Development.
- (E) **Completeness.** The Planning Director shall review the application and shall determine if the application has been submitted and is complete pursuant to the provisions of section 2.6. Upon finding that the application has been submitted and is complete and consulting with the TRC, the Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 2.10.

Exhibit 2-10: Preliminary Development Plan Approval Process Summary

Preliminary Development Plan Process
Application, Review and Notice
Planning Board Preliminary Forum
Town Council Public Hearing

(Ord. #1959)

Exhibit 2-11: Timing

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

(Ord. #1959)

- (F) **Planning Board Action.** The Planning Board shall conduct a Preliminary Forum regarding the Preliminary Development Plan.
(Ord. #1959)
- (G) **Town Council Action.** The Town Council shall conduct an evidentiary hearing and approve, conditionally approve or deny the Preliminary Development Plan based on the criteria in the following paragraphs. If the application is conditionally approved, the Town Council shall obtain written consent to conditions by the landowner or permit applicant. Approval of the preliminary plat shall be subject to the approval criteria established in section 2.20.4(G).
- (H) **Criteria**
- (1) The application demonstrates that it will achieve the purposes of the PD~~B~~ and this section;
 - (2) The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;
 - (3) The proposed Development is located in an area of the Town that is appropriate; and

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- (4) The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.

(Ord. #1775)

(I) Effect of Approval

- (1) Approval of a Preliminary Development Plan shall constitute approval of the specific land-use mix, which shall include the development types and intensities and improvements to include but not limited to streets, drainage, utilities, parks and open space, and pedestrian and bicycle trails.
- (2) Action on the Preliminary Development Plan may include approval of the Preliminary Plat for subdivision of all or a portion of the proposed Planned Development. ~~Special~~ Use Permit approval is not required for a Preliminary Plat approved concurrently with a PDD application.
- (3) If sufficient certainty and information exists during the Preliminary Development Plan phase, Applicant or the Planning Director may request Final Development Plan impact assessment requirements be considered.
- (4) If Preliminary Development Plan approval is accompanied by Preliminary Plat approval, the applicant may proceed with final plat approval pursuant to section 2.20.8.

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

2.18.6. Interim Actions

Prior to the submittal of the Final Development Plan for the PDD application, the Applicant should secure approval of Engineering Plans in accordance with section 2.20.5 and, after approval of the Engineering Plans, may initiate construction of public improvements for the PDD or coordinate with staff to enter into an improvements agreement in accordance with section 2.20.6 and/or a Development agreement in accordance with section 2.20.7.

2.18.7. Final Development Plan

- (A) **Purpose.** The purpose of the Final Development Plan is to demonstrate that the proposed POD is consistent with the Preliminary Development

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Plan approval, purposes of the POD and other applicable requirements of the UDO. Final Development Plan approval may be accompanied by Final Plat approval for the phase of the Development being approved and may include sufficiently detailed site plans for multi-family and non-residential Development to receive Architectural Compliance Permit in conjunction with the approval.

- (B) **Applicability.** A Final Development Plan is the mandatory final step in the process for PDD approval. Final Development Plan approval is not required if the property has a valid approval of a Master Plan and zoning under the prior PD, PUD or MU Development process.
- (C) **Final Development Plan Process Overview.** No hearing is required for Final Development Plan approval unless the Applicant chooses to appeal the staff decision to the Town Council or the Applicant proposes a major design modification from the approved Preliminary Development Plan. The Applicant may attend the TRC meeting to provide information pertinent to the application.
- (D) **Initiation.** The Final Development Plan application shall be filed with the Planning Director. The Final Development Plan shall comply with the application requirements established in Appendix A, include and supplement the requirements for Final Plat approval. Restrictions, covenants, architectural standards and conceptual site plans shall be submitted in conjunction with the application. If the Applicant seeks Architectural Compliance Permit approval for any building, detailed site plans and renderings shall be submitted.
- (E) **Action by Planning Director.** The Planning Director shall review the application and shall determine if the application has been submitted and is complete pursuant to the provisions of Section 2.6. Upon finding that the application is complete and consulting with the TRC, the Planning Director shall:
 - (1) Determine if the Final Development Plan is in compliance with the Preliminary Development Plan approval, and, upon making such determination, shall approve such plan, and:

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- (a) Transmit notice to the Planning Board and Town Council of the approval of the Final Development Plan together with a copy of the Final Development Plan; and,
 - (b) Notify the applicant of the approval for the area included within the Final Development Plan.
 - (2) Should the Planning Director determine that the Final Development Plan submittal is not in compliance with the Preliminary Development Plan approval or the criteria) in paragraph (F) of this section, the Planning Director shall deny the Final Development Plan submittal. If denied, the Applicant may:
 - (a) Revise and resubmit such Final Development Plan;
 - (b) Elect to have the submittal forwarded to the Planning Board and Town Council for appeal; or
 - (c) If the Preliminary Development Plan constitutes a major design modification, forward the plan to the Planning Board and Town Council for a public hearing.
 - (3) Following approval of the Final Development Plan, the Planning Director shall secure necessary signatures to execute the Final Development Plan.
- (F) **Criteria for Final Development Plan Approval**
- (1) The application demonstrates that it will achieve the purposes of the PDD and this section;
 - (2) The Final Development Plan application is consistent with the previously approved Conceptual Development Plan and Preliminary Development Plan approvals, and conforms to all applicable provisions of this UDO;
 - (3) The Final Plat satisfies the criteria established in this chapter;
 - (4) The Application and support documents satisfy the criteria for Architectural Compliance Permit approval established in Section 2.26, if applicable.
- (G) **Effect of Approval**

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Approval of a Final Development Plan that includes a Final Plat approval entitles the Applicant to record the plat.

2.18.8. Request for Amendments to a PD Approval

- (A) ~~Request for Amendments to a PD Approval~~ – Administrative Approval.
- The Planning Director may authorize the following Minor Amendments to a ~~Conceptual or~~ Preliminary ~~or Final~~ Development Plan:
- (1) Deviations arising from limited technical considerations which could not reasonably be anticipated during the approval process.
 - (2) Amendments required to bring the application into compliance with adopted technical codes.
 - (3) Any other change which has no material effect on the character of the approved ~~Conceptual or~~ Preliminary ~~or Final~~ Development Plan, as determined by the Planning Director, such as:
 - (a) Driveway relocations;
 - (b) Facility design modifications for design, recreational or other amenities;
 - (c) Substitutions of landscaping materials within the same genus, so long as the substituted material is not of a type that is specifically prohibited per the UDO or approved PD ~~or~~ landscape standards;
 - (d) Realignments of internal streets prior to final plat approval as long as the realignment does not result reduce the gross area of common areas or open spaces, reduce residential lot sizes, eliminate required buffers or create street alignments that fail to conform with Town standards;
 - (e) Modifications to uses in accordance with an approved Conversion Schedule; and
 - (f) Expansions of buffers, open spaces and landscape areas.
- (B) **Request for Amendments to a PD Approval. – Resubmittal and Rehearing.** Major Design Modifications to the ~~Conceptual or~~ Preliminary

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Development Plan shall be resubmitted for ~~Preliminary Development Plan~~ review and approval, and include:

- (1) Change in use, other than allowable changes specified in a Conversion Schedule that was approved during the initial PD approval;
- (2) Designation of additional land uses;
- (3) Change in the location of permitted use(s) from what is shown on the approved Conceptual or Preliminary Development Plan;
- (4) An increase or decrease in project area other than surveyor base data corrections;
- (5) Decrease in Open Space;
- (6) Change in dimensional standards set forth in the Development Conditions that result in a decrease in minimum standards (e.g., reduction in minimum setbacks or reductions in street widths) or increase in maximum standards (i.e. an increase in building height and/or gross density or intensity of land uses);
- (7) Change to proposed treatment of buffering, landscaping, land uses or lot sizes along the perimeter of the PD;
- (8) Addition or reduction of driveways or access points, especially those which negatively affect connectivity or street safety; or
- (9) Other design modifications to the approved ~~Preliminary Development Plan~~PD that the Planning Director determines to be major.

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

2.19. REGULATION OF SUBDIVISIONS, GENERALLY

2.19.1. No Subdivision without Plat Approval:

- (A) As provided in G.S. 160D-807, no person may subdivide land except in accordance with all of the provisions of this chapter. In particular, no person may subdivide land unless and until a Final Plat of the subdivision

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has been approved in accordance with the provisions of this chapter and recorded in the Moore County Registry.

- (B) As provided in G.S. 160D-803(d), the Moore County Register of Deeds may not record a plat of any subdivision within the Town's Planning Jurisdiction unless the plat has been approved in accordance with the provisions of this chapter.
- (C) The owner or proprietor of any Tract of land who desires to subdivide land (i.e., to create a "subdivision") shall submit a plat of such subdivision to the Planning Director.
- (D) Unless such subdivision was legally created prior to the adoption of this chapter or is full compliance with this UDO:
 - (1) No person shall sell or transfer ownership of any Lot or Parcel of land by reference to a plat of a subdivision before such plat has been duly recorded with the register of deeds.
 - (2) No Development approval or certificate of occupancy shall be issued for any Parcel, plat, map, or plan created prior to subdivision approval.
 - (3) No excavation of land or construction of any public or private improvements shall be commenced.

(Ord. #1919)

2.19.2. Exemptions

A subdivision plat is not required for any of the exemptions to the definition of subdivision established in Chapter 9 of this ordinance.

(Ord. #1919)

2.19.3. Subdivision Classification

Certain subdivisions shall qualify as Expedited Review Subdivisions. Major and Minor subdivisions are subject to the criteria for approval of subdivision plats unless a specific provision indicates that it does not apply to Minor Subdivisions. Different time limits are prescribed for the review and processing of Major and Minor subdivisions to reflect the level of complexity involved in review of the applications. Subdivisions shall be classified as established in this UDO.

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(A) Expedited Review Subdivisions that meet the following criteria require only a plat for recordation:

- (1) The tract or parcel to be divided is not exempted under G.S. 160D-802(a)(2).
- (2) No part of the tract or parcel to be divided has been divided as an Expedited Review Subdivision in the ten (10) years prior to division.
- (3) The entire area of the tract or parcel to be divided is greater than five (5) acres.
- (4) After division, no more than three lots result from the division.
- (5) After division, all resultant lots comply with all of the following:
 - (a) All lot dimension size requirements of the applicable land-use regulations.
 - (b) The use of the lots is in conformity with the applicable zoning requirements.
 - (c) A permanent means of ingress and egress is recorded for each lot.

(B) Minor Subdivisions shall include:

- (1) Lot splits or resubdivision of one or more Parcels into not more than five (5) Lots that:
 - (a) Front on an existing street or share a common private driveway meeting the access standards of this ordinance;
 - (b) Do not require the dedication or construction of a public or private street, provided however that perimeter right-of-way dedication shall be allowed as part of a minor subdivision;
 - (c) Do not involve the extension of municipal water or sewer lines by more than two hundred (200) feet from an existing line to the nearest boundary of the subdivision;
 - (d) Do not adversely affect the remainder of the Parcel or adjoining the property;

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- (e) Are not in conflict with the Comprehensive Plan, official map, or zoning regulations;
 - (f) Do not result in the cumulative creation through one or more minor subdivisions of more than five (5) Lots; and
 - (g) Do not result in the creation of additional driveway accesses along collector, arterial, freeway, expressway, or interstate roadways. If existing lot(s) front on an existing street, then each existing lot may have only one (1) driveway access if along a collector, arterial, freeway, expressway or interstate roadway.
- (2) The consolidation of existing Parcels or Lots; or
 - (3) Modification of plats to reflect the dedication of rights-of-way or easements.
- (C) Major Subdivision: Any subdivision not exempted by the UDO or state law, other than a minor subdivision.
(Ord. #1716; Ord. #1746; Ord. #1919)

2.19.4. Plat Procedures, Generally

- (A) A Final Plat for a major subdivision plat shall be approved by the Town Council before the subdivision of a Parcel may be recorded.
- (B) Approval of a Final Plat for a minor subdivision plat shall be approved by the Planning Director before the subdivision of a Parcel may be recorded.
- (C) The approval of the Sketch or Preliminary Plat shall not be deemed final acceptance of, but rather an expression of approval of the layout as submitted on the Sketch or Preliminary Plat; such approval shall be noted on the Sketch or Preliminary Plat.
- (D) Where only a portion of an approved Preliminary Plat is submitted for final approval, a Final Plat of the remaining area may be submitted at any time within two (2) years of the Preliminary Plat, provided that the Final Plat for the additional area conforms substantially to the approved Preliminary Plat.

2.20. MAJOR SUBDIVISION

- (A) Approval and Submittal Process. The Applicant for major subdivision shall follow the procedures established in this section, which is summarized in Exhibit 2-12. All major subdivisions require approval of a Special Use Permit, which shall be reviewed and granted concurrently with the subdivision process.

Exhibit 2-12: Major Subdivision Approval Process Summary

Major Subdivision Process
Pre-application Conference (recommended)
Neighborhood Meeting (only under specified conditions)
Preliminary Plat (includes preliminary SUP approval)
Engineering Plan
Improvement Guarantees and Development Agreement
Final Plat (CUP becomes effective upon recordation)

(Ord. # 1716; Ord. # 1919)

2.20.2. Pre-Application Conference

A pre-application conference is recommended.

2.20.3. Neighborhood Meeting

A Neighborhood Information Meeting is encouraged, but optional for subdivisions.

(Ord. # 1919)

2.20.4. Preliminary Plat

(A) Purpose

- (1) The Preliminary Plat serves as a guide to future density, intensity, land uses, pedestrian and bicycle ways, trails, parks and open space,

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as well as Lot, street and drainage patterns. It is intended to ensure that a landowner investigates the broad effects that Subdivision of property will have on the site itself as well as on adjacent properties and public infrastructure systems.

- (2) Approval of a Preliminary Plat shall constitute acceptance of the land-use mix, Development intensity, general street patterns, drainage patterns, Lot patterns, parks and open space lands, and the general layout of pedestrian and bicycle trails, provided that these may be modified in conjunction with subsequent approvals if additional information reveals Development constraints that are not evident during Preliminary Plat review.
- (3) The Preliminary Plat also provides feedback on the Special Use Permit (CUP) application from the Planning Board and Town Council.
- (4) The Preliminary Plat, together with the attendant items required herein, is to provide a basis for the construction of the subdivision and its improvements as well as a draft of the Final Plat of the subdivision. To achieve this, the Applicant should consult with the Planning Director, Town Engineer and other agencies concerned with the subdivision and the improvements.
- (B) **Applicability.** Preliminary Plat approval is required prior to Final Plat approval for any major subdivision.
- (C) **Preliminary Plat Process Overview.** The approval process and typical timing Preliminary Plat approval are summarized in Exhibits 2-13 and 2-14. Actual timing may vary based on the date of submittal and scheduled hearing dates.

Exhibit 2-13: Preliminary Plat Approval Process Summary

Preliminary Plat Process
Application, Review and Notice
Planning Board Preliminary Forum
Town Council Public Hearing

(Ord. #1959)

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Exhibit 2-14: Timing

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

(Ord. #1959)

(D) **Initiation.** The Applicant shall file the Preliminary Plat application with the Planning Director and shall comply with the requirements established in Appendix A.

(E) **Completeness.**

- (1) The Planning Director shall review the application and shall determine if the application has been submitted and is complete pursuant to the provisions of Section 2.6.
- (2) Reviewing agencies shall act on a plat within thirty (30) days after the date the Preliminary Plat is found to be complete. A plat is deemed approved by a reviewing agency unless the reviewing agency has provided reasons for disapproval within the thirty (30) day period.
- (3) Upon finding that the application is complete and after consultation with the TRC, the Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with Section 2.10.

(F) **Planning Board Action.** The Planning Board shall conduct a Preliminary Forum.

(Ord. #1959)

(G) **Criteria**

- ~~(1) The application is consistent with the approved Sketch Plat, if applicable.~~
- ~~(2)~~(1) The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;
- ~~(3)~~(2) The proposed subdivision complies with the UDO and applicable state and federal regulations;
- ~~(4)~~(3) The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;
- ~~(5)~~(4) The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and
- ~~(6)~~(5) The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development.

(H) **Town Council Action.** The Town Council shall conduct an evidentiary hearing and shall approve, conditionally approve or deny the Preliminary Plat based on the preceding criteria. If the application is conditionally approved, the Town Council shall obtain written consent to conditions by the landowner or permit applicant. The Town Council also shall approve, conditionally approve or deny the SUP based on the criteria established in the preceding paragraphs and in Section **Error! Reference source not found.** The SUP shall not become effective until the Planning Director approves, and the Applicant records the Final Plat for the applicable area.

(Ord. #1959)

(I) **Amendments.** Amendments to a Preliminary Plat shall be approved in the following manners:

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- (1) Minor Amendments. Minor amendments may be approved by the Planning Director without filing a new Preliminary Plat. Minor amendments include the following:
 - (a) Changes in the internal alignment of streets that do not affect external properties or connectivity;
 - (b) Changes in internal Parcel boundaries that do not abut external property lines;
 - (c) Changes in setbacks along internal property lines;
 - (d) Changes in the routing of trails and pedestrian ways;
 - (e) Adjustments in easements, utilities or drainage improvements identified as necessary during the preparation of Engineering Plans; or
 - (f) Changes in the orientation of buildings on internal Parcels.
 - (2) Minor plat amendment shall not include any of the following:
 - (a) Change in permitted uses or the density of overall Development permitted;
 - (b) Increased intensity of use as measured by the number of Dwelling Units or square feet of nonresidential building area;
 - (c) Increased trip generation or demand for public utilities;
 - (d) Decreased public or private open space area; or
 - (e) Increased volume or velocity of stormwater runoff from the Development.
 - (3) Major Amendments. Plat amendments not categorized as minor amendments in the above paragraph require the filing and approval of a new Preliminary Plat. Such amendments may be processed concurrently with a Final Plat application at the option and risk of the Applicant.
- (J) **Effect of Approval**
- (1) The Preliminary Plat governs the preparation of Engineering Plans and the final subdivision plat, which must be submitted for approval

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- and recordation upon fulfillment of the requirements of this chapter.
- (2) The approval is valid so long as the Applicant receives and maintains a valid Development approval per this ordinance.
 - (3) If a Final Plat is not submitted within the period of Development Approval validity, the Preliminary Plat approval shall be void.
 - (4) Approval of the Preliminary Plat by the Town Council shall not be deemed final approval of the overall subdivision.
- (K) **Recording Procedures.** A copy of the Preliminary Plat shall be kept on file in the planning department offices.

(Ord. #1718; Ord. #1919)

2.20.5. Engineering Plans (Site Plans)

- (A) **Purpose.** To establish an efficient process to ensure that public improvements associated with private Developments are consistent with the Town's design standards and that improvements are documented in a way that facilitates the long-term management and enhancement of public infrastructure.
- (B) **Applicability.** Following approval of the Preliminary Plat, the Applicant shall have prepared, by a professional engineer registered in the State of North Carolina, Engineering Plans consisting of complete construction drawings and specifications of all easements, streets, traffic control devices, street lights, sanitary sewers, stormwater facilities, water system facilities, sidewalks, and other improvements required by this chapter. Landscape plans shall be prepared by a Registered Landscape Architect.
- (C) **Initiation**
- (1) Submittals. Engineering Plans shall be submitted to the Planning Director for review and distribution. The application shall comply with the requirements established in Appendix A.
 - (2) Public Agency Reviews. The Applicant shall submit the Engineering Plans to all applicable local reviewing agencies and public utility companies that will service the subdivision. The Planning Director

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shall forward comments from those agencies to the Applicant along with the Town's comments.

- (3) Approval. Subject to comments from the TRC, the Town Engineer shall approve, conditionally approve or deny the Engineering Plans after considering comments from the TRC.
- (D) **Construction.** All improvements required pursuant to these regulations shall be constructed in accordance with the applicable requirements herein and, where applicable, the requirements and authorization of the appropriate state agency, utility company or local franchisee.
- (E) **Modification of Engineering Plans.** If the Applicant chooses to make minor modifications in design and/or specifications during construction, such changes shall be made at the Applicant's own risk, but only with the written approval of the Town Engineer. It shall be the responsibility of the Applicant to notify the Town Engineer in advance of any changes to be made from the approved drawings. In the event that actual construction work deviates from that shown on the approved Engineering Plans and such deviation was not approved in advance by the Town Engineer, the Applicant may be required to correct the installed improvements to conform to the approved Engineering Plans. In addition, the Town may take such other actions as may be deemed appropriate including, but not limited to, revocation of plat approval and/or permits already issued and/or withholding of future approvals and permits.
- (F) **As-Built Drawings**
 - (1) Required Drawings. Prior to final inspection of the required improvements, the Applicant shall submit to the Planning Director one (1) digital copy and one (1) reproducible copy of as-built engineering drawings for each of the required improvements that have been completed. The reproducible drawings shall be certified by the Applicant's engineer indicating the date when the as-built survey was made. A landscape architect registered to practice in North Carolina may seal landscape plans and the designs of erosion control measures. Digital copies are for the Town's infrastructure management purposes only and the engineer shall bear no liability for the use and modification of the digital files.

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- (2) Control Points. As-built drawings and digital files shall include all control points using state plane coordinates and monuments.
- (G) **Completion of Improvements**
 - (1) Except as provided herein, improvements shall be completed or assured prior to recording the Final Plat, to the satisfaction of the Town Engineer. The required improvements shall be those specified in the approved Preliminary Plat and Engineering Plans. Unless otherwise approved and assured, sidewalks shall be completed at the time of street construction.
 - (2) As a condition of Final Plat approval, the Town Council may require the Applicant to deposit in escrow a deed describing by metes and bounds and conveying to the Town all street rights-of-way, easements and public land required by these regulations, pending acceptance of improvements by the Town and recordation of the Final Plat. In the event the Applicant is unable to complete the required improvements, and such improvements are deemed necessary for the preservation of the public health and safety, the Town may compel the delivery of the deed in order to complete the improvements as required.
- (H) **Timing of Improvements.** Except upon the written approval of the Town Engineer, no grading, removal of trees or other vegetation, land filling, construction of improvements, or other material change, except for purposes of aiding in preparation of final engineering drawings or plans, shall commence on the subject property until the Applicant has:
 - (1) Entered into a Subdivision Performance Guarantee with the Town or otherwise arranged for completion of all required improvements;
 - (2) Received approval of the Engineering Plans and all necessary permits from the Planning Director; and
 - (3) Obtained necessary approvals and permits from other affected agencies.
- (I) **Inspection of Improvements**
 - (1) Inspection Required. All improvements required by these regulations shall be inspected by the Town Engineer, except for

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improvements made under the jurisdiction of other public agencies, in which case engineers or inspectors of such agency will make the necessary inspections. Where inspections are made by other agencies, the Applicant shall provide the Town with written reports of each final inspection.

- (2) **Inspection Schedule.** It shall be the responsibility of the Applicant to notify the Town Engineer of the commencement of construction of improvements twenty-four (24) hours prior thereto.
- (3) **Compliance with Standards.** The Applicant or the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.

(J) Acceptance of Improvements

- (1) Approval of the installation and construction of improvements by the Town Council in accordance with General Statutes and section 100.20 et.seq. of the Town's Code of Ordinances shall constitute acceptance by the Town of the improvement for dedication purposes.
- (2) The Town shall not have any responsibility with respect to any street, or other improvement, notwithstanding the use of the same by the public, unless the street or other improvements shall have been accepted by the Town Council.
- (3) When improvements have been constructed in accordance with the requirements and conditions of these regulations and the specifications of the Town, and the Applicant has submitted as-built reproducible copies to the Town Engineer, the Town Manager shall recommend that the Town Council accept the dedications and improvements for maintenance by the Town. This shall not apply to improvements maintained by another entity.

- (K) **Site Cleanup.** The Applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any Lot, street, public way or property therein or adjacent

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thereto. Dumping of such debris into sewers, onto adjacent property or onto other land in the Town is prohibited.

- (L) **Failure to Complete Improvements.** If no Subdivision Performance Guarantee has been executed and no security has been posted, the failure to complete all required public improvements within the period specified by the Town shall result in expiration of plat approvals. If a Subdivision Performance Guarantee has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the Agreement, the Town may:

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

(Ord. # 1716; Ord. #1919)

2.20.6. Subdivision Performance Guarantee

- (A) **Applicability.** The Town Manager may waive the requirement for the completion of required improvements prior to action on the Final Plat if the Applicant enters into a Subdivision Performance Guarantee by which the Applicant covenants and agrees to complete all required on- and off-site public improvements no later than one (1) year following the date upon which the Final Plat is recorded, unless the developer determines

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that the scope of work for the required improvements necessitates a longer duration. Such period shall only be extended for a duration necessary to complete the improvements.

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

(Ord. #1871; Ord. #1919)

Amended

11-15-22

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- (F) **Type of Security.** The security shall be in the form of a surety bond, a letter of credit, cash, or cash escrow as follows:

- (1) **Surety Bond.** A surety bond shall be executed by a surety company licensed to do business in the state in an amount equal to the cost estimate, as approved by the Town Engineer, of all uncompleted and unaccepted improvements required by these regulations (other than gas, telecommunications and electric lines), with the condition that the Applicant shall complete such improvements per the terms of the Subdivision Performance Guarantee. The Town Engineer may sign the bond instrument on behalf of the Town, and the Town Attorney shall approve same as to form.
- (2) **Letter of Credit.** The Applicant shall provide an irrevocable letter of credit in an amount equal to the cost estimate, as approved by the Town Engineer, of all uncompleted and unaccepted site improvements (other than gas and electric lines) required by these regulations.
- (3) **Cash or Cashier's Check.** The Applicant shall provide to the Town cash or a cashier's check in an amount equal to the cost estimate as approved by the Engineering Official of all uncompleted and unacceptable site improvements (other than gas and electric lines) required by these regulations. Upon completion of the required site improvements and their acceptance by the Town Engineer, the amount will be refunded to the Applicant by the Town.
- (4) **Cash Escrow.** If security is provided in the form of a cash escrow, the Applicant shall deposit with the Planning Director a cash amount or certified check endorsed to the escrow agent for a face value in an amount of at least the amount specified by the Town Engineer. A surety bond or cash escrow account shall accrue to the Town for administering the construction, operation, and maintenance of the improvements.

(Ord. #1919)

- (G) **Reduction of Guarantees**

- (1) When an Applicant has given security in any of the forms provided herein, and when fifty (50) percent of the required site

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

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

(Ord. #1919)

- (H) **Reimbursement.** Where oversized facilities are required, the Subdivision Performance Guarantee shall specify a reimbursement procedure.

(Ord. #1919)

- (I) **Temporary Improvements.** The Applicant shall construct and pay for all costs of temporary improvements required by the Town Engineer and shall maintain said temporary improvements for the period specified.

(Ord. #1716; Ord. #1890, 1-6-21)

2.20.7. Development Agreements

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

- (1) Implement the CIP and the conditions of Development approval
- (2) Eliminate uncertainty in the Development approval process;
- (3) Assure Applicants that, upon approval of their project, they may proceed in accordance with the policies, rules, and regulations identified in the Development Agreement;

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- (4) Achieve the Town's goals and objectives through assurances that public facilities will be provided concurrent with Development;
- (5) Provide a mechanism to allow regulatory flexibility for specific Development proposals that achieve the Town's goals and objectives;
- (6) Consistently implement G.S. §160D, Article 10.

(Ord. #1919)

- (B) **Applicability.** This section applies to any Development Agreement entered into between an Applicant and the Town to:

- (1) Enforce a condition of Development approval;
- (2) Recognize the existence of vested rights;
- (3) Facilitate the reasonable phasing of large-scale Developments requiring significant infrastructure investment;
- (4) Provide for the provision of infrastructure, design amenities, or other conditions; and/or
- (5) Resolve potential legal disputes.

- (C) **Criteria for Entering into Development Agreements.** The Town Council may approve a Development Agreement pursuant to this section only if it finds that:

- (1) The Development to which the Development agreement pertains is consistent with the Comprehensive Plan and capital improvements program, this UDO and other applicable requirements;
- (2) The Development subject to the Agreement contains features that advance the Town's adopted goals, objectives and policies, in accordance with the criteria established herein;
- (3) The property owner agrees to make contributions of capital improvements for community facilities for one or more types of public improvements, that advance provision of facilities needed to serve the community.

(D) **Initiation**

- (1) **Initiation.** An application for a Development Agreement may be made to the Planning Director. Application may be made by any person having a legal or equitable interest in the subject real property in accordance with State Law. If made by the holder of an equitable interest, the application shall be accompanied by a verified title report and by a notarized statement of consent to proceed with the proposed Development Agreement executed by the holder of the legal interest. An application for a Development Agreement may be concurrently considered with and incorporated by reference with a Development Approval required under this ordinance or by law.
- (2) **Contents of the Application.** The application shall be on a form prescribed by the Planning Director and shall be accompanied by a proposed Development Agreement.

(Ord. # 1716; Ord. #1919)

(E) **Contents of Development Agreement**

- (1) **Mandatory Provisions.** The Development Agreement shall include, at a minimum, provisions pertaining to the following:
 - (a) The land that is the subject of the agreement;
 - (b) The duration of the agreement;
 - (c) The permitted land use or uses and density/intensity for the proposed Development and any conditions attached thereto;
 - (d) Proposed infrastructure improvements and the timing of their installation;
 - (e) Provisions for the dedication of land for public use, whether by easement, right-of-way or fee simple conveyance;
 - (f) A description, where appropriate, of any conditions, terms, restrictions, or other requirements for the protection of public health, safety, or welfare; and
 - (g) A description, where appropriate, of any provisions for the preservation and restoration of historic structures.

- (2) **Optional Provisions.** If agreed to by the Applicant and approved by the Town Council, the Development Agreement may include, without limitation, provisions pertaining to the following:
 - (a) The phasing of the proposed Development project in coordination with the provision of public facilities, including, but not limited to, roads, water, sewer, drainage, parks, municipal, and other facilities, required to accommodate the impacts of the proposed Development project on such facilities at the Town;
 - (b) The identification of public facilities to be dedicated, constructed, or financed by the developer pursuant to the Development Agreement and the designation of such facilities as project improvements, system improvements, or subsystem improvements;
 - (c) The determination of the Development project's proportionate share of the total system and subsystem improvement costs required to be dedicated, constructed, or financed by the developer of the Development project;
 - (d) The Town's share of the costs of system and subsystem improvements to be dedicated, constructed, or financed pursuant to the Development Agreement;
 - (e) Reimbursements, as applicable, to the owner of the subject property for the amount of any contributions for system or subsystem improvements in excess of the proportionate share of the benefit derived from such facility by the subject property;
 - (f) The rules, regulations, ordinances, laws, plans, and official policies of the Town governing Development applicable to the subject property; and
 - (g) If the property to which the Development Agreement relates is located outside the incorporated area of the Town, the period of time within which each property shall be annexed to the Town.

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- (F) **Completeness Review.** Upon submission of an application for a Development Agreement, the Town Manager shall coordinate the review of the application and accompanying documentation for legal sufficiency, compliance with technical requirements, consistency with the adopted Comprehensive Plan and applicable rules, regulations, and policies. Upon satisfactory completion of such review, the Planning Director shall provide required notice and place the matter on the agenda of the Town Council for a legislative hearing at the Council's next regularly scheduled meeting. If the Town Manager determines that the application for Development Agreement is incomplete or legally insufficient, then for the purposes of this ordinance it shall be considered to have not been submitted, and the Planning Director shall notify the Applicant by certified U.S. mail, return receipt requested, within fourteen (14) days after the date of submission of such application. Said notifications shall detail the specific grounds for rejection of the application. The Applicant may resubmit at any time.

(Ord. #1919)

(G) Decision

- (1) Town Council Public Hearing. Within thirty (30) days of the certification of completeness, the Application shall be submitted to the Town Council, which shall consider the proposed Development Agreement at the legislative hearing on the date set for said hearing or on the date or dates to which such hearing may be continued from time to time. The Town Council may:
 - (a) Approve the Development Agreement as recommended by the Town Manager;
 - (b) Approve the Development Agreement with modifications; or
 - (c) Reject the Development Agreement as recommended by the Town Manager, in whole or in part, and take such further action as it deems to be in the public interest. Any such action shall be taken by the affirmative vote of at least a majority of the voting members of the Town Council.
- (2) Ordinance. The Town Council may approve such agreement by ordinance. The Town Council's action shall be final and conclusive.

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- (3) Execution of Development Agreement. If approved by the Town Council, the Development Agreement shall become effective upon execution by the Town Manager and any other parties to the Development Agreement.

(Ord. #1919)

(H) Recordation

- (1) Notice. Within ten (10) days following rejection of a Development Agreement, the Town Clerk shall give notice of such action to the Applicant at the address shown on the application and to the Planning Director.
- (2) Recordation of Agreement. Within ten (10) days following execution of a Development Agreement, the Town Clerk shall record with the recorder of deeds a fully executed copy of the Development Agreement and ordinance. The agreement shall be binding upon, and the benefits of the agreement shall inure to the parties and all successors in interest to, the parties of the Development Agreement.

- (I) **Coordination of Development Agreement Application with Other Discretionary Approvals.** It is the intent of these regulations that the application for a Development Agreement will be made and be considered simultaneously with the review of other necessary applications, including, but not limited to: rezoning; subdivision; PDB and SUP. If combined with an application for Development, the application for a Development Agreement shall be submitted with said application and shall be processed, to the maximum extent possible, jointly to avoid duplication of hearings and repetition of information. A Development Agreement is not a substitute for, nor an alternative to, any other required Development approval, and the Applicant must comply with all other required procedures for Development approval.

(J) Existing and Subsequently Adopted Rules, Regulations, Ordinances, Laws, and Policies

- (1) Unless otherwise provided by the Development Agreement, rules, regulations, ordinances, laws, general or specific plans, and official policies of the Town governing permitted uses, Development,

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density and intensity of use, permitted uses of the land, growth management, public facilities, environmental considerations, and governing design, improvement and construction standards and specifications applicable to the subject property shall be those in force and effect at the time of commencement of the term of the Development Agreement.

- (2) The adoption of a Development Agreement, however, shall not prevent the Town, in subsequent actions applicable to the property or to the Town general, from applying such newer, modified rules, regulations, ordinances, laws and official policies that do not conflict with those applicable to the property at the time of the Development Agreement and that do not prevent the Development of the land as set forth in the Development Agreement. The existence of the Development Agreement shall not prevent the Town from denying or conditionally approving any subsequent Development not expressly addressed in said Agreement on the basis of such existing or new rules, regulations, and policies.
- (3) Unless otherwise addressed in the Agreement, application, processing and inspection fees, utility fees and improvement standards that are revised during the term of a Development Agreement shall apply to the property, provided that:
 - (a) Such fees, standards, and specifications generally apply to public works within the Town; and
 - (b) Their application to the subject property is prospective only as to applications for building and other Development approvals not yet accepted for processing.
- (K) Subsequently Adopted State and Federal Laws. In the event that state or federal laws or regulations are enacted following approval of a Development Agreement that prevent or preclude compliance with one or more provisions of the Development Agreement, the provisions of the Agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations, and every such Development Agreement shall so provide.

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- (L) Periodic Review, Termination, or Modification. An adopted Development Agreement shall be reviewed at least every 12 months, at which time the owner or owners of the property subject to the Development Agreement shall be required to demonstrate good faith compliance with the terms of the Development Agreement. If, as a result of such review, the Mayor and Town Council finds and determines, on the basis of substantial evidence, that the owner or owners have not complied in good faith with the conditions of the Development Agreement, the Mayor and Town Council may unilaterally terminate or modify the Agreement. Such action shall be taken by the Town Council at a regular or special meeting, provided that the developer is notified at least 10 days in advance of such meeting.
(Ord. #1871, 8-24-20)
- (M) Amendment or Cancellation of Agreement. A Development Agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the Agreement or their successors in interest. The procedure for amendment or cancellation shall be the same as that for adoption as provided in this UDO.
- (N) Enforcement. A Development Agreement shall be enforceable by any party to the Agreement. The remedies specified herein and in the Development agreement are not exclusive, and any party to the Agreement may pursue any other available remedies at law or in equity.
(Ord. #1714; Ord. #1716)

2.20.8. Final Plat

- (A) **Purpose.** To establish a process and standards to create and document the rights and responsibilities associated with the subdivision of land.
- (B) **Applicability.** No final subdivision plat shall be recorded until a Final Plat has been approved as provided in this section.
- (C) **Final Plat Process Overview.** The approval process and typical timing for Final Plat approval are summarized in Exhibits 2-15 and 2-16. Actual timing may vary based on the date of submittal.

Exhibit 2-15: Final Plat Approval Process Summary

Final Plat Process
Application, Review and Notice
Planning Director Action

Exhibit 2-16: Timing

Final Plat Timing	
Completeness Review	5 business days (from Application Submittal)
Planning Director and TRC Review	25 days (from Completeness Certification)
Planning Director Decision	10 days (from TRC Review Completion)

(Ord. # 1716)

(D) **Initiation.** The Final Plat application shall be filed with the Planning Director in compliance with Appendix A.

(E) Review and Action

- (1) The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of section 2.6.
- (2) Upon finding that the application is complete the Planning Director shall determine whether the Final Plat complies with the approved Preliminary Plat and other applicable standards of this UDO. The Applicant may submit a Final Plat for only that portion of the approved Preliminary Plat, if such portion conforms to all requirements of this chapter. Any deviation from the approved Preliminary Plat that does not constitute a minor amendment shall require resubmittal of the Preliminary Plat.
- (3) Unless hearings are required pursuant to the previous paragraph, within thirty-five (35) days of the certification of a complete application submittal, the Planning Director shall approve the Final Plat if:

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- (a) The application complies with this UDO and applicable state and federal rules and regulations, and
- (b) The application is consistent with the conditions of prior PDD, Preliminary Plat and SUP approvals.

(Ord. #1716; Ord. #1919)

(F) **Recording.** Following approval of the Final Plat, the Planning Director shall secure necessary Signatures to execute the plat. The action of the Town shall be noted on all copies of the Final Plat to be retained as required for records or further action of the department or other affected agencies of the Town or state. Within twelve (12) months of approval of the Final Plat, the Applicant shall record it with the register of deeds. The Planning Director may grant up to two extensions of Final Plat approval, each up to six (6) months. Failure to record the Final Plat within the time frame noted shall cause the Final Plat approval to be void.

(G) Effect of Approval

- (1) Where only a portion of an approved Preliminary Plat is submitted for final approval, a Final Plat of the remaining area may be submitted within the period of Development Approval validity or the time frame consistent with the approved phasing plan.
- (2) Upon approval of the Final Plat by the Planning Director, the plat shall be submitted for recording within sixty (60) days.

(Ord. # 1919)

(H) **Alternative to Completion of Improvements.** Except as provided as per the Subdivision Performance Guarantees section of this chapter, all Applicants shall complete all street, sanitary, and other public improvements of the subdivision as required by the UDO before the Final Plat is recorded.

(Ord. # 1919)

(I) **Monuments.** The Applicant shall place reference monuments in the subdivision as required by North Carolina law. At least two (2) monuments shall be set at locations where the plat establishes x,y coordinates pursuant to the Town's digital submittal requirements in Appendix A.

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- (J) **Amendments.** Amendments to a Final Plat shall be approved in the same manner as the original plat, except as otherwise provided for amending plats or replats herein.
- (K) **Plat Approval Not Acceptance of Dedication Offer.** Approval of a plat does not constitute acceptance by the town of the offer of dedication of any streets, sidewalks, parks or other public facilities shown on a plat. However, the Town may accept any such offer of dedication by Resolution of the Council or by actually exercising control over and maintaining such facilities.
- (L) **Protection Against Defects**
- (1) Prior to Town Council acceptance of improvements, a licensed professional retained by the Applicant shall certify to the Town that all facilities and improvements to be dedicated to the Town have been constructed in accordance with the requirements of this chapter.
- (2) Additionally, the Town Engineer will periodically inspect the installation of all facilities and improvements to be dedicated to the Town for compliance with all standards and specifications.
- (M) **Maintenance of Dedicated Areas Until Acceptance.** All facilities and improvements with respect to which the Applicant makes an offer of dedication to public use shall be maintained by the Applicant until such offer of dedication is accepted.
- (N) **Maintenance of Common Areas, Improvements and Facilities.** Applicant shall be responsible for maintaining all common areas, improvements or facilities required by this UDO except those areas, improvements or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority.

(Ord. # 1716)

2.21. SPECIAL USE PERMIT

2.21.1. Purpose

This section establishes a process and standards to approve certain uses that, because of unique characteristics or potential impacts on adjacent land uses,

Amended

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are not permitted in zoning districts as a matter of right. These uses may be permitted through the issuance of a Special Use Permit (SUP) after ensuring that the use complies with the SUP approval criteria. No inherent right exists to receive a SUP. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation is unique and may be subject to specific requirements to mitigate the impacts of the proposed use.

(Ord. # 1919)

2.21.2. Applicability

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

(Ord. # 1919)

2.21.3. SUP Process Overview.

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

Exhibit 2-17: SUP Approval Process Summary

SUP Process
Planning Board Preliminary Forum
Town Council Public Hearing

(Ord. #1959)

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Exhibit 2-18: Timing

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

(Ord. # 1919; Ord. #1959)

2.21.4. Initiation

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

(Ord. # 1919)

2.21.5. Completeness

- (A) The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of section 2.6. No application is considered to have been submitted under this ordinance unless it is complete, unless all of the information required herein is included, and all filing fees have been paid.
- (B) Upon finding that the application is complete and considering TRC comments, the Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 2.10.

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

2.21.6. Criteria

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

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

(Ord. # 1716; Ord.#1919)

2.21.7. Conditions

- (A) In approving any SUP, the Town Council may impose such reasonable standards, conditions, or requirements as it may deem necessary to protect the public health, safety and welfare. Standards and conditions shall not include requirements for which the Town does not have authority under statute to regulate, as identified in G.S. 160D-705(c). Such additional standards may include, but need not be limited to:
- (1) Adequate and reasonable mitigation of potentially adverse effects on adjacent properties. In making such a determination, consideration shall be given to:
- (a) The location, type, orientation, design and height of buildings or structures;
- (b) The type and extent of landscaping and screening on the site; and

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- (c) Whether the proposed use is consistent with any policy of the Comprehensive Plan that encourages mixed uses and/or densities;
- (2) Provision of adequate public facilities or services;
- (3) Dedication of easements or land in fee title;
- (4) Funding for extraordinary costs associated with the Development through direct contribution or agreement to establish an acceptable funding mechanism;
- (5) Creation of restrictive covenants;
- (6) Development phasing;
- (7) Standards pertaining to traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, and similar characteristics;
- (8) Adequate measures to provide ingress and egress designed to minimize traffic hazards and to minimize traffic congestion on the public roads;
- (9) Provision of sustainable features, solar or other renewable energy source, rain water capture, storage and treatment or other sustainability requirement;
- (10) Provision of performance guarantee to the same extent and with the same limitations as in section 2.20.6 of this UDO and as acceptable in form, content, and amount to the Town Attorney to ensure continued compliance with all conditions and requirements as may be specified; or
- (11) Other conditions that the Town Council finds are necessary to achieve the purposes of this section and UDO.
(Ord. #1716; Ord. #1919; Ord. #1959)
- (B) The Town Council may not attach conditions that provide regulatory relief from specific requirements set forth in this UDO unless the Development in question presents extraordinary circumstances that justify the variation from the specified requirements.

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

2.21.8. Planning Board Action

- (A) The Planning Board shall conduct a Preliminary Forum on the application.
- (B) In response to Planning Board discussion at the Preliminary Forum, the Applicant may modify the application prior to submission to the Town Council and the Planning Director may likewise revise the staff report.
(Ord. #1716; Ord. #1919; Ord. #1959)

2.21.9. Town Council Action

- (A) The Town Council shall take no final action on any matter before it without first obtaining a staff report from the Planning Director.
- (B) Within thirty (30) days of the Planning Board Preliminary Forum, the Town Council shall conduct an evidentiary hearing and approve, conditionally approve or deny the Application. If the application is conditionally approved, the Town Council shall obtain written consent to conditions by the landowner or permit applicant. If the Application is denied, the Town Council shall advise the Applicant of the reason for denial.
(Ord. #1919; Ord. #1959)

2.21.10. Withdrawal and Subsequent Applications

- (A) An application for a SUP may be withdrawn at any time.
- (B) If the application has been advertised in compliance with state law, an application requesting substantially the same use on all or part of the same described land shall not be reconsidered within one (1) year of withdrawal.
- (C) No application for a SUP for any Lot or Parcel that requests the same use and same conditions shall be considered within one (1) year of a final decision denying the application.
(Ord. #1919)

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2.21.11. Effect of Approval

- (A) Once a SUP is granted, such use may be enlarged, extended, increased in intensity, or relocated following the same process as the initial application unless the initial approval specifically established alternative procedures for consideration of future expansion or enlargement.
- (B) The provisions of this UDO relative to expansion of nonconforming uses, do not supersede this requirement unless the special permitted use for which the Development approval was initially granted is no longer a use permitted as of right or as a special use in the zoning district in which it is located.

(Ord. #1919)

2.21.12. SUP Amendments

- (A) **Major Amendments.** Except as allowed under Minor Modifications below, all changes to approved Special Use Permits are major amendments and shall follow the same process applicable for the original approval.
- (B) **Minor Modifications.** The Planning Director is authorized to review and approve administratively a minor modification to an approved Special Use Permit, subject to the following limitations.

- (1) **General Limitations.** The minor modification:
 - (a) Does not involve a change in uses permitted or the density of overall Development permitted;
 - (b) Does not increase the impacts generated by the Development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original Development approval; and
 - (c) Meets all other requirements of this UDO and complies with all conditions of the Special Use Permit approval.

(Ord. #1703; Ord. #1919)

2.21.13. Revocation of Special Use Permits.

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

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

(Ord. #1919)

2.21.14. Recording Procedures

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

(Ord. #1919)

2.22. VARIANCE

2.22.1. Purpose and Applicability

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

2.22.2. Variance Process Overview

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

Exhibit 2-19: Variance Approval Process Summary

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

Exhibit 2-20: Timing

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

2.22.3. Initiation

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

2.22.4. Completeness

- (A) The Planning Director shall review the application and shall determine if the application has been submitted and is complete pursuant to the provisions of section 2.6.
- (B) Upon finding that the application is complete and considering TRC comments, the Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 2.10.

(Ord. #1919)

2.22.5. Board of Adjustment Action

- (A) The Board of Adjustment shall conduct an evidentiary public hearing and approve, conditionally approve or deny of the application based on the criteria in the following section.
- (B) Before granting a variance, the Board of Adjustment must take a separate vote and vote affirmatively by a four-fifths (4/5) majority) on each of the required findings set forth as criteria in this UDO. In so far as practicable, a motion to make an affirmative finding on each of the requirements shall include a statement of the specific reasons or findings of fact supporting such motion.
- (C) In granting variances, the Board of Adjustment may impose such appropriate conditions that are reasonably related to the variance.
- (D) A motion to deny a variance may be made on the basis that any one or more of the criteria are not satisfied or that the application is incomplete. In so far as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion shall be adopted as the Board of Adjustment's decision if supported by more than one-fifth (1/5) of the Board's membership (excluding vacant seats).

(Ord. #1919)

2.22.6. Criteria

A variance may be granted by the Board of Adjustment if it finds that:

- (A) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
- (B) The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public may not be the basis for granting a variance. . A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

- (C) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting a variance shall not be regarded as a self-created hardship.
- (D) The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- (Ord. #1919)

2.22.7. Effect of Approval

- (A) Except when the Board specifies that the variance shall be issued for an indefinite duration or for a specified duration, the variance shall expire one (1) year after the approval unless the Applicant establishes the building, structure or other improvement for which the variance was sought.
- (B) The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this chapter.

2.22.8. Variances from Flood Hazard Area, Airport Hazard Area, Watershed Protection Overlay Requirements

- (A) In addition to the requirements of this section, a Variance from any of the requirements set forth in the Flood Hazard Regulations may be granted by the Board of Adjustment only in accordance with the provisions of Section 4.13.7.
- (B) In addition to the requirements of this section, a Variance from any of the Airport Hazard Overlay District Requirements may be granted by the Board of Adjustment only in accordance with the provisions of that district.
- (C) In addition to the requirements of this section, a Variance from any of the requirements of the Watershed Protection Overlay District may be granted by the Board of Adjustment only in accordance with the provisions that district.

Amended

11-15-22

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2.23. APPEALS

2.23.1. Purpose and Applicability

Any person, including any officer or agency of the Town, aggrieved by an Administrative Decision or Determination by the Planning Director or other member of the Town’s administration, may appeal such decision or determination to the Board of Adjustment in the manner provided in this section. Should any person be aggrieved by any decision of the Board of Adjustment, they shall have the right to appeal same to the Circuit Court of Moore County, North Carolina, in the manner prescribed by law.

(Ord. #1919)

2.23.2. Appeals Process Overview

The approval process and typical timing for Appeals are summarized in Exhibits 2-21 and 2-22. Actual timing may vary based on the date of submittal and scheduled hearing dates.

Exhibit 2-21: Appeals Approval Process Summary

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

Exhibit 2-22: Timing

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

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2.23.3. Initiation

- (A) The Appeals application shall be filed with the Planning Director and shall comply with the requirements established in Appendix A. The application shall state fully the decision or determination being appealed and the reasons that the Applicant believes the decision or determination was made in error.
- (B) An application to appeal shall be filed within thirty (30) days of receiving written notice of the Administrative Decision or Determination for a landowner or other party requesting the decision or determination, and within thirty (30) days of receipt of actual or constructive notice of the decision or determination for any other person with standing to appeal. In the absence of evidence to the contrary, written notice sent via first-class mail is deemed received on the third business day following deposit of notice for mailing with the United States Post Office.
- (C) After consulting with the TRC, the Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 2.10.
(Ord. #1919)

2.23.4. Stay of Proceeding

An appeal stays all actions by the Planning Director seeking enforcement of or compliance with the order or decision appealed from, unless the Planning Director certifies to the Board of Adjustment that a stay would cause imminent peril to life or property. If enforcement is not stayed, then the Board of Adjustment shall meet and hear the appeal within fifteen (15) days after such request is filed.
(Ord. #1919)

2.23.5. Board of Adjustment Action

- (A) The Board of Adjustment shall conduct an evidentiary public hearing and may:
 - (1) Reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed;

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- (2) Make such order, requirement, decision, or determination as ought to be made, providing a statement of the specific reasons or findings of fact; and
 - (3) Exercise all the powers of the officer or agency from whom the appeal is taken.
- (B) A motion to reverse, affirm or modify the order, requirement, decision or determination appealed from shall include, in so far as practicable, a statement of the specific reasons or findings of facts that support the motion.
 - (C) If a motion to reverse or modify is not made or fails to receive a majority vote necessary to overturn the action being appealed, then a motion to uphold the decision appealed from is deemed approved.
(Ord. #1919)

2.23.6. Burden of Proof in Appeals

When an appeal is taken to the Board of Adjustment in accordance with this UDO, the Planning Director or other member of the Town's administration who made the decision or determination shall appear as a witness at the hearing and shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the final decision or determination being appealed. The burden of presenting evidence and argument to the contrary then shifts to the Appellant, who also shall have the burden of persuasion.
(Ord. #1919)

2.23.7. Criteria

In evaluating an Appeal, the Board of Adjustment shall determine whether the action being appealed:

- (A) Was made based on correct interpretation of the UDO and other applicable regulations; and
- (B) Reflected the correct response to the application that was approved, denied or conditionally approved.

2.23.8. Exemption Based on Constitutional or Statutory Claims

- (A) The Board of Adjustment may approve an exemption from the requirements of this UDO, to the extent necessary to comply with or conform to federal or state law, or to avoid or resolve any alleged violation federal or state law caused by the enforcement of any regulation imposed by this UDO.
- (B) Any person desiring such an exemption shall file a written petition with the Planning Director, who shall forward the petition to the Board of Adjustment for purposes of conducting a public hearing on the petition and issuing a final determination. The petition shall include separate statements that:
 - (1) Advise to which particular regulation of the Town the requested exemption relates;
 - (2) Explain how the regulation is not in conformance with federal or state law, or how it allegedly violates federal or state law;
 - (3) Describe how granting the exemption would be in the public interest and not be contrary to the public health, safety, and welfare; and
 - (4) Describe the intended use of land or activity for which the exemption is being sought.

2.24. VESTED RIGHTS DETERMINATION

2.24.1. Applicability

- (A) This section applies to any application for Development approval in which the Applicant claims an exemption from any provision of this chapter based on common law, statutory vested rights or Estoppel.
- (B) Any Applicant may apply for a vested rights determination, provided that the requirements of this section are satisfied.
(Ord. #1919)

2.24.2. Common Law Vested Rights

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

- (A) In reliance upon lawfully issued Development approval, the Applicant makes a substantial financial commitment or assumes substantial financial obligations within the purview of the activities authorized by said Development approval;
- (B) The Applicant has proceeded in good faith, has relied upon the issuance of the Development approval, and such Development approval has not lapsed or been revoked;
- (C) The Applicant has established any other factor that may establish Estoppel under state or federal law; and
- (D) The Applicant has not obtained a favorable statutory vested rights determination.
(Ord. #1919)

2.25. DEVELOPMENT APPROVAL REVOCATION

2.25.1. Initiation

The Planning Director shall investigate alleged violations of the requirements of this UDO and conditions imposed upon Development Approvals. If the Planning Director determines that revocation of a Development Approval is appropriate, he or she shall notify the holder in writing stating the reasons(s) for the revocation. A recommendation, including the reason or reasons for their determination, shall be made to the same Reviewing Body that granted the Development Approval after providing notice as required in section 2.10.
(Ord. #1714; Ord. #1919)

2.25.2. Reviewing Body Action

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

The Reviewing Body's action shall contain findings that address the basis for the decision; shall state the condition or conditions that have been violated and the harm such violation has caused. In the case of a suspension of the use, the action shall state the length of time such violation can be cured. In the case of a termination, the action shall state the reason such violation cannot be cured.
(Ord. #1919)

2.25.3. Grounds for Revocation

The following are grounds for revocation of a Development Approval:

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

2.25.4. Appeals

An aggrieved party may appeal the Reviewing Body's decision as depicted in Exhibit 2-1. The appeal shall be presented within thirty (30) days of action by the Reviewing Body.
(Ord. #1919)

2.25.5. Right Cumulative

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

2.26. ARCHITECTURAL COMPLIANCE PERMIT

2.26.1. Purpose

This section enables the Town Council and the developer of a multi-family, attached single-family, commercial or mixed-use Development project to collaborate on the project design, thereby providing flexibility from the strict application of the Town's Commercial Design Standards.
(Ord. # 1716)

Amended

11-15-22

2.26.2. Applicability

- (A) Town Council approval of an Architectural Compliance Permit is required for:
 - (1) New construction of an institutional, commercial or mixed use building with three thousand five hundred (3,500) square feet or more of Gross Floor Area, or a multi-family building with dwelling units;
 - (2) Significant modification of any multi-family, institutional, commercial or mixed-use building or site involving:
 - (a) Additions to the front or street side of a commercial or mixed-use building in an OS, NB, GB, PD or HCO district;
 - (b) Additions to the front or street side of a commercial or mixed-use building in an CB district that do not require review by the Historic District Commission;
 - (c) Increases in building height to any building included in paragraphs (1), (2)(a) or (2)(b) of this section;
 - (d) Additions to any side of a commercial or mixed-use building facing a residential district that do not comply with buffer requirements of section 4.3.4;
 - (e) The establishment, relocation or enlargement of loading docks, loading bays or garage entries facing a street or residential district; and
 - (f) An increase of more than twenty (20) parking spaces.
 - (3) Any new construction or modification of a commercial or mixed-use building that, in the opinion of the Planning Director does not comply with the commercial building design standards in section 4.10.

(Ord. # 1716)

- (B) All other commercial and mixed-use building permit applications shall be reviewed by the Planning Director for compliance with the standards established in this UDO.

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2.26.3. Architectural Compliance Permit Process Overview

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

(Ord. # 1716)

Exhibit 2-23: Approval Process Summary

Architectural Compliance Permit Process
Application, Review
Town Council Hearing

Exhibit 2-24: Timing

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

2.26.4. Initiation

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

Amended

11-15-22

2.26.5. Completeness

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

(Ord. #1919)

2.26.6. Town Council Action

The Town Council shall approve, conditionally approve or deny the application based on the criteria in the following section.

2.26.7. Criteria

No Architectural Compliance Permit shall be approved unless the Town Council finds that:

- (A) The application is consistent with applicable Comprehensive Plan goals and policies;
- (B) The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;
- (C) The application is consistent with applicable conditions of prior Development approvals; and
- (D) The Development as proposed will be compatible with neighboring Development and has mitigated potential conflicts.

(Ord. # 1716)

2.26.8. Amendments

Amendments to a previously approved Architectural Compliance Permit shall be classified as a minor or major amendment. Minor amendments may be administratively accepted by the Planning Director and will not be subject to review by the Town Council. Within five (5) business days after filing of the proposed amendments, required items, and information, the Planning Director

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shall provide a written response indicating whether or not the proposed revisions shall be considered a minor or major amendment.

(A) Minor Amendments. Minor Amendments to an Architectural Compliance Permit include any of the following changes:

- (1) Changes to the timing or phasing of the proposed Development, provided that the use and overall geographic land area remains the same;
- (2) Adjustment of unit boundaries within Tracts or Parcels adjoining the outer boundaries of the site plan, provided that the use and overall geographic land area remains the same;
- (3) A reduction in the number of proposed platted Lots, provided that the use and overall geographic land area remains the same;
- (4) Updating of ownership or consultant information;
- (5) Site plan or subdivision plat name change;
- (6) Reconfiguration of parking to increase compliance with parking or landscaping requirements;
- (7) Increases in the number of parking spaces that do not trigger the applicability threshold in this section;
- (8) Adjustments in the landscaping location or materials that comply with the landscaping standards within the UDO and do not reduce the total landscape area from a previously approved Architectural Compliance Permit;
- (9) Building maintenance and repairs that do not change the area, height, setbacks or materials from a previously approved Architectural Compliance Permit;
- (10) Other changes to increase compliance with UDO or technical requirements; and
- (11) Any change to an Architectural compliance permit that did not require Town Council approval.

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- (B) Major Amendments. All other amendments shall be classified as major amendments and shall be processed in the same manner as the initial application.

(Ord. # 1716)

2.26.9. Effect of Approval

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

(Ord. #1919)

2.27. DESIGNATION OF HISTORIC DISTRICTS

2.27.1. Approval Criteria and Decision

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

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

2.28. CERTIFICATE OF APPROPRIATENESS – MAJOR WORK

2.28.1. Applicability

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

2.28.2. Application Submittal Requirements

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

2.28.3. Notification of Affected Property Owners

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

(Ord. #1919)

2.28.4. Evidentiary Hearing

- (A) An evidentiary hearing shall be conducted by the Commission in accordance with section 2.14 of this UDO within sixty (60) days of the acceptance of a complete application, or within such further time

consented to by written notice from the Applicant. The Commission shall approve, approve with conditions or deny the application based on the criteria established in section 2.28.10. If the application is conditionally approved, the Commission shall obtain written consent to conditions by the landowner or permit applicant.

- (B) Failure of the Commission to take final action on an application within the prescribed time limit, or extensions thereof shall result in approval of the application as submitted.

(Ord. #1919)

2.28.5. Relocation or Demolition

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

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

2.28.6. Actions Subsequent to Decision

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

2.28.7. Appeal of Decision

A decision by the Commission on an application for a Certificate of Appropriateness may be appealed to the Board of Adjustment following the

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same procedures and timelines described in this ordinance for appeals of Administrative Decisions and Determinations.

(Ord. #1890; Ord. #1919)

2.28.8. Submission of New Application

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

2.28.9. Modifications to Applications

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

2.28.10. Criteria

- (A) In considering an application for a Certificate of Appropriateness, the Commission shall take into account the historical and/or architectural Significance under consideration and the exterior form and appearance of any proposed additions or modifications to that structure that are visible from a public right-of-way. The Commission shall not consider interior arrangement or use.
- (B) The Commission shall consider the following factors when determining whether the application is or is not congruous with the historic aspects of the Historic District:
 - (1) The height of the building in relation to the average height of the nearest adjacent and opposite buildings.

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- (2) The setback and placement on Lot of the building in relation to the average setback and placement of the nearest adjacent and opposite buildings.
 - (3) Exterior construction materials, including texture and pattern.
 - (4) Architectural detailing, such as lintels, cornices, brick bond and foundation materials.
 - (5) Roof shapes, forms and materials.
 - (6) Proportion, shape, positioning and location, pattern and size of any elements of fenestration.
 - (7) General form and proportions of buildings and structures.
 - (8) Appurtenant fixtures and other features such as lighting.
 - (9) Structural conditions and soundness.
 - (10) Architectural scale.
 - (11) Secretary of the Interior Guidelines.
- (C) Prior to approving the application, the Commission shall make the following findings:
- (1) Work is compatible and appropriate in preserving, retaining, repairing, or restoring the defining historic character of a property and the district. Specifically, the work is considered compatible and appropriate in terms of material, design, dimensions, mass, scale, orientation, color and other applicable considerations;
 - (2) Work does not damage or remove significant character defining features of the building and will not adversely affect its contribution to the larger historic district; and
 - (3) Work is consistent with the adopted design standards for the historic district.

(Ord. #1919)

2.28.11. Parking Waiver

Where the Historic District Commission, in considering an application for a Certificate of Appropriateness, shall find that the number of off-street parking

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

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

2.28.12. Restoration or Reconstruction

- (A) Where it is found by the Historic District Commission that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original configuration of a structure of historic and/or architectural significance to the historic district, such activity may be approved by the Town Council, following approval by the Historic District Commission. This allows the waiver of zoning requirements which would otherwise prevent the authentic restoration or reconstruction of a structure so long as said improvement shall meet the requirements of the Commission.
- (B) The Town Council shall not be authorized, in action undertaken by this section, to approve a use of property which is not a use permitted by right or as a special use within the district in which the property is located.
- (C) In addition to any other conditions the Town Council may make regarding such authorization, any items restored, reconstructed or maintained on, over or within a public sidewalk, public alley area or other such public way shall be the responsibility of the owner, his heirs and assigns. The owner's restoration, reconstruction or maintenance of any such item within such area shall constitute the owner's agreement to protect and hold the Town of Southern Pines harmless against any and all liability, costs, damage or expenses suffered by the Town of Southern Pines as a result of or growing out of the restoration, reconstruction or maintenance thereof. Such items, so approved, may be lawfully restored, reconstructed or maintained. Any

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such item projecting over the right-of-way of a street or alley shall be, at its lowest point, twelve (12) feet above the travel way.

(Ord. #1919)

2.29. VACATION OF STREETS OR ALLEYS

2.29.1. Purpose and Applicability

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

2.29.2. Initiation

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

(Ord. # 1716)

2.29.3. Notice

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

(Ord. # 1716)

2.29.4. Decision

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

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closing the street or alley. A certified copy of the order shall be filed in the office of the register of deeds.

2.29.5. Appeals

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

2.29.6. Ownership

- (A) Except as provided in paragraph (C) of this section, upon the closing of a street or alley in accordance with this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.
- (B) The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.
- (C) The Town may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to this section. Such reservation shall be stated in the order of closing. Such reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the Town. To retain such easements, the Town Council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements.

2.29.7. Recording Procedures

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

Amended

11-15-22

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(Ord. #1714)

PART III – PERMITS AND APPROVALS NOT REQUIRING A PUBLIC HEARING

2.30. ADMINISTRATIVE DEVELOPMENT APPROVALS

2.30.1. Generally

- (A) Administrative Development Approvals are routine, non-discretionary UDO implementation matters carried out by the staff, including issuance of permits for permitted uses. In general, the Planning Director is a purely administrative agent following the literal provisions of this UDO.
- (B) The Planning Director may engage in some fact finding, to determine objective facts that do not involve an element of discretion. In contrast to evidentiary and legislative hearings, administrative decisions are made without a hearing at all, with the staff member reviewing an application to determine if it is complete and compliant with objective standards set forth in this UDO.
- (C) No notice shall be required for an administrative permit issued pursuant to this UDO unless otherwise provided by this Ordinance or by law.
(Ord. #1919)

2.30.2. Application for Permit

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

2.30.3. Records

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

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2.30.4. Plans and Specifications

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

2.30.5. Completeness Review

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

(Ord. #1919)

2.30.6. Resubmittals Due to Incompleteness

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

2.30.7. Resubmittals Due to Non-Compliance

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

2.30.8. Limitations on Issuance of Permits

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

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property of the proposed historic landmark may be delayed by the commission with jurisdiction for a period of up to one hundred eighty (180) days or until the Town Council takes final action on the designation, whichever occurs first. Should the Council approve the designation prior to the expiration of the one hundred eighty (180) day delay period, an application for a certificate of appropriateness for demolition must then be requested.

2.30.9. Issuance of Development Approval

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

(Ord. #1919)

2.31. ADOPTION OF TECHNICAL CODES

2.31.1. Technical Codes

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

- (A) The most recent edition, including all subsequent amendments, of the North Carolina Building Code, as adopted by the North Carolina Building Code Council is adopted by reference as fully as though set forth here to the extent such code is applicable for safe and stable design, methods of construction, minimum standards, and use of materials in building or structures erected, enlarged, altered, repaired, or otherwise constructed or reconstructed after adoption of this chapter.

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- (B) In addition, Appendix D - Fire Districts, of the North Carolina Building Code is hereby adopted by reference as fully as though set forth here and shall be enforced as part of this UDO.
- (C) The most recent edition, including all subsequent amendments, of the North Carolina Administrative and Enforcement Requirements Code as adopted by the North Carolina State Building Code Council is hereby adopted by reference as though fully set forth here.
- (D) The 1999 edition, including all subsequent amendments, of Volume I-C, "Making Buildings and Facilities Accessible to and Usable by Persons with Disabilities," the Accessibility Code, as adopted by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth here.
- (E) The most recent edition, including all subsequent amendments, of "State of North Carolina Regulations for Manufactured/Mobile Homes" as adopted by the North Carolina Commissioner of Insurance is hereby adopted by reference as fully as though set forth here.
- (F) The most recent edition, including all subsequent amendments, of North Carolina Fire Prevention Code, as adopted by the North Carolina State Building Code Council, is hereby adopted by reference as fully as though set forth here.
- (G) The June 1972 edition, including all subsequent amendments, of "Floodproofing Regulations" as prepared and published by the office of the Chief of engineers, U.S. Army, Washington, D.C. is hereby adopted by reference as fully as though set forth here to the extent said regulations are applicable for safe and stable design, methods of construction, minimum standards, and use of materials in buildings or structures hereafter erected, enlarged, altered, repaired, or otherwise constructed or reconstructed in flood hazard areas.
- (H) The 1995 edition, including all subsequent amendments, of the North Carolina State Building Code, Volume IX, Existing Buildings, as adopted by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth here.

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- (I) The most recent edition, including all subsequent amendments, of North Carolina Energy Code, as adopted by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth here.
- (J) The most recent Edition, including all subsequent amendments, of the North Carolina Residential Code, as adopted by the North Carolina State Building Code Council, is hereby adopted by reference as fully as though set forth here.
- (K) The most recent edition, including all subsequent amendments, of the North Carolina Rehabilitation Code (NCRC) is hereby adopted by reference as fully as though set forth here.
- (L) The most recent edition, including all subsequent amendments, of the North Carolina Plumbing Code, as adopted by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth here.
- (M) The most recent edition, including all subsequent amendments, of the North Carolina Mechanical Code, as adopted by the North Carolina State Building Code Council, is hereby adopted by reference as fully as though set forth here.
- (N) The most recent edition, including all subsequent amendments, of the North Carolina Electrical Code, as adopted by the North Carolina State Building Code Council, is hereby adopted by reference as fully as though set forth here.
- (O) The National Manufactured Home Construction and Safety Standards Act of 1974 U.S.C. §5401 et seq. and the regulations in 24 CFR Part 3280 adopted pursuant thereto, including all their subsequent amendments, are hereby adopted by reference as fully as though set forth here.
- (P) The most recent edition, including all subsequent amendments, of the North Carolina Fuel Gas Code, as adopted by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth here.

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2.31.2. Compliance with Codes

- (A) All buildings or structures and connected appurtenances which are constructed, reconstructed, erected, altered, extended, enlarged, repaired, altered, occupied, used, demolished, or moved shall conform to the requirements, minimum standards, and other provisions of either the North Carolina Building Code, or the North Carolina Residential Code, whichever is applicable, or both if both are applicable. Where the provisions of this UDO conflict with any of the technical codes listed above, the more restrictive provisions shall apply.
- (B) Every building or structure intended for human habitation, occupancy, or use shall have plumbing, plumbing systems, or plumbing fixtures installed, constructed, altered, extended, repaired, or reconstructed in accordance with the minimum standards, requirements, and other provisions of the North Carolina Plumbing Code.
- (C) All mechanical systems consisting of heating, ventilating, air conditioning or refrigeration systems, fuel-burning equipment, incinerators, and other energy-related systems, their fittings, appliances, fixtures, and appurtenances shall be installed, erected, altered, replaced, repaired, used, and maintained in accordance with the minimum standards, requirements, and other provisions of the North Carolina State Mechanical Code.
- (D) All electrical wiring, installations and appurtenances shall be erected, altered, repaired, used, and maintained in accordance with the minimum standards, requirements, and other provisions of the North Carolina Electrical Code.
- (E) All construction, alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances made or installed to any building or structure, other than Single- and Two-Family Dwellings and Townhouses, shall conform to the provisions of the North Carolina Accessibility Code.
- (F) The installation of gas piping systems extending from the point of delivery to the inlet connections of equipment served, and the installation and operation of residential and commercial gas appliances and related

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accessories shall conform to the provisions of the North Carolina Fuel Gas Code.

- (G) All manufactured housing shall be constructed, repaired, altered, installed, erected, replaced, or moved to another site in conformance with the provisions of the National Manufactured Housing Construction and Safety Standards Act and the State of North Carolina procedural and reference codes for mobile homes, modular Dwelling Units, and other factory building structures, and all regulations adopted pursuant thereto.
- (H) All construction, alterations, repairs, replacement, equipment, and maintenance hereinafter made or installed to any building or structure, other than Single- and Two-Family Dwelling and Townhouses, shall conform to the provisions of the North Carolina Fire Prevention Code.
- (I) The thermal envelope of the building and installation of energy systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances, ventilation, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems shall conform to the provisions of the North Carolina Energy Code.
- (J) All alterations, repairs, replacement, rehabilitation or change of occupancy of any existing building shall conform to applicable provisions of the North Carolina Building Code Volume IX - Existing Buildings or other applicable technical codes.

2.32. MINOR SUBDIVISION

2.32.1. Purpose and Applicability

The minor subdivision process is intended to establish a administrative approval process to facilitate divisions of land that do not require public review due to their small scale and limited impact on adjacent Development or public facilities. Minor Subdivisions include:

- (A) Lot splits or resubdivision of one or more Parcels into not more than five (5) Lots that:
 - (1) Front on an existing street or share a common private driveway meeting the access standards of this ordinance;

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- (2) Do not require the dedication or construction of a public or private street, provided however that perimeter right-of-way dedication shall be allowed as part of a minor subdivision;
- (3) Do not involve the extension of municipal water or sewer lines by more than two hundred (200) feet from an existing line to the nearest boundary of the subdivision;
- (4) Do not adversely affect the remainder of the Parcel or adjoining the property;
- (5) Are not in conflict with the Comprehensive Plan, official map, or zoning regulations;
- (6) Do not result in the cumulative creation through one or more minor subdivisions of more than five (5) Lots; and
- (7) Do not result in the creation of additional driveway accesses along collector, arterial, freeway, expressway or interstate roadways. If existing Lot(s) front on an existing street, then each existing Lot may have only one (1) driveway access if along a collector, arterial, freeway, expressway, or interstate roadway.

(Ord. #1714; Ord. #1890, 1-6-21)

(B) The consolidation of existing Parcels or Lots; and

(C) Modification of plats to reflect the dedication of rights-of-way or easements.

2.32.2. Minor Subdivision Process Overview

The approval process for Minor Subdivisions is summarized in Exhibit 2-25.

Exhibit 2-25: Minor Subdivision Approval Process Summary

Minor Subdivision Process
Sketch Plat
Final Plat

- (A) For any minor subdivision involving the creation of new additional Lots, Applicant for minor subdivision shall submit a Sketch Plat application that complies with the requirements in Appendix A to the Planning Director for

Amended

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a determination of whether the approval process authorized by this section can be and should be used prior to submitting the Final Plat. The intent of this step is to ensure that the Applicant understands the requirements prior to investing in Final Plat preparation.

- (B) The Applicant shall submit a minor subdivision Final Plat application that complies with Appendix A to the Planning Director, who shall approve or disapprove minor subdivision Final Plat in accordance with the provisions of this section. However, either the Planning Director or the Applicant may at any time refer the application to the major subdivision approval process.
- (1) The Planning Director shall approve the proposed minor subdivision unless the subdivision fails to comply with any applicable requirement of this UDO.
- (2) If the subdivision is disapproved, the Planning Director shall furnish the Applicant with a written statement of the reasons for disapproval.
- (C) Approval of a Minor Subdivision Final Plat is contingent upon the Plat being recorded within sixty (60) days after the date the Certificate of Approval is Signed by the Planning Director.

2.33. VACATION OF EASEMENTS OR PLATS

2.33.1. Purpose and Applicability

This section establishes the process for approving the elimination of an easement or a plat, in whole or in part. The record owners of the Tract covered by a plat may vacate the plat at any time before the ownership of separate Lots is divided by sale, lease or other contractual arrangement. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat. If Lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of Lots in the plat with approval obtained in the manner prescribed for a Major Subdivision Final Plat established in section 2.20.8(F). See section 2.29 for abandonment of rights-of-way.

(Ord. #1714)

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2.33.2. Initiation

The owner or owners of Lots in any approved subdivision, including the developer, shall initiate the proposed vacation by filing a petition and declaration with the Planning Director to vacate the easement or plat with respect to their properties. If the Applicant so desires, the vacating declaration and an application requesting resubdivision of the plat may be filed and processed simultaneously. If the application for vacation is filed and processed simultaneously with a resubdivision plat there shall be no fee for the vacation. Notice for vacations of streets shall comply with the provisions of RS160-299.

(Ord. # 1716)

2.33.3. Completeness Review

The Planning Director shall review an application to determine if the application has been submitted and is complete in accordance with section 2.6. The appellate agency for purposes of completeness review is the Town Council.

(Ord. #1919)

2.33.4. Decision

If no protests are received within fifteen (15) days of notice, the petition may be approved, conditionally approved, or disapproved by the Planning Director. The appellate agency for the Planning Director's decision is the Town Council. If any protests are received within fifteen (15) days of the posting of public notice, the decision shall be made by the Town Council following a public hearing.

2.33.5. Approval Criteria

The Planning Director shall approve the petition for vacation on such terms and conditions as are reasonable to protect public health, safety, and welfare. The Planning Director shall not approve a petition for vacation if:

- (A) It will materially injure the rights of any non-consenting property owner or any public rights in public improvements, unless expressly agreed to by the agency with jurisdiction over the improvements; or
- (B) The plat vacation would create Parcels or blocks that fail to comply with the requirements of this UDO.

2.33.6. Effect of Approval

The vacation shall be valid upon the recording of the approved documents in the Moore County Registry of Deeds.

2.33.7. Recording Procedures

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

2.34. PLATS, AMENDING

This section provides a streamlined and efficient process for the combination of Parcels or the replat of Parcels. The Town does not require extensive platting for every division of land otherwise within the scope of the state subdivision enabling legislation.

2.34.1. Applicability

A plat may be amended, and the Planning Director may issue an amending plat, if the amending plat is signed by the Applicants only and is solely for one or more of the following purposes:

- (A) To correct an error in a course or distance shown on the preceding plat;
- (B) To add a course or distance that was omitted on the preceding plat;
- (C) To correct an error in a real property description shown on the preceding plat;
- (D) To indicate monuments set after the death, disability, or retirement from practice of the professional engineer or surveyor responsible for setting monuments;
- (E) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- (F) To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including Lot numbers, acreage, street names, and identification of adjacent recorded plats;

- (G) To correct an error in courses and distances of Lot lines between two adjacent Lots if:

- (1) Both Lot owners join in the application for amending the plat;
- (2) Neither Lot is abolished;
- (3) The amendment does not attempt to remove recorded covenants or restrictions; and
- (4) The amendment does not have a material adverse effect on the property rights of the other owners in the plat;

- (H) To relocate a Lot line to eliminate an inadvertent encroachment of a building or other improvement on a Lot line or easement;

- (I) To relocate one or more Lot lines between one or more adjacent Lots if:

- (1) The owners of all those Lots join in the application for amending the plat;
- (2) The amendment does not attempt to remove recorded covenants or restrictions; and
- (3) The amendment does not increase the number of Lots.

2.34.2. Initiation

The Applicant shall submit an application in compliance with Appendix A to the Planning Director. The Planning Director will determine the extent to which the amending plat will require review by the various departments and agencies of the Town. The amending plat shall be approved unless it is inconsistent with any of the criteria set forth herein.

2.35. ZONING PERMIT

2.35.1. Purpose

The purpose of a Zoning Permit is to confirm that the proposed land use, building and site Development are consistent with the applicable zoning district and any Development Approval applicable to the property.

2.35.2. Applicability

A Zoning Permit shall be required in conjunction with any Development application establishing a new use or building, changing the use of a building, modifying a site to establish a new use or subdividing land.

2.35.3. Initiation and Review

Upon submittal of any Development application, the Planning Director shall review the application and determine whether the proposed Development complies with the applicable zoning district use regulations established in chapter 3 of this UDO and applicable use, building and site Development standards established in chapters 4, 5 and 6 of this UDO.

2.35.4. Action

If the application complies, the Planning Director shall issue a Zoning Permit concurrently with action on the application. If it does not comply, the application shall be denied or approved on the condition that the Development application be modified to remedy non-compliant use, structure or design.

2.36. LAND DISTURBANCE PERMIT

2.36.1. Purpose

A Land Disturbance Permit is required to ensure that the stormwater management and other applicable provisions of this UDO are met prior Significant grading or filling of land.

2.36.2. Applicability

Land Disturbance Permit approval is required for disturbances of land that:

- (A) Involve clearing or grading of 30,000 square feet or more of land;
- (B) Involve the Development of reDevelopment of a commercial, institutional or industrial site; or
- (C) Involve the placement or removal of soil or other fill prior to or independent of any other Development Approval established by this UDO that exceeds the thresholds established in Exhibit 26.

Exhibit 2-26: Thresholds for Land Disturbance Permits

Lot Area	Threshold Volumes to be Placed or Removed on Lot
Less than 10,000 sq.ft.	10 cubic yards
10,000 to 19,999 sq.ft.	20 cubic yards
20,000 to one 30,000 sq.ft.	40 cubic yards

2.36.3. Initiation and Review

The Applicant shall submit an application to the Town Engineer in accordance with Appendix A. The Town Engineer shall review the application for compliance with the provisions of section 4.14 within thirty (30) days of submittal of a complete application. The Town Engineer may authorize the use of a compliance permit for any project involving less than 30,000 square feet of land disturbance area upon finding the application to be consistent with the purposes of Chapter 154 of th30,000 square feet of land disturbance area upon finding the application to be consistent with the purposes of Chapter 154 of the Town Code

(Ord. # 1716)

2.36.4. Action

The Town Engineer shall issue a Land Disturbance Permit upon finding that the application complies with applicable provisions of this UDO,

2.37. BUILDING PERMIT

2.37.1. Purpose

A Building Permit is required to ensure that new and modified structures comply with this UDO and applicable Development Approvals.

2.37.2. Applicability

A Building Permit shall be obtained from the Chief Building Inspector before any structure or building is erected, moved, or structurally altered.

(Ord. #1919)

2.37.3. Initiation

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

(Ord. #1919)

2.37.4. Action

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

(Ord. #1919)

2.37.5. Enforcement

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

(Ord. #1919)

2.38. PUBLIC USE RESERVATION

2.38.1. Applicability

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

2.38.2. Review and Action

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

(Ord. # 1716)

2.39. CERTIFICATES OF OCCUPANCY

2.39.1. Purpose

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

2.39.2. Applicability

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

2.39.3. Certificate of Occupancy for a Building

- (A) A Certificate of Occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a Building Permit.
- (B) Said certificate shall be issued within three (3) days after written request to the Planning Director after the erection, reconstruction, alteration, or enlargement of such building or part thereof has been completed and has been found to comply with applicable regulations.

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- (C) Pending the issuance of a regular certificate of occupancy, a temporary certificate of occupancy may be issued by the Planning Director for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the Town relating to the use or occupancy of the premises or any other matter covered by this UDO, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.
- (D) A request for a Certificate of Occupancy for any Change of Use of a building shall be made in writing at least ten (10) days in advance of such change, and shall be issued within three (3) days after such request if the new use complies with the provision of this UDO.

2.39.4. Certificate of Occupancy for Land

A Certificate of Occupancy for use of vacant land or the change in the character of the use of land, as herein provided, shall be applied for before any such land is occupied or used. A Certificate of Occupancy shall be issued within three (3) days after the application has been made, provided such use complies with the provisions of these regulations.

2.39.5. Compliance

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

2.40. FLOODPLAIN DEVELOPMENT PERMIT

2.40.1. Purpose

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

2.40.2. Designation of Flood Damage Prevention Administrator

The Planning Director is hereby appointed to administer and enforce the provisions of this section and flood hazard regulations of section 4.13 of this

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UDO. The Planning Director is further authorized to render interpretations of the flood hazard area regulations that are consistent with its spirit and purpose.

2.40.3. Initiation and Action

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

2.41. SIGN PERMIT

2.41.1. Purpose

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

2.41.2. Applicability

Except as otherwise provided in the Sign regulations of this UDO, no Sign may be erected, moved, enlarged or substantially altered except in accordance with the provisions of this section. Mere repainting or changing the message of a Sign shall not be considered a substantial alteration. Changes to the location, height, width, thickness or structure of the Sign shall be considered substantial changes.

- (A) Sign permit applications and Sign permits shall be governed by the same provisions of this chapter applicable to Zoning Permits.
- (B) In the case of a Lot occupied or intended to be occupied by multiple business enterprises (e.g., a Shopping Center), Sign permits shall be issued in the name of the Lot owner or his agent rather than in the name of the individual business enterprise requesting a particular Sign. The Town may assist the owner by suggesting a formula whereby the maximum square footage of Sign area allowed on the Lot may be allocated equitably among all tenants, but the Town shall be responsible for enforcing only the provisions of this UDO and not the provisions of any allocation formula, lease or other private restriction.

2.41.3. Unified Sign Plan Required for Sites with Multiple Uses

A Unified Sign Plan is required where a Parcel or Development Project in a commercial, industrial or PD district contains more than one (1) Principal Use or establishment.

- (A) The Unified Sign Plan shall apply to the Parcel or Development Project as a whole.
- (B) The Unified Sign Plan shall allocate the allowed number and area of Signs among the individual uses or establishments.
- (C) The Unified Sign Plan shall show the locations and maximum dimensions of all Signs proposed thereon and establish design standards to ensure that all Signs are of comparable design and proportionate scale.

2.41.4. Substitution of Noncommercial Speech for Commercial Speech

Notwithstanding anything contained in this section or Sign code to the contrary, any Sign erected pursuant to the provisions of this section or Sign code, or otherwise lawfully existing with a commercial message, may, at the option of the owner, contain a noncommercial message unrelated to the business located on the premises where the Sign is erected. The noncommercial message may occupy the entire Sign face or any portion thereof. The Sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the Sign, provided that the Sign is not a prohibited Sign or Sign type.

2.41.5. Content Neutrality as to Sign Message

Notwithstanding anything in this section or Sign code to the contrary, no Sign or Sign structure shall be subject to any limitation based on the content of the message contained on such Sign or displayed on such a Sign structure.

(Ord. # 1716)

2.41.6. Signs Excluded From Regulation

See section 4.6.13 for a listing of signs that are exempt from the regulation.

2.41.7. Certain Temporary Signs

See section 4.6.14 for regulations applicable to certain temporary signs that do not require permits.

2.41.8. Submittal

An application for a Sign Permit shall be filed with the Planning Director in accordance with Appendix A of this UDO.

2.41.9. Signs Requiring Certification

If deemed necessary by the Planning Director, Landmark Signs and Signs with structural features that make the Sign more susceptible to wind damage, a North Carolina registered structural engineer or architect shall certify the structural integrity of the structure and foundation as compliant with all standards for wind loads as set forth by the building codes.

(Ord. # 1716)

2.41.10. Approval

The Planning Director shall issue a Sign Permit for proposed Signs that comply with previous Development Approvals, this UDO and any other applicable ordinance of the Town. If the application is for an electrical Sign a separate electrical permit shall be required plus the fee therefore.

2.41.11. Timing

The work under a Sign permit must be begun within three (3) months of its issue date and must be completed no more than six (6) months after the permit issue date, otherwise the permit shall lapse.

2.41.12. Inspection

All billboards and freestanding, on-site Signs shall be subject to a footing inspection prior to erection of the Sign. All Signs shall be subject to a final inspection to ensure that they comply with the Sign permit and this ordinance. The Planning Director shall direct the Applicant to bring non-compliant Signs into compliance within a specified time upon determining that the Sign does not comply with the terms of the permit. Upon failure to do so, the permit shall be revoked and the Sign removed.

2.41.13. Non-Conforming Signs

Non-Conforming Signs are subject to the provisions of section 4.6.21 of this UDO.

2.41.14. Sign Removal

Any Temporary Sign erected in violation of the provisions of this section may be removed immediately by the Planning Director. Any Sign so removed shall be retained at a designated municipal facility until recovered by the Sign owner following payment to the Town of a \$5.00 fee per Sign. Any Sign not recovered within 10 days will be destroyed.

2.41.15. Discontinued Signs

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

2.42. DRIVEWAY PERMIT / RIGHT-OF-WAY PERMIT

2.42.1. Purpose

To ensure that any person or entity engaging in Development activities within the Town's right-of-way complies with applicable conditions to protect the public health, safety and welfare.

2.42.2. Applicability

Any person, firm or corporation, including utility companies, both private and public, desiring to use or cross any public right-of-way, street, alley, roadway, easement, or drainage way involving surface disturbance within the Town and under the jurisdiction of the Town shall first obtain a Driveway or Right-of-Way Permit from the Town Engineer.

2.42.3. Submittal

Every Applicant shall furnish the following information to the Town Engineer:

- (A) A declaration of the intended purpose of such crossing or use.
- (B) Date and time of the proposed crossing or use, and if related to vehicular traffic, plans for rerouting of such traffic if required.
- (C) Two (2) sets of scale drawings related to such crossing or use. The drawings (or written plan) shall include the extent of disturbance of the right-of-way surface and the restoration of same. The drawing or plan must be approved by the Town Engineer and be in compliance with the state aid road construction standards as set forth in the state aid manual on utility facilities within rights-of-way.

2.42.4. Maintenance Bond; Duration

A maintenance bond of sufficient monies, as the Town Engineer shall determine, may be required to guarantee to the Town the reasonable estimated cost resulting from defective workmanship or material in repair of the right-of-way disturbance. Such bond shall be in full force and effect for a minimum period of one (1) year and shall be cancelled only by the Town Engineer.

2.42.5. Administrative Conditions

The following conditions shall be met prior to performing work subject to a Driveway or Right-of-Way Permit.

- (A) The Applicant certifies that prior to filing this application that said Applicant has ascertained the location of all existing utilities both aerial and underground and the accurate locations are shown on the plans. The Applicant further certifies that each utility company, public and private within the rights-of-way has been contacted and a copy of its response is attached as part of this application.
- (B) It is understood and agreed that the rights and privileges herein set out are granted to the extent of the Town's right, title and interest in the land to be entered upon and used by the Applicant. The Applicant will, at all times, assume all risk of and indemnify, defend and save harmless the Town from

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and against all loss, damage, cost or expense arising in any manner out of the exercise or attempted exercise of the aforesaid rights and privileges.

- (C) All Town property and/or rights-of-way shall be restored to current standard or to original condition as far as approved by the Public Works Director.
- (D) This permit is a license for permissive use only and that placing facilities upon public property pursuant to this permit shall not create or vest any property rights in said holder.
- (E) Whenever necessary for the construction, repair, improvement, alteration or relocation of all, or any portion of a Town facility as determined by the Town Engineer, any or all poles, wires, pipes, cables or other facilities appurtenances authorized hereunder, shall be removed from said rights-of-way, or reset or relocated thereon as required by the Town Engineer, and shall be done at the expense of the Applicant.
- (F) This permit may be terminated by the Town in the event that the Applicant violates any provision contained herein and/or fails to promptly correct such violation within forty-eight (48) hours of notice from the Town.
- (G) If the permit is to allow the installation of improvements in the right-of-way, then the Property Owner must execute a Restrictive Covenant and Hold Harmless Agreement as part of the application process. The Restrictive Covenant and Hold Harmless Agreement must be recorded in the official records Moore County.

2.42.6. Conditions Minimizing the Impacts of Work in the Rights-of-Way and Public Easements

- (A) **Protection of the Public Interest.** Work shall be conducted to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property.
- (B) **Protection of Utilities.** No person shall fail to support and protect all infrastructure, including, without limitation, pipes, conduits, poles, wires or other apparatus, which may be affected by the work from damage during construction performance of the work, or settlement of trenches subsequent to construction.

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- (C) **Dust and Erosion.** No person shall fail to use appropriate measures, such as watering and best management environmental practices, to control dust and erosion at the construction site.
- (D) **Deposit of Dirt and Material on Roadways.** No person shall fail to comply with the requirements to eliminate the tracking of mud or debris upon any street or sidewalk. Equipment and trucks used during construction, excavation or work activity shall be cleaned of mud and debris prior to leaving any work site.
- (E) **Use of Street and Sidewalk within the Right-of-Way or Public Easement.** An Applicant for a right-of-way construction permit shall:
 - (1) Make provisions for employee and construction vehicle parking so that neighborhood parking adjacent to a work site is not impacted;
 - (2) Obtain permission from the Town Manager to occupy public parking spaces and pay applicable parking reimbursement fees for any work activity that impacts the parking spaces;
 - (3) Maintain safe traffic operations along all public streets;
 - (4) Maintain an adequate and safe unobstructed public walkway through or around the working construction site or blocked sidewalk; and
 - (5) Secure all dangerous areas, such as trenches and excavations, with appropriate markers, barricades and/or fencing.
- (F) **Protection of Trees and Landscaping.** No person shall fail to protect trees, landscape and landscape features as required by the Town. All protective measures shall be provided at the expense of the person performing work. Any damage to existing trees and landscaping shall be reported to the Town Manager for inspection. The person performing work shall be required to complete any remedial action necessary to repair and restore damaged trees and landscaping, as determined by the Town Manager. Any trees and landscape materials which are damaged beyond repair or restoration shall be replaced at an equivalent value to the damaged material at the expense of the person performing work.
- (G) **Protection of Paved Surfaces from Damage.** The Applicant or any other person performing work shall be responsible for any damage caused to any

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pavement by any work activity. Upon order of the Town Engineer, said person shall repair all damage. Failure to repair such damage will result in the use of the Applicant's performance bond, financial guarantee or warranty by the Town to repair any damage. To protect against pavement damage, backhoe equipment outriggers shall be fitted with rubber pads when used on pavement surfaces, and tracked vehicles are not permitted on paved surface unless specific precautions approved by the Town Engineer are taken to protect the surface.

- (H) **Protection of Property.** No person shall fail to protect from injury any adjoining property by providing adequate support and taking other necessary measures. Said person shall, at their expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the work, and shall be responsible for all damage to public or private property resulting from failure to properly protect and carry out work in the public right-of-way and public easements.
- (I) **Cleanup.** As the work progresses, all public rights-of-way, public easements and private property shall be thoroughly cleaned of all rubbish, excess dirt, rock and other debris. All cleanup operations shall be done at the expense of the Applicant or any other person performing work.
- (J) **Preservation of Monuments.** No person shall disturb any surface monuments or survey hubs and points found on the line of work unless approval is obtained from the Town Engineer. Any monuments, hubs and points disturbed shall be replaced by a North Carolina Registered Land Surveyor at the expense of the Applicant or the person that is responsible for its removal.
- (K) **Construction and Restoration Standards for Newly Constructed or Overlayed Streets.** For any excavation or opening in a public street or alley in the three (3) year period following new construction or overlay, trenches shall be filled with flowable fill backfill material, and the streets shall be repaired so as to not reduce the useful life of the pavement in accordance with design and construction standards adopted by the Town.
- (L) **Emergency Procedures.** Any person maintaining facilities in the public right-of-way or public easement may proceed with repairs upon existing facilities without a permit when emergency circumstances demand that

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the work be done immediately. Emergency work is defined to mean any work necessary to restore water, sewer, gas, phone, electric, and cable facilities. Repairs on other facilities in the public right-of-way may also be classified as emergency work by the Town Engineer. The person doing the work shall apply to the Town for a permit on the first working day after such work has commenced. No person performing emergency work shall fail to notify the Town police and fire departments prior to commencing such work.

- (M) **Work in the Public Right of Way or Public Easement Exempt From Required Permit.** The following work activities do not require a permit under this chapter:
 - (1) Public Projects: Maintenance and construction of public infrastructure by an employee or official of the Town designated by the Town Engineer, or a person under contract with the Town.
 - (2) Private Projects: Maintenance and construction of non-Town-owned utilities by public utility companies, their employees or agents, in public utility easements less than fifteen (15) feet in width where no Town-operated utilities, transportation, or drainage system improvements are in place.
 - (3) Maintenance of Landscaping and Surface Improvements: Maintenance by the adjacent property owner of landscaping and surface improvements located within a public easement, or within the public right-of-way as it abuts a property outside of any street section, behind the curb and gutter or edge of pavement. "Maintenance" generally includes, without limitation, watering, mowing, raking, and weeding activities.

(Ord. #1959)

2.43. HOME OCCUPATION

2.43.1. Applicability

Except as exempted in this UDO, it shall be unlawful for any person to operate a home occupation without first obtaining a Home Occupation Permit.

(Ord. #1703)

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2.43.2. Initiation

An application for a home occupation shall be filed with the Planning Director in accordance with Appendix A.

2.43.3. Action

The Planning Director shall issue the Home Occupation Permit if the Applicant demonstrates that the home occupation will comply with all applicable requirements of this UDO.

2.44. TEMPORARY USE PERMITS

A Temporary Use Permit shall be secured from the Planning Director prior to establishing any of the uses described in this section. The Planning Director shall issue the Temporary Use Permit upon finding that the proposed use will comply with all applicable laws and the provisions of this UDO.

2.44.1. Construction Dumpsters

In all districts, the following requirements shall apply:

- (A) No construction dumpster may impede pedestrian or vehicular access to and from adjoining properties or otherwise create an unsafe condition for pedestrian and vehicular traffic;
- (B) Every construction dumpster shall clearly identify the owner of such dumpster and telephone number and shall be clearly labeled for the purpose of containment of construction materials only; and
- (C) Every construction dumpster shall be routinely emptied so it does not create an unsightly or dangerous condition on the property resulting from the deposit, existence, and accumulation of construction materials.

2.44.2. Construction-Related Uses

Temporary buildings, structures, or construction dumpsters are permitted in any district in connection with and on the site of building and land Development or redevelopment, including, but not limited to, grading, paving, installation of utilities, and building construction, and such buildings or structures may include offices, construction trailers or construction dumpsters, storage buildings and Signs.

2.44.3. Public Assembly

Temporary buildings, structures or tents, other than those used in conjunction with Town functions, those proposed to be used for a period of three (3) business days or less or those proposed to be used as Accessory Structures in areas zoned for commercial and industrial uses may be used for public assembly (including carnivals, circuses, and similar events) in any district subject to issuance of a Zoning Permit and Temporary Use Permit, provided that:

- (A) No such building, structure, or tent shall be permitted to remain on site for a consecutive period exceeding one (1) week;
- (B) Sufficient space for parking shall be provided on the site to meet the anticipated needs;
- (C) Adequate provision shall be made for utility services;
- (D) Structures shall be inspected for compliance with applicable provisions of the Fire Code;
- (E) Such facility shall not be used between the hours of 10:00 PM and 10:00 AM; and
- (F) No exterior amplifiers, speakers, or other similar equipment shall be permitted outside of the temporary building, structure, or tent.

2.44.4. Yard/Garage Sales

Limited temporary outdoor sales are permitted in residential zoning districts. Yard/garage sales are a permitted use in all residential zoning districts. Items purchased elsewhere expressly for resale at a yard/ garage sale are prohibited. Goods intended for sale shall not be stored or displayed in the front or side yards of a Dwelling except on the day or days of the sale. Commercial outdoor sales activities are prohibited. For purposes of this section, a “yard/garage sale” means a public sale at a Dwelling at which personal items belonging to the residents of the Dwelling are sold.

2.44.5. Temporary Sales

A zoning permit may be authorized by the Planning Director for Christmas Tree, Pumpkin and related ornamental sales, collective retail merchant sales and shows provided that:

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- (A) All applicable town and state permits and/or licenses have been obtained.
- (B) No more than one ground or Wall Sign, not to exceed six (6) square feet in area is located on the premises and no banners, pennants, streamers, strings of twirlers or propellers and similar devices are erected.
- (C) The temporary use is operated only during the hours of 7 a.m. and midnight and is conducted for a period not to exceed thirty (30) consecutive days.
- (D) No more than two (2) zoning permits are issued to the same person, household, firm or organization in any calendar year.
- (E) Temporary uses of land must be approved as special events.

2.44.6. Special Events

- (A) Special events may be conducted in those districts specified in Exhibit 3-15 only if the event has been granted a permit under the guidelines promulgated by the Permit Issuing Authority designated by the Town Manager.
- (B) The guidelines shall ensure that the special event will not materially endanger the public health and safety, will be in harmony with the area in which it is located, and will not unreasonably disrupt or interfere with the flow of traffic or the rights of adjacent or surrounding property owners.
- (C) The permit may impose conditions limiting the hours and duration of the event, preventing disruption of adjacent uses, and assuring removal of litter caused by the event at no expense to the Town.
- (D) If the event includes the consumption of any alcoholic beverages, the permit may be issued only if the Applicant demonstrates that any selling or distributing the beverages on public property is not for profit and has received any permit required by the State of North Carolina.
(Ord. # 1716)
- (E) If the permit Applicant requests the Town to provide extraordinary services or equipment or if the Town Manager otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the Applicant shall be required to pay to the Town

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a fee sufficient to reimburse the Town for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

2.45. CERTIFICATE OF APPROPRIATENESS – MINOR WORK

2.45.1. Applicability

The Planning Director may issue a Certificate of Appropriateness for any Minor Work in a Historic District. Minor Work includes any activity defined as Minor Work as interpreted by the Planning Director and shall not include Ordinary Maintenance or Major Work.

2.45.2. Initiation

- (A) Applications for Certificates of Appropriateness shall be filed with the Planning Director.
- (B) No application shall be accepted by the Planning Director unless it complies with the requirements of Appendix A.
- (C) The Planning Director shall determine whether the application constitutes and Minor or Major Work. Minor Work shall be processed in accordance with this section. If, in the opinion of the Planning Director, the application constitutes Major Work, then the application shall be processed in accordance with section 2.28.

(Ord. #1714)

2.45.3. Action

The Planning Director shall approve, approve with conditions, or deny the application based on the criteria established in section 2.45.5. If the Applicant is denied, the notice shall include the reasons for such action.

2.45.4. Appeal of Decision

A decision by the Planning Director on an application for a Certificate of Appropriateness may be appealed to the HDC.

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2.45.5. Criteria

In considering an application for a Certificate of Appropriateness for Minor Work, the Planning Director shall take into account the historical and/or architectural Significance under consideration and the exterior form and appearance of any proposed additions or modifications to that structure that are visible from a public right-of-way. The Planning Director shall not consider interior arrangement or use.

The Planning Director shall approve, conditionally approve or disapprove the application based on the application's compliance with this UDO and the Historic District Design Standards. The Planning Director's action may be appealed to the Historic District Commission.

(Ord. #1919)

2.46. ADMINISTRATIVE RELIEF

2.46.1. Purpose

Administrative relief provides for expeditious review of minor deviations from the provisions of the UDO under specified circumstances. The administrative relief process does not involve a public hearing unless a decision is appealed by the applicant to the Board of Adjustment.

2.46.2. Initiation

The Town Council, Town Manager or property owner may initiate an application. The Applicant shall file a completed application with the Planning Director in conformance with the Appendix A.

2.46.3. Types of Administrative Relief

Administrative relief may be granted for any of the following situations:

- (A) **Building Setback Reduction:** The side and rear building setbacks shall not be less than sixty (60) percent of the minimum setback requirement. Front building setbacks shall not be less than seventy-five (75) percent of the minimum setback requirement. All setbacks shall be required to meet minimum requirements of the Fire Code.
- (B) **Minimum Lot Area:** Minimum lot area may be reduced by up to ten (10) percent provided that not more than four (4) lots are within the

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subdivision and the subdivision complies with applicable requirements of the WPO district.

- (C) **Landscaping and Buffers:** Minimum buffer width and planting requirements may be reduced pursuant to section 4.3.8.
- (D) **Parking Spaces:** The number of parking spaces may be reduced by not more than twenty (20) percent based on the proposed use, site conditions and availability of on-street parking.
- (E) **Parking Dimensions:** The minimum parking aisle width may be reduced by up to one (1) foot per travel lane if parking space width is increased by at least one-half (1/2) foot.
- (F) **Parking Surfaces:** Subject to the recommendation of the TRC, alternative dust free parking lot surfaces may be allowed.
- (G) **Minor Amendments:** Subject to specific conditions of approval, the Planning Director may approve minor amendments to a Final Development Plan or Architectural Compliance Permit.

2.46.4. Criteria

Administrative Relief may be granted when the Planning Director finds that the application meets the following criteria:

- (A) The relief will not create a burden on adjacent property owners or conflict with the zoning district's purposes;
- (B) The relief is necessary to allow efficient use of the property due to site conditions or circumstances that do not commonly affect properties in the district; and
- (C) The relief does not convey a right or privilege that would be unavailable to similarly situated properties.

2.46.5. Action

After a review period of not more than fifteen (15) business days, the Director shall approve, conditionally approve, or disapprove any application for administrative relief and provide written documentation justifying the action.

2.47. WATERSHED PROTECTION PERMIT

2.47.1. Purpose

If, at the time of application for a zoning permit, it is determined that the property lies in a water supply watershed, as shown on the Zoning Map, a Watershed Protection Permit will be required.

2.47.2. Initiation

The Town Council, Town Manager or property owner may initiate an application. The Applicant shall file a completed application with the Planning Director in conformance with the Appendix A.

2.47.3. Action

- (A) If the proposed activity as set forth in the application is in conformance with the provisions of this ordinance and the Council has allocated Built-Up Upon Area pursuant to any Development Approval, the Planning Director shall issue a Watershed Protection Permit for the low-density option.
- (B) If the Council has not allocated Built-Up Upon Area, the Planning Director shall forward the application to the Town Council at the next regular meeting.
- (C) If any application for a Watershed Protection Permit is not approved, the Approval Authority shall state the cause for such disapproval.
- (D) Issuance of a permit shall, in no case, be construed as waiving any provision of this or any other ordinance or regulation.

2.47.4. Exceptions to Applicability and Pre-Existing Lots

- (A) A pre-existing lot owned by an individual prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes without being subject to any additional restrictions imposed by the Watershed Protection Overlay District. (All regulations stated in the Town of Southern Pines Unified Development Ordinance do apply.)
- (B) Any existing Development may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing Development or lots must meet the requirements of this

ordinance, however, the built-upon area of the existing Development is not required to be included in the density calculations.

- (C) Vacant Lots. This category consists of vacant lots for which plats or deeds have been recorded in the office of the Register of Deeds of Moore County. Lots may be used for any of the uses allowed in the watershed area in which it is located.

2.47.5. Reconstruction of Buildings or Built-Up Areas

Any existing building or built-upon area not in conformance with the restrictions of this ordinance that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential Development, provided;

- (A) Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.
- (B) The total amount of space devoted to built-upon area may not be increased.
- (C) This provision shall not prevent the restoration of a non-conforming use, which has been destroyed through no willful act of the owner, but only if the owner has applied for a building permit for reconstruction within six (6) months of the date of its destruction.

2.48. SITE PLAN REVIEW

2.48.1. Purpose

Site plan review is intended to ensure that the layout and general design of proposed Development in areas regulated by this UDO complies with all applicable standards in this ordinance and all other applicable Town of Southern Pines regulations. The purpose of this section is to establish the submittal requirements and review process for the approval of site plans. (Ord. #1703)

2.48.2. Applicability

- (A) TRC approval of a site plan is required for:

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- (1) New commercial, industrial, institutional and multi-family Development;
 - (2) Modifications to existing commercial, industrial, institutional and multi- family Development that trigger compliance with the UDO. Examples may include (but are not limited to): modifications to utility plans such as stormwater management facilities, sewage disposal facilities or water supply systems; modifications to parking, internal circulation or site access; or modifications to required landscaping or lighting.
- (B) The following Development is exempted from the requirements of this section:
- (1) New single-family and two-family Development;
 - (2) Dwellings, uses and structures that are accessory to single-family and two- family Development;
 - (3) Internal construction that does not change the use of a site in a manner that would trigger compliance with the UDO;
 - (4) Temporary uses permitted per Section 2.44.

(Ord. #1703)

2.48.3. Initiation

- (A) Applications for site plan review may be initiated by any party with an interest in developing property within areas regulated by tis UDO. Written approval from the current landowner shall be required as part of any application for site plan review.
- (B) Except where otherwise required by this UDO, a licensed professional engineer is not required to certify a site plan. However, all site plans shall be prepared to scale and with sufficient detail and clarity to demonstrate compliance with applicable technical requirements for Development within the Town of Southern Pines' jurisdiction.

(Ord. #1703)

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2.48.4. Submittal Requirements

- (A) Site plan applications shall, at a minimum, contain the materials listed in the Site Plan Checklist in Appendix A.
- (B) Incomplete site plan applications are not considered to have been submitted and may not be processed until they are made complete by the applicant.

(Ord. #1703; Ord. #1919)

2.48.5. Site Plan Review Process

Site plan review shall occur as follows. A schedule of submittal deadlines and corresponding TRC meeting dates shall be made available by the Town Planning Office.

(A) Pre-application meeting.

- (1) Prior to submitting an application for site plan review, the applicant or an authorized agent of that applicant shall participate in a pre-application meeting with the TRC to discuss the proposed Development.
- (2) The purpose of the pre-application meeting is to have an introductory, concept-level discussion about the proposed Development. A pre-application discussion is not binding on the applicant or the Town.
- (3) A request for a pre-application meeting containing basic information about the location and nature of the proposed Development shall be submitted to the Town. The Town shall have five (5) business days to review and schedule pre-application requests.
- (4) This pre-application meeting requirement may be waived for projects with minimal community impact at the discretion of the Planning Director.

- (B) **Initial Site Plan Submittal.** The first site plan submittal for a proposed Development shall be known as the Initial Site Plan Submittal (see Appendix A) and shall be processed as follows:

- (1) The applicant or an authorized agent of the applicant shall submit to the Town Planning Office a complete Initial Site Plan Submittal

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application. The Town shall have fifteen (15) business days to review the Initial Site Plan Submittal and schedule a TRC meeting at which the submittal will be discussed.

- (2) Prior to the TRC meeting at which an Initial Site Plan Submittal is scheduled for discussion, Town staff shall send the applicant or an authorized agent of the applicant draft comments on the Initial Site Plan Submittal.
 - (3) A TRC meeting shall be held to discuss Town staff's draft comments on the Initial Site Plan Submittal. The applicant, or an authorized agent of the applicant, shall attend this meeting.
 - (4) After the TRC meeting at which Town staff's draft comments are discussed, Town staff shall send the applicant, or an authorized agent of the applicant, final comments on the Initial Site Plan Submittal.
 - (5) Final comments on an Initial Site Plan Submittal are valid for six (6) months from the date the final comments are sent to the applicant. After six (6) months a resubmittal of a site plan shall be considered an Initial Site Plan Submittal.
- (C) **Subsequent Site Plan Submittal:** A revised site plan that is submitted within six (6) months of the final comments on the Initial Site Plan Submittal shall be known as the Subsequent Site Plan Submittal (see Appendix A). Subsequent Site Plan Submittals shall be processed the same as Initial Site Plan Submittals with the following differences:
- (1) The Town shall have ten (10) business days to review the Subsequent Site Plan Submittal and schedule a TRC meeting at which the submittal will be discussed.
 - (2) Attendance at the TRC meeting at which the Subsequent Site Plan Submittal is discussed is at the discretion of the applicant or the applicant's authorized agent.
- (D) **Final Site Plan Approval:**
- (1) When all comments have been addressed and a site plan conforms to applicable Town regulations, Town staff shall contact the applicant and request a Final Site Plan submittal (see Appendix A).

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- (2) Town staff may approve or conditionally approve the Final Site Plan.
- (3) At least one original copy of the approved Final Site Plan shall be delivered back to the applicant or an authorized agent of the applicant.

(Ord. #1703)

2.48.6. Effect of Approval

- (A) Final Site Plan approval shall expire or be extended pursuant to timeline set forth in section 2.8.
- (B) Development activities shall conform to the approved Final Site Plan and any conditions of approval. Any deviation from the approved Final Site Plan, unless approved in advance and in writing by the Planning Director is deemed a violation of the UDO.

2.48.7. Amendments

A Final Site Plan may be modified only in accordance with the procedures and standards established herein, including the applicability section.

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Chapter 3. Zoning

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3.1. PURPOSE

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

3.2. OVERVIEW AND APPLICABILITY

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

(Ord. #1919)

3.3. ESTABLISHMENT OF ZONING DISTRICTS

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

3.3.1. Conventional Districts

The following conventional districts are established.

(A) Residential

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

(B) Non-Residential or Mixed Use

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

(C) PD - Planned Development District

3.3.2. Conditional Districts

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

(Ord. #1919)

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3.3.3. Overlay Districts

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

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

3.4. ZONING MAP

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

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

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

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

3.4.2. Interpretation of Zoning District Boundaries

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

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

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- (F) Boundaries indicated as approximately following the centerlines of canals, streams or other bodies of water shall be construed to follow such centerlines.
- (G) Boundaries indicated as parallel to features described in paragraphs (A) through (F) above shall be construed as parallel to such features at the distance from the feature indicated on the Zoning Map. If a distance is not indicated on the Zoning Map, the distance shall be determined by the scale of the map.
- (H) Where interpretation is needed as to the exact location of boundaries of any mapped area, the Planning Director shall make the necessary interpretation.

3.4.3. Parcels Divided by District Lines

- (A) Whenever a single Parcel of two (2) acres or less in size is located within two (2) or more different zoning districts, the district regulations applicable to the district within which the larger portion of the Lot lies shall apply to the entire Lot.
- (B) Whenever a single Lot greater than two (2) acres in size is located within two (2) or more different zoning districts, then:
 - (1) If each portion of the Lot located within a separate district is equal to or greater than the minimum Lot size for that district, then each portion of the Lot shall be subject to all regulations applicable to the district in which it is located.
 - (2) If any portion of the Lot located within a separate district is smaller than the minimum Lot size for that district, then such smaller portion shall be regarded as if it were in the same zoning district as the nearest larger portion to which it is attached.

3.5. CONVENTIONAL ZONING DISTRICTS**3.5.1. RE – Rural Estate****(A) Purpose**

The **RE** district is established as a district in which the Principal Use of land is for low-density residential purposes and for horse farms, horse stables and related activity purposes. The regulations of this district are intended to:

- (1) Preserve the existing scale of the low-density residential and agricultural character of Development in the area referred to as "Horse Country";
- (2) Discourage the conventional subdivision of existing large Tracts into small building Lots;
- (3) Preserve existing horse farms and agricultural uses; and

- (4) Discourage traditional urban Development uses that require major utility extensions and street improvements.

(B) Authorized Uses

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

(C) District Use Standards

Standards for specific uses and Development Patterns authorized in this district are established in chapters 5 and 6.

(D) District Development Standards

Dimensional standards are summarized in Exhibit 3-1. Section cross-references identify the location of additional dimensional standards and rules for their application. Additional district Development standards are established in chapter 4 of this UDO.

Exhibit 3-1: Summary of RE Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	35'	4.2.1	Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	40'	4.2.2	
Minimum front setback from centerline (dimension B)	70'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	15'	4.2.2	
Minimum Rear Setback (dimension F)	15'	4.2.2	
Minimum Lot Width (dimension G)	100'	4.2.3	
Minimum Lot Size	5 acres	4.2.3	

3.5.2. RR – Rural Residential**(A) Purpose**

The **RR** district is established as a district in which to allow a variety of Single-Family residential building types at very low densities which are interspersed with large, undeveloped open areas. The regulations of this district are intended to:

- (1) Preserve the existing scale and the low-density residential and agricultural character of Development on the fringe of the planning region;
- (2) Discourage traditional urban-scale Development that requires major utility and street improvements; and
- (3) Enable the Development of Single-Family detached residential Development in Class B manufactured homes on individual Lots.

(B) Authorized Uses

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

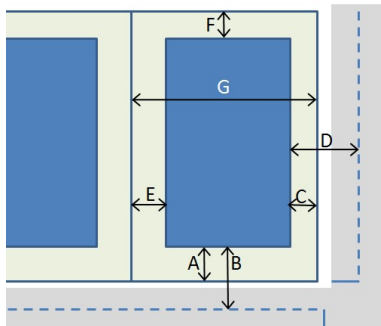
(C) District Use Standards

Standards for specific uses and Development Patterns authorized in this district are established in chapters 5 and 6.

(D) District Development Standards

Dimensional standards are summarized in Exhibit 3-2. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this UDO.

Exhibit 3-2: Summary of RR Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	35'	4.2.1	 Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	40'	4.2.2	
Minimum front setback from centerline (dimension B)	70'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	15'	4.2.2	
Minimum Rear Setback (dimension F)	30'	4.2.2	
Minimum Lot Width (dimension G)	100'	4.2.3	
Minimum Lot Size	30,000 sq.ft.	4.2.3	

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

Amended

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3.5.3. RS-1 – Residential Single-Family (10,000 sf Lots)**(A) Purpose**

The **RS-1** is established as a district in which to allow primarily medium density Single-Family residential land uses (approximately 4.3 Dwelling Units per acre).

The regulations of this district are intended to:

- (1) Preserve existing Single-Family residential neighborhoods that have developed at a medium-density; and
- (2) Encourage new residential Development that is compatible with that in the existing neighborhoods.

(B) Authorized Uses

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

(C) District Use Standards

Standards for specific uses and Development Patterns authorized in this district are established in chapters 5 and 6.

(D) District Development Standards

Dimensional standards are summarized in Exhibit 3-3. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this UDO.

Exhibit 3-3: Summary of RS-1 Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	35'	4.2.1	Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	30'	4.2.2	
Minimum front setback from centerline (dimension B)	60'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	10'	4.2.2	
Minimum Rear Setback (dimension F)	30'	4.2.2	
Minimum Lot Width (dimension G)	45'	4.2.3	
Minimum Lot Size	10,000 sq.ft.	4.2.3	

3.5.4. RS-2 – Residential Single-Family (20,000 sf Lots)**(A) Purpose**

The **RS-2** district is established as a district in which to allow primarily low-density Single-Family residential land uses (approximately 2.1 Dwelling Units per acre). The regulations of this district are intended to:

- (1) Preserve existing Single-Family residential neighborhoods that have developed at a low-density; and
- (2) Encourage new residential Development that is compatible with that in the existing neighborhoods.

(B) Authorized Uses

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

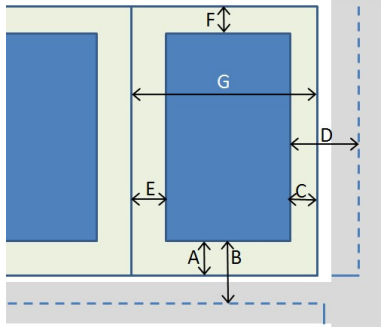
(C) District Use Standards

Standards for specific uses and Development Patterns authorized in this district are established in chapters 5 and 6.

(D) District Development Standards

Dimensional standards are summarized in Exhibit 3-4. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this UDO.

Exhibit 3-4: Summary of RS-2 Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	35'	4.2.1	 Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	30'	4.2.2	
Minimum front setback from centerline (dimension B)	60'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	10'	4.2.2	
Minimum Rear Setback (dimension F)	30'	4.2.2	
Minimum Lot Width (dimension G)	45'	4.2.3	
Minimum Lot Size	20,000 sq.ft.	4.2.3	

3.5.5. RS-3 - Residential Single-Family (30,000 sf Lots)**(A) Purpose**

The **RS-3** district is established as a district in which to allow primarily very low-density Single-Family residential land uses (approximately 1.4 Dwelling Units per acre). The regulations of this district are intended to:

- (1) Preserve existing Single-Family residential neighborhoods that have developed at a low-density; and
- (2) Encourage new residential Development that is compatible with that in the existing neighborhoods.

(B) Authorized Uses

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

(C) District Use Standards

Standards for specific uses and Development Patterns authorized in this district are established in chapters 5 and 6.

(D) District Development Standards

Dimensional standards are summarized in Exhibit 3-5. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this UDO.

Exhibit 3-5: Summary of RS-3 Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	35'	4.2.1	Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	30'	4.2.2	
Minimum front setback from centerline (dimension B)	60'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	10'	4.2.2	
Minimum Rear Setback (dimension F)	30'	4.2.2	
Minimum Lot Width (dimension G)	45'	4.2.3	
Minimum Lot Size	30,000 sq.ft.	4.2.3	

3.5.6. RM-1 - Residential Mixed Housing (10-12 DU/ac)**(A) Purpose**

The **RM-1** district is established as a district in which to allow primarily Single-Family and Multi-Family Residences at a medium-density (approximately 10-12 Dwelling Units per acre) in areas served by adequate public water and sewer systems. The regulations of this district are intended to:

- (1) Encourage Single-Family and Multi-Family residences; and
- (2) Encourage new residential Development that is compatible with that in the existing neighborhoods.

(B) Authorized Uses

The uses authorized by section 3.7 of this UDO may be established in accordance with the provisions of this UDO, including, but not limited to the

procedures established in chapter 2, the zoning district standards of this chapter, and the design standards of chapter 4.

(C) District Use Standards

Standards for specific uses and Development Patterns authorized in this district are established in chapters 5 and 6.

(D) District Development Standards

Dimensional and density standards are summarized in Exhibit 3-6. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this UDO and the **HCO** district design guidelines as applicable.

Exhibit 3-6: Summary of RM-1 Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	40'	4.2.1	Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	25'	4.2.2	
Minimum front setback from centerline (dimension B)	55'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	10'	4.2.2	
Minimum Rear Setback (dimension F)	30'	4.2.2	
Minimum Lot Width (dimension G) – not applicable to townhome Development	45'	4.2.3	
Minimum Lot Size for 1 Dwelling Unit	10,000 sq.ft.	4.2.3	
Additional Lot Area per Additional Dwelling Unit	3,600 sq.ft.	4.2.3	

(Ord. #1714; Ord. #1887, 11-23-20)

Amended

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3.5.7. RM-2 - Residential Mixed Housing (5-7 DU/ac)**(A) Purpose**

The **RM-2** district is established as a district in which to allow primarily Single-Family and Multi-Family Residences at a moderate-density (approximately 5-7 Dwelling Units per acre) in areas served by adequate public water and sewer systems. The regulations of this district are intended to:

- (1) Encourage Single-Family and Multi-Family Residences; and
- (2) Encourage new residential Development that is compatible with that in the existing neighborhoods.

(B) Authorized Uses

The uses authorized by section 3.7 of this UDO may be established in accordance with the provisions of this UDO, including, but not limited to the

procedures established in chapter 2, the zoning district standards of this chapter, and the design standards of chapter 4.

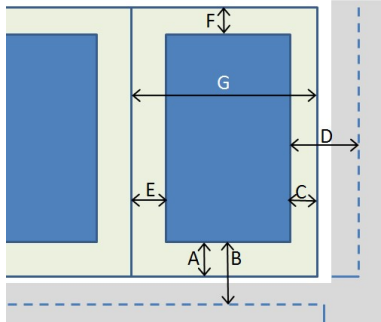
(C) District Use Standards

Standards for specific uses and Development Patterns authorized in this district are established in chapters 5 and 6.

(D) District Development Standards

Dimensional and density standards are summarized in Exhibit 3-7. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this UDO and the **HCO** district design guidelines as applicable.

Exhibit 3-7: Summary of RM-2 Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	40'	4.2.1	 Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	25'	4.2.2	
Minimum front setback from centerline (dimension B)	55'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	10'	4.2.2	
Minimum Rear Setback (dimension F)	30'	4.2.2	
Minimum Lot Width (dimension G) – not applicable to townhome Development	45'	4.2.3	
Minimum Lot Size for 1 Dwelling Unit	10,000 sq.ft.	4.2.3	
Additional Lot Area per Additional Dwelling Unit	6,000 sq.ft.	4.2.3	

(Ord. #1714; Ord. #1887, 11-23-20)

3.5.8. CB – Central Business**(A) Purpose**

The **CB** district is designed to accommodate a wide variety of commercial activities (particularly those that are pedestrian oriented) in an intensive Development Pattern in the Town's central business district. The regulations of this district are intended to:

- (1) Preserve the general character and integrity of the current Development in the central business district;
- (2) Encourage land uses that provide for a multi-purpose central business district including retail, offices, services, entertainment and living space;
- (3) Encourage land uses that do not require large amounts of outdoor use areas; and
- (4) Encourage common or shared off-street parking.

(B) Authorized Uses

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

(C) District Use Standards

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

- (1) Drive-through and drive-in uses are prohibited.
- (2) Professional offices and businesses authorized in Exhibit 3-15 that fall in the 2200 (finance and insurance), 2300 (real estate rental and leasing), 2400 (business, professional, scientific and technical) functional codes shall be limited to not more than twenty (20) percent of the block frontage at the street level, for any block face along Broad Street between Vermont and Massachusetts or Pennsylvania Avenue between Ashe and Bennett Streets. This

provision does not apply in the DTO district pursuant to section 3.6.3(C)(1)

(Ord. #1714; Ord. # 1716)

- (3) Chain link fencing over (36) thirty-six inches high is prohibited. Allowed chain link fencing must be of a non-reflective color such as brown, black or dark green. Barbed or razor wire or any other type of wire designed to cut, puncture, etc., are also prohibited.
- (4) Outdoor storage is prohibited.
- (5) Outdoor operations and displays shall comply with the standards established in section 5.13.1.
- (6) Religious institutions and other institutional uses shall not be allowed; however existing facilities shall be authorized in accordance with section 5.15.

(D) District Development Standards

Dimensional and density standards are summarized in Exhibit 3-8. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this UDO. The following district Development standards shall apply unless modified by the Downtown Transition Overlay Zone standards and pursuant to a Certificate of Appropriateness for a property located within the Historic District Overlay.

- (1) The front setback may be increased to establish courtyards and dining areas, provided that not more than twenty-five (25) percent of the total of any block face shall be set back more than the maximum established in Exhibit 3-8 and the Planning Director finds that:
 - (a) The front yard improves the visual quality and character of the Street, promotes pedestrian traffic and is ADA compliant;
 - (b) The front yard enhances access between outdoor and indoor spaces;
 - (c) Flooring and surfaces are constructed of durable, non-slip materials that complement sidewalk paving;
 - (d) Changes in colors are used to highlight steps;

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- (e) The shape and design (including landscaping) of the space provides visibility of the entire space from the sidewalk;
- (f) The front yard is unenclosed except for decorative walls, posts with decorative ropes or chains or other decorative enclosures approved by the Planning Director. Decorative walls shall not be taller than thirty (30) inches.
- (g) At least fifty (50) percent of the wall surface between two (2) and seven (7) feet above the average grade of the front yard shall be glazed and shall have a minimum transparency of seventy (70) percent.
- (h) Other than furniture for dining areas, front yard improvements are limited to seating, decorative waste receptacles, fountains, water features and landscaping.

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- (2) All setbacks are subject to compliance with adopted Fire Code.
- (3) Buildings walls shall be finished predominantly with brick, stucco or other non-metal siding determined by the Planning Director to be of comparable appearance and durability.
- (4) Building sides facing streets shall have parapets, mansard or false mansard roofs or shingled or standing seam roofs with a minimum pitch of 6:12 (vertical rise : horizontal run).
- (5) All buildings shall be designed to comply with the applicable design standards established in section 4.10, except as modified by **HDO** district standards.

(Ord. #1919)

Exhibit 3-8: Summary of CB Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	45'	4.2.1	The diagram shows a blue building footprint on a lot. Dimension A is the front setback from the right-of-way. Dimension B is the side setback from the right-of-way. Dimension C is the interior side setback. Dimension D is the rear setback. Dimension E is the lot width. A dashed line indicates the right-of-way boundary.
Maximum front setback from right-of-way (dimension A)	5'	4.2.2	
Maximum side setback, exterior from right-of-way (dimension B)	5'	4.2.2	
Minimum Side Setback, Interior (dimension C)	No minimum	4.2.2	
Minimum Rear Setback (dimension D)	No minimum	4.2.2	
Maximum Lot Width (dimension E)	50'	4.2.3	
Minimum Lot Size	No minimum	4.2.3	
Additional Lot Area per Additional Dwelling Unit	1,500 sq. ft.	4.2.3	Letters match dimension in design element column

(Ord. #1714)

Amended

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3.5.9. GB – General Business

(A) Purpose

The **GB** district is designed to accommodate highway-oriented retail, commercial service businesses and in some limited cases light manufacturing, which generally have as their market area the entire Town and surrounding area. The major objectives of this district are to:

- (1) Encourage planned commercial, light manufacturing conducted within buildings and office parks;
- (2) Discourage small Lot Development on major highways;
- (3) Encourage vehicular access from service drives and other local commercial streets rather than directly from arterial streets; and
- (4) Provide a location for major shopping facilities and land uses requiring large outdoor spaces.

(B) Authorized Uses

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

(C) District Use Standards

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

- (1) Outdoor storage, display and operations shall comply with the standards in sections 5.12 and 5.13.

- (2) Drive-in and drive-through uses shall comply with the standards established in section 5.8.
- (3) For manufacturing uses (see structural codes 3000-3999 in Exhibit 3-15) allowed in the **GB** district:
 - (a) The maximum building coverage shall be fifty (50) percent of total Lot area.
 - (b) For existing or new buildings five thousand (5,000) square feet or larger a Special Use Permit is required.

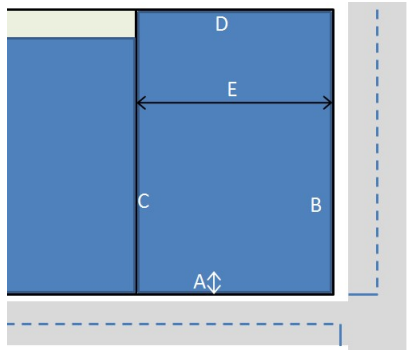
(Ord. #1919)

(D) District Development Standards

Dimensional and density standards are summarized in Exhibit 3-9. Section cross-references identify the location of additional dimensional standards. The following standards shall apply in addition to the district Development standards are established in chapter 4 of this UDO and the **HCO** district guidelines as applicable.

- (1) Building walls facing streets shall be finished with brick, stucco, wood, or other non-metal siding determined by the Planning Director to be of comparable appearance and durability. Side and rear building walls that do not face streets shall be finished with the same materials as the walls facing the streets for at least the lesser of twenty-five (25) percent or twenty-five (25) feet of the length of the wall extending from the nearest street facing walls.
- (2) Building sides facing streets shall have parapets, mansard or false mansard roofs or shingled or standing seam roofs with a minimum pitch of 6:12 (vertical rise : horizontal run).
- (3) All buildings shall be designed to comply with the applicable design standards established in section 4.10.

Exhibit 3-9: Summary of GB Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	45'	4.2.1	 Letters match Dimension in design element column
Minimum front setback from right-of-way (dimension A)	No minimum	4.2.2	
Minimum side setback, exterior from right-of-way (dimension B)	No minimum	4.2.2	
Minimum Side Setback, Interior (dimension C)	No minimum	4.2.2	
Minimum Rear Setback (dimension D)	No minimum	4.2.2	
Minimum Lot Width (dimension E)	No minimum	4.2.3	
Minimum Lot Size	No minimum	4.2.3	
Minimum Lot Area per Dwelling Unit	3,600 sq.ft.	4.2.3	

3.5.10. NB – Neighborhood Business**(A) Purpose**

The **NB** district is established as a mixed use district that allows small-scale, limited retail and service land uses that provide goods and services primarily to surrounding residential neighborhoods, residential buildings and mixed-use buildings. The major objectives of this district are to:

- (1) Encourage the location of convenience retail establishments, professional services and professional offices that are compatible with surrounding residential uses;
- (2) Preclude large-scale buildings that are inconsistent with the neighborhood character;
- (3) Limit major traffic generators to thoroughfares;
- (4) Promote safe and convenient pedestrian access from surrounding residences; and

- (5) Allow for Single-Family Dwellings in business corridors to be used for business or residential purposes.

(B) Authorized Uses

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

(C) District Use Standards

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

- (1) Outdoor storage and outdoor display are prohibited.
- (2) Outdoor operations are limited to outdoor dining and shall comply with section 5.13.

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- (3) Subject to building code compliance buildings may be used for authorized residential or non-residential purposes.
- (4) Drive-through and drive-in uses are prohibited.

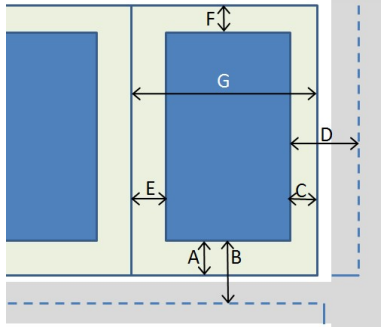
(D) District Development Standards

Dimensional and density standards are summarized in Exhibit 3-10. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this UDO.

- (1) Balconies and covered porches may extend up to five (5) feet into the front setback.

- (2) Building walls facing streets and residential Lots shall be finished predominantly with brick, stucco, wood, or other non-metal siding determined by the Planning Director to be of comparable appearance and durability. Side and rear building walls that do not face streets or residential Lots shall be finished with the same materials as the walls facing the streets for at least the lesser of twenty-five (25) percent or twenty-five (25) feet of the length of the wall extending from the nearest street facing walls.
- (3) Building sides facing streets and residential Lots shall have parapets, mansard or false mansard roofs or shingled or standing seam roofs with a minimum pitch of 6:12 (vertical rise : horizontal run).
- (4) All buildings shall be designed to comply with the applicable design standards established in section 4.10.

Exhibit 3-10: Summary of NB Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	35'	4.2.1	 Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	15'	4.2.2	
Minimum front setback from centerline (dimension B)	45'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	20'	4.2.2	
Minimum Rear Setback (dimension F)	20'	4.2.2	
Minimum Lot Width (dimension G)	No minimum	4.2.3	
Minimum Lot Area per Dwelling Unit	3,600 sq.ft.	4.2.3	
Minimum Lot Size for 1 Dwelling Unit	10,000 sq.ft.	4.2.3	
Additional Lot Area per Additional Dwelling Unit	3,600 sq.ft.	4.2.3	

(Ord. # 1716)

Amended

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3.5.11. OS – Office/Service

(A) Purpose

The **OS** district is designed to accommodate office and service uses as well as medium-density residential uses. The major objectives of this district are to:

- (1) Encourage land uses that buffer residential districts from intensive non-residential uses and arterial streets;
- (2) Provide aesthetic controls and dimensional requirements to ensure compatible office and service Development with surrounding residential uses;
- (3) Encourage a mixture of medium-density residential uses with offices and services; and
- (4) Allow for Single-Family Dwellings in business corridors to be used for business or residential purposes.

(B) Authorized Uses

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

(C) District Use Standards

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

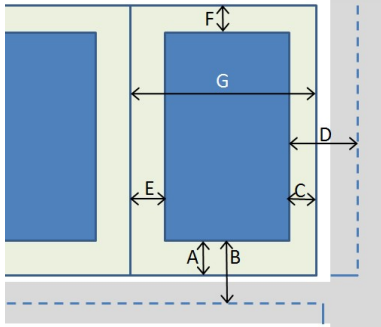
- (1) Outside storage, display and operations are each prohibited.

- (2) Subject to building code compliance buildings may be used for authorized residential or non-residential purposes.
- (3) Drive-through and drive-in uses are prohibited.

(D) District Development Standards

- (1) Dimensional and density standards are summarized in Exhibit 3-11. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this UDO.
- (2) Building walls facing streets and residential Lots shall be finished predominantly with brick, stucco, wood, or other non-metal siding determined by the Planning Director to be of comparable appearance and durability. Side and rear building walls that do not face streets or residential Lots shall be finished with the same materials as the walls facing the streets for at least the lesser of twenty-five (25) percent or twenty-five (25) feet of the length of the wall extending from the nearest street facing walls.
- (3) Building sides facing streets and residential Lots shall have parapets, mansard or false mansard roofs or shingled or standing seam roofs with a minimum pitch of 6:12 (vertical rise : horizontal run).
- (4) All buildings shall be designed to comply with the applicable design standards established in section 4.10, except as modified by **HCO** district guidelines.

Exhibit 3-11: Summary of OS Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	35'	4.2.1	 Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	15'	4.2.2	
Minimum front setback from centerline (dimension B)	45'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	20'	4.2.2	
Minimum Rear Setback (dimension F)	20'	4.2.2	
Minimum Lot Width (dimension G)	No minimum	4.2.3	
Minimum Lot Area per Dwelling Unit	3,600 sq.ft.	4.2.3	
Minimum Lot Size for 1 Dwelling Unit	10,000 sq.ft.	4.2.3	
Additional Lot Area per Additional Dwelling Unit	3,600 sq.ft.	4.2.3	

(Ord. # 1716)

3.5.12. I – Industrial**(A) Purpose**

The I district is established to allow primarily light manufacturing, assembly, research and intensive commercial uses. The regulations of this district are intended to:

- (1) Encourage light manufacturing and intensive commercial uses that are compatible with the tourist/resort character of the community, as well as accessory land uses incidental to and in support of authorized manufacturing uses;
- (2) Exclude heavy industry, major retail and residential land uses; and
- (3) Preserve locations that are best suited for industrial Development.

(B) Authorized Uses

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

(C) District Use Standards

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

- (1) Outdoor operations, other than moving, storing and displaying goods shall be prohibited.
- (2) Outdoor storage and display shall be screened in compliance with sections 5.12 and 5.13.

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(D) District Development Standards

Dimensional and density standards are summarized in Exhibit 3-12. Section cross-references identify the location of additional dimensional standards.

Additional district Development standards are established in chapter 4 of this UDO.

Exhibit 3-12: Summary of I Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	50'	4.2.1	Letters match dimension in design element column
Minimum front setback from right-of-way (dimension A)	40'	4.2.2	
Minimum front setback from centerline (dimension B)	70'	4.2.2	
Minimum side setback, exterior from right-of-way (dimension C)	15'	4.2.2	
Minimum side setback, exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	10'	4.2.2	
Minimum Rear Setback (dimension F)	20'	4.2.2	
Minimum Lot Width (dimension G)	No minimum	4.2.3	
Minimum Lot Size	No minimum	4.2.3	

3.5.13. FRR – Facilities, Resource and Recreation District**(A) Purpose**

The **FRR** is intended for open space, public facilities and privately owned and recreation areas. Publicly owned land uses include governmental, recreational, education, natural resource and utility facilities. Privately owned land uses include golf resorts and related facilities, land trusts established to preserve natural resources, schools and recreational facilities that typically include substantial open space. The objectives of the FRR district are to

- (1) Provide land for publicly-owned governmental facilities and privately-owned natural and man-made resource and recreation areas; and
- (2) Preclude major residential, retail office, institutional, and industrial uses that typically provide limited open space.

(B) Authorized Uses

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

(C) District Use Standards

Existing uses within the **FRR** district that are not authorized by right may be allowed to continue as non-conforming uses or allowed to achieve conforming status subject to issuance of a Special Use Permit. The establishment of a new golf resort, the expansion of an existing golf resort or the modification of existing golf course to add resort facilities sud

(Ord. # 1919)

(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 demonstrated to be appropriate for the project area and surrounding area. All

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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.
- (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) No more than fifty (50) percent of the required Open Space shall consist of ponds, lakes, and/or water quality ponds.
- (5) 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.

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- (6) 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-development~~ shall adhere to the standards set forth in section 4.6 of this UDO or ~~as part of the zoning application set forth in the Conceptual Development Plan~~ or an amendment thereto. The Applicant may ~~include submit a Unified Sign Plan unique standards for signage with the Conceptual Development Plan~~ that establishes 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 Such~~ Unified Sign Plan may ~~then~~ be submitted after the approval of the ~~zoning application~~ Conceptual Development Plan and may be approved by the Planning Director as an alternate to individual Sign permits. Any Unified Sign Plan that ~~exceeds the deviates from the size or number of Signs allowed by standards set forth in~~

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section 4.6 ~~of this UDO or set forth in the approved Conceptual Development Plan~~ shall require approval by the ~~Planning Board~~ Board of Adjustment pursuant to section 2.22.

(J) Landmark Signs

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

(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.

(M) Parking and Loading

The standards for parking and loading set forth in chapter 4 UDO shall apply to all Development within the PD, with the following exceptions:

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- (1) On-street parking shall be allowed if road widths are adequate. On-street parking may consist of parallel, perpendicular, angled, reverse angle or any combination of these types of parking spaces. If provided, on-street parking may be used to reduce the on-site parking requirement by up to fifty (50) percent.
- (2) For uses having different parking requirements and occupying the same building or Parcel, the minimum number of required spaces shall be the sum total requirement of all the individual uses. For Developments or portions of Developments within the same PD District designed as a single, coordinated project having at least 50,000 square feet of Gross Floor Area, the minimum number of required spaces shall be one space for every 250 square feet of Gross Floor Area designed for nonresidential use and occupancy.
- (3) Shared parking in general accordance with chapter 4 of the UDO is allowed and encouraged in circumstances where the parking would be within 1,200 feet of each respective use. If shared parking is proposed as a means of satisfying off-street parking requirements, a shared parking analysis must be submitted to the Planning Director that clearly demonstrates the feasibility of shared parking. The study must address, at a minimum, the size and type of the proposed Development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
- (4) There is no off-street loading requirement for a building with less than 10,000 square feet of gross building area. Otherwise, off-street loading shall comply with the requirements for off-street loading set forth in chapter 4 of the UDO.

(N) Conversion Schedule

The PD zoning application may include a Conversion Schedule that identifies proposed conversion rates between different types of uses within the PD District. The Conversion Schedule, if submitted, shall be provided in the Development conditions and must be approved in conjunction with the PD District zoning application. Conversions from an approved land use to an alternative land use may occur within and between Development areas as minor amendments for purposes of this section if:

- (1) The conversion from the approved use to the alternative use is consistent with the Conversion Schedule approved with the Development conditions;
- (2) The dimensional standards of the alternative use comply with the approved Development conditions and Land Use Plan for the PD District;
- (3) The maximum threshold for the PD District's permitted density, intensity or Development potential is not exceeded;
- (4) The alternative use is not anticipated to significantly increase or adversely alter offsite traffic impacts; and
- (5) The general character and mix of uses for the project are maintained.

(Ord. # 1716)

(O) Additional Regulations for All PDs

- (1) Residential uses in commercial and office buildings. A residential use may be located above a commercial or office use located on the lower Floors of the same building.
- (2) Building heights shall adhere to the limitations set forth in chapter 4 for the **RM-1** district. The Applicant may propose an alternative height that exceeds the established limits, provided the increased height does not negatively affect surrounding properties and is approved by the Town Council.
- (3) Appurtenances. A step, stoop, open porch, balcony, awnings or other appurtenance may extend up to five (5) feet into the front setback, provided such features do not impede pedestrian circulation or extend more than twenty-five (25) percent into the setback.
- (4) Utility lines. All new utilities associated with the proposed Development shall be underground.

(P) Accessory Uses

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

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3.6. OVERLAY DISTRICTS

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

3.6.1. RRO – Rural Residential Overlay (manufactured housing)

(A) Purpose

The **RRO** district is established as an overlay district of the **RR** district only. The purpose of the **RRO** district is to allow, in addition to all of The uses permitted in the underlying **RR** district, Class C manufactured homes on individual Lots and manufactured home parks.

(B) District Use

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

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

(C) Additional District Standards

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

3.6.2. HDO – Historic District Overlay

(A) Purpose

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

(B) Boundary Changes

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

(C) Certificate of Appropriateness Required

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

(D) District Use and Development Standards

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

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

(Ord. # 1919)

3.6.3. DTO – Downtown Transition Overlay

(A) Purpose

The **DTO** district is established as an overlay in the areas located within and abutting the CB zoning district, and is intended to:

- (1) Establish an area with greater land use flexibility than the CB and adjoining zoning districts;
- (2) Foster compatible land use transitions between the CB Development and abutting residential neighborhoods;
- (3) Promote compatible design transitions in blocks facing or adjacent to the HDO; and
- (4) Provide safe and convenient connectivity between the downtown and nearby neighborhoods for bicyclists, pedestrians and motorists.

(B) Authorized Uses

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

(C) District Use Standards

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

- (1) Banks and professional offices are allowed on any Floor of a building with CB base zoning subject to applicable DTO district design standards.
- (2) Drive-through uses are permitted in areas with CB base zoning subject to the standards in section 5.8, except that no drive-through or drive-in service shall be allowed for any food or beverage service provider.
- (3) Any non-residential use allowed in the OS district is allowed in areas with CB, RM-1 and RM-2 base zoning subject to the Downtown Overlay District Development Standards.

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

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(D) District Development Standards

Dimensional and density standards shall comply with the underlying conventional district except that:

- (1) Minimum front setbacks shall be fifteen (15) feet from the front property line.
- (2) Minimum side setbacks shall be five (5) feet from the property line in areas with **CB** base zoning.
- (3) Minimum rear setbacks shall be ten (10) feet from the property line in areas with **CB** base zoning.
- (4) Minimum Lot areas per Dwelling Unit in areas with **RM** base zoning shall be 4,500 square feet for a single Dwelling Unit or office structure plus 1,800 square feet for each additional Dwelling Unit.
- (5) Maximum lot width provisions of the **CB** district do not apply within the **DTO** district.
- (6) Non-residential and mixed-use buildings shall comply with the design standards of section 4.10.
- (7) Sign standards for any Parcel facing the **HDO** district and any lot facing a street that extends outward from and is located within one block the **HDO** district shall comply with adopted Historic District Standards as interpreted by the Planning Director.

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

3.6.4. WSPO - West Southern Pines Overlay

(A) Purpose

The **WSPO** district is established to facilitate greater land use flexibility for home occupations that more closely reflect historic land use patterns.

(B) Authorized Uses

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

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(C) District Use Standards

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

(1) Home Occupations

Home occupations shall comply with the provisions of section 5.9, except that:

- (a) Up to two non-resident employees may be allowed
- (b) Incidental sales shall be allowed provided that they are products that are used in providing an authorized service and the display and storage area does not occupy more than ten (10) percent of the area used for the home occupation.
- (c) Hair care, nail care, tailoring and sewing services are authorized in addition to the other Uses authorized by section 5.9.
- (2) Small religious institutions shall be allowed in all districts subject to compliance with the provisions of section 5.15.
- (3) The Council may approve other institutional and community service uses as Special Uses in all districts.

(Ord. # 1919)

(D) Development Standards

Underlying conventional district Development standards shall apply in the WSPO except that covered, but unenclosed porches and balconies may encroach into the front setback in areas subject to the RM zoning by up to five (5) feet.

(Ord. # 1919)

3.6.5. HCO – Highway Corridor Overlay

(A) Purpose

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

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- (1) Prevent unsightly conditions that may destroy or detract from the natural character, beauty and condition;
- (2) Establish standards as may be necessary to accomplish the objective;
- (3) Minimize potential safety hazards that may exist along the roadways in the Town; and
- (4) Ensure that Development is consistent with the historic character of the Town's natural and built environments.

(B) Findings

The Town Council finds that:

- (1) The natural environment and ecosystem in Southern Pines supports a unique diversity of vegetation, soils and wildlife. Such conditions are of economic, historical and aesthetic value to the Town and make it a desirable place for residents, businesses and visitors;
- (2) The appearance of Southern Pines properties from the public roadways contributes to the economic prosperity of the Town;
- (3) Trees and other natural landscape elements help to naturally control water quality and erosion; moderate noise, dust and other airborne pollutants; moderate the Town's climate; and provide habitat and food resources for its wildlife;
- (4) Growth and economic Development attracted to the Town, at times necessitates the alteration of the natural conditions, vegetation and soils. Such Development may detract from the natural beauty by the placement and design of Signs, parking areas, landscaping and structures;
- (5) The protection, re-establishment and enhancement of landscaping, as well as other enhancements to the appearance and quality of building and site Development along the major public highways in the Town and its extraterritorial jurisdiction is essential for the fiscal and economic health of the Town;
- (6) Development along the Town highway corridors provides convenient commercial and residential opportunities for citizens

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and visitors, which contributes to the fiscal and economic health of the Town;

- (7) Protection and management of these valuable assets is necessary to ensure the health, safety and welfare of the citizens in the Town and its extraterritorial jurisdiction.

(C) Area of Applicability

Major highway corridors affected by the HCO are U.S. #1, U.S. #15-501, Midland Road (NC2), Central Drive (NC22) and Morganton Road (SR 1205 and 1905) and Airport Road (SR 1843). To carry out the above purposes, the Town has designated two (2) overlay districts, the boundaries of which are shown on the official zoning map.

- (1) **Urban Transition Highway Corridor Overlay District**, which shall be developed with a balance of residential, recreational and commercial uses. These sections are best suited for providing a balance of naturalized and manmade conditions. The visual quality of these sections depends on quality site planning, landscaping and preservation of natural features.
- (2) **Urban/Village Highway Corridor Overlay District**, which shall allow for denser land use patterns for commercial and residential Development than the Urban Transition Highway Corridor Overlay District. However, the visual aspects of the Development along these corridors shall be defined by an emphasis on landscape elements.

(D) Boundaries of Districts

The above HCO districts shall be measured from the edge of the public right of way. The Urban Transition Corridor Overlay District shall be 400 feet from the edge of the right of way and run parallel to the right of way. The Urban/Village Corridor Overlay District shall be 300 feet from the edge of the right of way and run parallel to the right of way.

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(E) Authorized Uses

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

(F) Development Standards

The Development standards in Exhibit 3-13 shall apply to Development in the HCO districts except as noted in this paragraph. These standards shall supersede the standards established in the applicable underlying zoning districts and in chapter 4 of this UDO.

- (1) Single-Family Lots may be developed according to the standards of the underlying zoning district and these Lots or the Single-Family homes built upon them shall not be considered non-conforming situations.
- (2) The maximum built-upon surface limitations shall not apply to the reuse or reDevelopment of properties developed prior to December 12, 1989.
- (3) In the urban village highway corridor overlay district, the exterior side or rear setback for any non-residential structure shall be increased to accommodate a ten (10) foot wide buffer unless the side or rear of the building complies with the building façade standards of section 4.10.

(G) Signs

Section 4.6 establishes the Sign requirements for the HCO districts and authorizes the use of Signs that are intended to achieve the objective of the Highway Corridor Overlay District, while providing for the needs of businesses in the corridors.

(H) Exterior Lighting Standards

Outdoor lighting shall comply with the standards established in section 4.7(G).

Exhibit 3-13: Highway Corridor Overlay District Development Standards

Design Factor	Urban Transition Highway Corridor	Urban Village Highway Corridor
Corridor Width	Includes land within 400 feet of the corridor street's right-of-way	Includes land within 300 feet of the corridor street's right-of-way
Lot Dimensional Requirements:		
Minimum Lot Area	40,000 square feet	40,000 square feet
Minimum Lot Width	200 feet	200 feet
Yard/Buffer Dimensions, Roadways:		
Building Setback	75 feet	75 feet (40 feet for Lots with access to internal streets)
Parking Area Setback	50 feet	50 feet (40 feet for Lots with access to internal streets)
Landscape Buffer	50 feet	40 feet
Yard/Buffer Dimensions, Side and Rear Yards:		
From Residential Zones	50 feet	36 feet
From Non-Residential Zones	25 feet	5 feet
Bulk and Height Limitations:		
Maximum Building Height	35 feet	35 feet
Maximum Built Upon Surface	65%	70%
Maximum Building Footprint	30%	30%
Access Driveways:		
Maximum Driveway Width	36 feet	36 feet
Maximum Driveways per Lot	<400 ft. 1 400 ft. +2	<400 feet 1 400 feet +2
Minimum Distance from Intersection	150 feet	75 feet
Common Driveway Adjoining Lot	Recommended	Recommended
Parking Requirements:		
a. Minimum*	Minimum parking spaces from chapter 4 shall apply	Minimum parking spaces from chapter 4 shall apply
b. Maximum**	5 spaces/1,000 sq. ft. of Building	5 spaces/1,000 sq. ft. of Building
Vehicular Area Location:		
a. Highway Yard Maximum***	40% of total	20% of total
b. Access to Adjoining Lot(s)	Recommended	Recommended
*Yard/Buffer Dimensions can be reduced by 10% when minimum is used. **Yard/Buffer Dimension cannot be reduced if the minimum and maximum are the same. For the purposes of the calculation, the term building encompasses the entirety of the building on an individual parcel and not just the portion of the building within the overlay. *** For the purposes of the calculation, the percentage of the total is based on the total number of parking spaces on an individual parcel and not just the parking spaces within the overlay.		

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3.6.6. MRO - Morganton Road Overlay District

(A) Purpose

The purposes of the Morganton Road Overlay (**MRO**) district are to:

- (1) To establish Development standards for the area adjacent to both sides of Morganton Road from approximately the intersection of Henley Street to Felton Capel Road. This area of predominately undeveloped property is well suited for relatively intense Development of mixed uses due to its location outside of the WS-III and HQW designated Little River Intake II Watershed.
- (2) To promote mixed-use Development that reflects the Town's character and is compatible with surrounding residential neighborhoods. The area shall include parks, public facilities, civic uses, a commercial core with associated Multi-Family and Single-Family residential land uses. These patterns are intended to promote alternative traffic patterns, pedestrian friendly facilities and mixed land use.
- (3) Avoid strip commercial Development and disconnected land use patterns.

(B) Development Review

- (1) The underlying zoning for this area is intended to be the Planned Development district. Properties having received conceptual master plan approval under prior regulations shall be deemed to have received ~~p~~Preliminary Development ~~p~~Plan approval and may proceed with applications for approval of a Final Development Plan in accordance with section 2.17.7.
- (2) All structures proposed within the area other than Single-Family homes shall be subject to the Architectural Compliance Permit process established in section 2.25.

(C) Generally

- (1) Morganton Road is a high capacity urban boulevard that connects the Town to the Village of Pinehurst. Standards strictly limiting the

curb-cuts along Morganton Road and thus ensuring continued flow of traffic shall be incorporated into any Development in that area.

- (2) A modified urban grid system for the undeveloped portion of properties adjacent to Morganton Road should connect to Existing Development and provide alternative traffic flows within and between Development in this area and adjacent neighborhoods. Design of this system shall recognize existing topographical challenges and accommodate the potential for Large Scale Retail, neither of which exists in the downtown area.
- (3) Except where approved by the Council within Large Scale Retail Development, buildings should be oriented to and located close to the street frontage with parking lots on the side or rear. On-street parking for both user convenience and traffic calming purposes may be made part of any Plan submittal, where appropriate.
- (4) All Development shall designate twenty (20) percent of its land area for open space. Required buffers may be counted towards required open space. The specific location, arrangement and accessibility of required open space shall be subject to Council approval at the time of Architectural Compliance Permit review.
- (5) All Development should provide for safe and convenient access for bicyclists and pedestrians.

(Ord. # 1716)

(D) Authorized Uses

The uses authorized by prior approval of a conceptual master plan or the future approval of a PD district Preliminary or Final Development Plan may be established in the **MRO** district subject to the procedures established in chapter 2, the zoning district standards of this chapter, and the design standards of chapter 4.

(E) Signage

Approval of the location, number, and sizes of all Signs contained within the **MRO** district shall be subject to Council approval at the time of Architectural Compliance Permit review.

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(F) Parking Lots

- (1) Access to a Development's parking lot shall be from side streets or alleys with the exception that right in/right out access is permitted between median crossovers on Morganton Road if the driveways are separated by at least four hundred and fifty (450) feet measured between centerlines.
- (2) Except for Large Scale Retail Development, parking Lots shall be located on the side or rear of the building they are servicing when such building fronts on any road.
- (3) On-street parking directly fronting a Lot shall count toward fulfilling minimum parking requirements for Development on the Lot.
- (4) The number of required parking spaces shall be a minimum of one (1) space per four hundred (400) square feet of Gross Floor Area with a maximum (exclusive of on-street spaces) of one (1) space per two hundred fifty (250) square feet of Gross Floor Area. If parking is created through vertical means (including grade decks), up to one (1) space per one hundred seventy-five (175) square feet of Gross Floor Area may be provided.
- (5) Residential Development, excluding mixed-use structures, shall be subject to parking standards in section 4.5.
- (6) Adjacent parking lots shall have internal vehicular connections.
- (7) Service areas, loading areas and dumpsters shall be screened in accordance with section 4.3.5 and located to minimize interference with vehicular and pedestrian movement. The location and treatment of such areas shall be subject to Architectural Compliance Permit review.

(G) Lots and Buildings

Except as otherwise approved by the Council, commercial and mixed-use structures shall comply with the Commercial Building Design Standards established in section 4.10. Multi-Family residences, Townhomes and other specific uses or Development Patterns shall comply with the standards established in chapters 5 and 6, as applicable.

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(H) Streets/On-Street Parking/Pedestrian Use Facility Locations

- (1) Streets shall be installed by the Development fronting on such streets, except that the main connectors (Henley, Short, and Southern Streets) shall be constructed to provide interconnectivity of existing systems prior to (or as part of) any Development occurring on the south side of Morganton Road that creates the need for any of these roads.
- (2) Traffic calming measures approved by the Town shall be used to reduce traffic speeds and enhance pedestrian safety (see Appendix D).
- (3) Required sidewalks shall be installed along all streets at the time of street construction unless otherwise approved by the Town Council in conjunction with Final Plat approval.
- (4) A pedestrian/ bicycle use path measuring eight (8) feet in width shall be installed along the north side of Morganton Road at the edge of a forty (40) foot buffer closest to the buildings, and shall be installed at the time of initial Development. The land associated with this buffer and bike facility shall be credited toward open space requirements.
- (5) Wherever practicable, streets shall be aligned in such a way that they provide terminal vistas of large buildings, open space or parks.
- (6) Street trees shall comply with section 4.3.3.
- (7) Street design and construction shall comply with section 4.11.

(I) Utilities

Except as provided below, utilities, including water, sewer, gas, cable and electric (including distribution lines) shall be located underground. Traffic lights shall be pole mounted with all wire located underground. In the case of primary transmission lines, the poles shall be Core 10 metal poles with transmission lines at the top and distribution lines beneath them.

(J) Large-scale Retail

- (1) Except as otherwise approved by the Council, Large Scale Retail Development shall not be located north of Morganton Road.

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- (2) Total retail square footage south of Morganton Road shall be capped at 750,000 aggregate square feet.
- (3) Designs for Large Scale Retail Development shall comply with the standards in section 4.10.6 unless otherwise approved by the Town Council.

(K) Residential Development

- (1) The maximum residential density shall be sixteen (16) Dwelling Units per acre for any Development.
- (2) No more than thirty-five (35) percent of the one hundred and fifteen (115) acres north of Morganton Road shall be developed for residential uses.
- (3) No more than thirty (30) percent of the property lying south of Morganton Road shall be developed for residential uses.
- (4) Both the north and south sides are exempt from limitation on the number of residences located on the second and/or third floors above the first and/or second floor commercial Development. The site design and architectural standards for commercial Development will apply to these residences.
- (5) Multi-Family Developments within the Morganton Road overlay shall be exempt from project size and separation requirements established in section 4.10.8.

3.6.7. AHO – Airport Hazard Overlay

(A) Purpose

The **AHO** district is established as an overlay district of all general zoning districts in the vicinity of the Moore County Airport. The purpose of the **AHO** is to protect the airport environs from encroachment of incompatible land used which present hazards to users of the airport as well as to persons residing or working in the airport vicinity. The additional regulations imposed in the **AHO** are designed to place additional height restrictions on buildings and trees.

(B) Approach Zone

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- (1) The Airport Hazard Overlay (AHO) District shall encompass the approach zone at the runway 5 end of the Moore County Airport. The approach zone shall have a length of 10,000 feet beginning at a point 200 feet outward from the end of runway 5 and extending outward to a point 10,200 feet from the end of the runway on the extended centerline of the runway. The width of the approach zone shall be 1,000 feet at a distance of 200 feet from the end of the runway 5, uniformly widening thereafter to a width of 4,000 feet at a distance of 10,200 feet beyond the end of the runway. The upper surface of the approach zone shall be an inclined plane sloping one foot in height for each 34 feet in horizontal distance beginning at a point 200 feet from and at the elevation of the runway, extending to a distance of 10,200 feet from the end of the runway.
- (2) No structure or tree shall be erected, altered, allow to grow, or maintained in the approach zone to a height, which projects above the upper surface of the approach zone.

(C) Clear Zone

- (1) Within the approach zone defined in paragraph (B) is a clear zone. The clear zone shall have a length of 1,700 feet beginning at a point 200 feet outward from the end of runway 5 and extending outward to a point, 900 feet from the end of the runway on the extended centerline of the runway. The width of the clear zone shall be 1,000 feet at a distance of 200 feet from the end of runway 5, uniformly widening thereafter to a width of 1,500 feet at a distance of 1,900 feet beyond the end of the runway.
- (2) Land uses permitted within the clear zone shall be as allowed in the underlying zoning district except that the following uses and activities are prohibited:
 - (a) Residential uses.
 - (b) Educational, cultural, religious, philanthropic uses.
 - (c) Recreation, amusement and entertainment uses.
 - (d) Institutional residences or care or confinement facilities.
 - (e) Restaurants, bars and nightclubs.

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

(D) Interference Prohibited

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

3.6.8. WPO - Watershed Protection Overlay District

(A) Purpose

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

(Ord. # 1919)

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

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

(B) Applicability and Procedures

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

(C) Water Quality Areas

The following watershed protection areas are established:

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

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

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

(D) Development Density and Intensity Requirements

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

(E) Cluster Development

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

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

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

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

Location	Maximum Density or Intensity
Critical Area	New Development shall be limited to either one (1) Dwelling Unit per acre or twelve (12) percent built upon land area.
High Quality Water (HQW) / Protected Area	New Development shall be limited to one (1) Dwelling Unit per acre or twelve (12) percent built upon land area unless (a) the Development disturbance area is less than one (1) acre or (b) BMPs or another approved stormwater management based practices are used. New Development with a Development disturbance area less than one (1) acre shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built upon land area. New Development utilizing BMPs or another approved stormwater management based practices shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon land area in the Watershed outside of the Critical Area. - For Commercial Projects: New Development requires a state Stormwater Permit if the Development disturbance area exceeds one (1) acre. If the new Development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption*. - For Residential Projects: New Development requires a state Stormwater Permit if the Development disturbance area exceeds one (1) acre. If the new Development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption*.
Rest of Watershed (WS-III)	New Development shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon area. If the new Development exceeds either of these thresholds the project may apply for the 5/70 exemption*.

Table Notes:

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

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

Exemptions: Those areas bounded by a pre- existing natural or permanent obstruction which prevents surface storm water runoff from reaching any designated water supply as determined in writing by the North Carolina Division of Water Quality, and the exception would have only an insignificant impact on the available allocation as determined by the Town Council.

(G) Public Health Regulations

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

3.6.9. FHO - Flood Hazard Overlay

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

3.7. USE MATRIX AND INTERPRETATION**3.7.1. Table of Authorized Uses Established**

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

- (A) **LBCS Hierarchy.** The LBCS function codes establish a four-digit hierarchy of uses with digits to the right expressing greater specificity. Where no entry appears in the zoning district columns of Exhibit 3-15 (for example 1000, 1100 and 1110), the uses described more specifically in the rows below (1111 and 1112 in the above example) indicate whether or not a specific use is authorized. Where an entry appears in the zoning district columns of Exhibit 3-15 for a general use (for example 2520) and also for a more specific use (for example 2521) within the same classification, the more specific code and its entry shall govern.
- (B) **Zoning Permit Uses.** A “**Z**” indicates the listed use is allowed by right within the respective zoning district subject to issuance of a zoning permit in accordance with the procedures established in chapter 2. Note that some conditions may be established in the zoning district standards or elsewhere in this UDO.
- (C) **Supplemental Conditions.** A “**ZS**” indicates that the listed use is allowed by right, but subject to supplemental use regulations established in the zoning district regulations and in Articles 4 and/or 5 of this UDO.
- (D) **Special Uses.** A “**C**” indicates the listed use is allowed within the respective zoning district only after approval of a Special Use Permit by the Town Council in accordance with the procedures established in chapter 2. Specific conditions for some of these uses are established in chapter 6 of this UDO.

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(E) **Combination Uses**

- (1) The designation “**ZC**” is used for Combination Uses when one or more of the principal uses requires a Special Use Permit.
- (2) Under some circumstances, a second Principal Use may be regarded as accessory to the first and thus a Combination Use is not established. [See section 5.3]
- (3) When two or more separately owned or separately operated enterprises occupy the same Lot and all such enterprises fall within the same Principal Use Classification, or the Planning Director finds that the Principal Use Classification are substantially similar, this shall not constitute a Combination Use.

(F) **Multi-Family Structures and Townhomes.** When used in connection with Multi-Family Residential structures, the designation “**ZC**” means that:

- (1) Development of apartments with fewer than ten (10) Dwelling Units may be established pursuant to a zoning permit and Developments of (10) or more Dwelling Units shall be developed as part of a PD.
- (2) Townhomes require a Special Use Permit when major subdivision regulations apply and when six (6) or more Townhouse Lots are created.
- (3) Condominium Developments shall be developed as part of a PD when ten (10) or more Dwelling Units are proposed in a Development Project.

(Ord. # 1919; Ord. #2000)

3.7.2. **Interpretation of Exhibit 3-15**

- (A) **Uses Not Specifically Listed.** In the case where a use is not listed in the use matrix, either as a specific LBCS classification or as an example, and such use is not otherwise prohibited by law, the Planning Director shall determine whether a substantially similar use exists in the use matrix. If the Planning Director determines that a substantially similar use exists, then the regulations governing that use shall apply to the particular use not listed. In making the determination, the Planning Director shall endeavor to maintain the national standardization of the LBCS while

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addressing the Town’s particular needs for zoning and land use classification, and shall refer to the following rules of construction:

- (1) If a use is listed for a general classification while a more specific classification within the same industry classification is also listed, the specific classification shall govern.
- (2) The presumption established by this chapter is that most uses of land are permissible within at least one zoning district in the Town’s Planning Jurisdiction. Therefore, because the list of permissible uses set forth in Exhibit 3-15 cannot be all-inclusive; those uses that are listed shall be interpreted liberally by the Planning Director to include other uses that have similar impacts to the listed uses.
- (3) If the Planning Director determines that the LBCS Tables do not address the use at the appropriate level of specificity, then he shall refer to the North American Industry Classification System (NAICS), United States, 2007 or latest edition for guidance.
- (4) In referring to the NAICS, the Planning Director shall consider the industry description and illustrative examples of the most specific NAICS classification that may apply to the use, and shall compare uses across similar levels of specificity within the same NAICS classification and between NAICS and LBCS classifications.
- (5) If a use cannot be interpreted by the Planning Director for inclusion in Exhibit 3-15, that use shall be prohibited. Exhibit 3-15 shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.
- (6) If, when seeking periodic ratification of interpretations through text amendment to this UDO, the Planning Director’s interpretation is reversed by action of the Board of Adjustment, then prior decisions regarding a Development application made in reliance on the Planning Director’s interpretation shall be valid, except that nonconforming use regulations of this UDO shall apply.

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(B) **Prohibited Uses**

The following uses are specifically prohibited in all districts:

- (1) Any use that involves the manufacture, handling, sale, distribution or storage of any highly combustible or explosive materials in violation of the Town's fire prevention code.
- (2) Stockyards, slaughterhouses, rendering plants.
- (3) Use of a Travel Trailer as a temporary or permanent residence. Situations that do not comply with this paragraph on the effective date of this chapter are required to conform within one year.

- (4) Use of a motor vehicle parked on a Lot as a structure in which, out of which or from which any goods are sold or stored, any services are performed, or other business is conducted. If the aforementioned motor vehicle existed on the current Lot prior March 13, 2002, the motor vehicle shall qualify for an exemption hereunder and shall not be subject to removal or penalty as set forth herein provided that appropriate screening be accomplished and approved by staff.

Exhibit 3-15: Table of Authorized Land Uses

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	Homes, apartments, housing for the elderly, and hotels													
Private Dwelling	1100	Single-Family homes, doubles, apartments, Condominiums, mobile homes, Townhouses; excludes households with special provisions													
Single-Family	1110														
Single-Family detached	1111	Typical Single-Family Dwelling	Z	Z	Z	Z	Z	Z	Z	ZS		Z	Z		
Single-Family attached (Townhomes) (Ord. # 1716)	1112	Each Dwelling Unit on a separate Lot; fire wall may protrude from roof or roofs may be staggered						ZS	ZS	ZS		ZS	ZS		
Class A Single-Family manufactured home	1113	modular homes and other structures that comply with the NC Residential Building Code as amended	Z	Z	Z	Z	Z	Z	Z	ZS					
Class B Single-Family manufactured home	1114	manufactured homes that comply with HUD standards and other local criteria		Z											
Class C Single-Family manufactured home	1115	manufactured homes that comply with HUD standards and do not meet the standards for Class A or Class B manufactured homes		C											
Manufactured Home Park	1116	a group of three or more spaces for sale or lease that are designed to accommodate manufactured homes		CS											
Two-Family (double or Duplex)	1120							Z	Z	ZS		Z	Z		
Accessory Dwelling	S1130		ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS		

Amended

11-15-22

3-36

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Multi-Family	S1200	Three or more Dwelling Units													
Multi-Family	1151	Three or more Dwelling Units						ZC	ZC	ZC		ZC	ZC		
Multi-Family conversion	1152	Three or more Dwelling Units in a converted Single-Family home						ZC	ZC	ZC		ZC	ZC		
Multi-Family condominium	1153	Three or more Dwelling Units that are individually owned and common elements owned by the unit owners as tenants-in-common						ZC	ZC	ZC		ZC	ZC		
Housing Services	1200	Housing and custodial services for those who cannot care for themselves													
Retirement housing services	1210	Offer minimal convenience services						ZS	ZS						
Congregate living services	1220	Provide convenience services such as housekeeping, transportation, recreational programs						ZS	ZS						
Assisted-living board and care and adult care group homes	1230	Adult care, group homes, board and care (excludes rehab uses in code #6520)	ZS	ZS	ZS	ZS	ZS	ZS	ZS		ZS	ZS	ZS		
Continuing care retirement center (PD zoning required)	1240	Continuing care retirement centers; includes some health care													
Nursing or convalescent home	1250	Nursing homes and convalescent hospitals						ZC	ZC		ZC				
Hotels, Motels, or Other Accommodation Services	1300	Lodging and short-term accommodation for travelers													
Bed and breakfast home	1311	Primarily in private homes and small buildings	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS		
Bed and breakfast inn	1312	Primarily in private homes and small buildings	Z	C	C	C	C	C	C	Z	Z	Z			
Rooming and boarding	1320	Dormitory, fraternity or sorority house or other specific group of members						Z	Z	ZS			ZS		
Hotel, motel, tourist home or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels								ZS	ZS		ZS		
GENERAL SALES OR SERVICES	2000	Comprises the vast majority of establishments associated with commercial land use													
Retail Sales or Service and Repair	2100	Establishments with displays of merchandise sold to the general public and other businesses, or after-sales services such as repair													
Automobile sales or service establishment	2110	Motor vehicle and parts dealers including repair and maintenance													

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
car dealer	2111	New or used automobiles and light trucks such as SUV's									Z				
bus, truck, mobile homes, or large vehicles	2112	New or used larger vehicles such as buses, RV's, and trucks									Z				
motorcycle, atv	2113a	New or used motorcycles or motorbikes									Z				
bicycle sales and repair	2113b	New or used bicycles sales or repair								Z	Z	Z			
boat or marine craft dealer	2114	New or used boats and related repair services									Z				
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores, tire and tube shops									Z				
gasoline service	2116	Gas stations with or without convenience stores or food marts, includes truck stops									Z				
automotive repair and maintenance	2117	Repair garages, body and paint shops, oil change, car wash									Z				
Heavy consumer goods sales or service	2120	Heavy or durable goods sales or services													
furniture or home furnishings	2121	Furniture, flooring, bedding stores, window treatment								Z	Z				
hardware, home center	2122	Home building and repair supplies, lighting supply									Z				
lawn and garden supplies	2123	Nursery and garden products predominantly grown elsewhere, outdoor power equipment sales or services									Z				
department store, warehouse club, or superstore	2124	Large variety of goods									Z				
electronics and appliances	2125	Household-type appliances, tv's, stereos, including repair shops and cell phone stores									Z				
lumber yard and building materials	2126	Lumber yards and heavy building materials									Z				
heating and plumbing equipment	2127	Heating and plumbing equipment retailers; for heating and plumbing contractors who install or service, use the appropriate construction category									Z				
Durable consumer goods sales and service	2130	Wide range of product lines such as apparel, appliances, hardware, jewelry, etc.													
computer and software	2131	Computers and prepackaged software without other electronic equipment, including repair, support, and training								Z	Z				

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
camera and photographic supplies	2132	Primarily retail cameras and photographic supplies or retail with repair and film developing								Z	Z				
clothing, jewelry, luggage, shoes, clocks, sewing	2133	Including shoe repair and tailoring								Z	Z	Z			
sporting goods, toy and hobby, and musical instruments	2134									Z	Z				
books, magazines, music, videos, CDs, stationery, greeting cards, seasonal decorations, school and office supplies, etc,	2135									Z	Z				
Consumer goods, other	2140	Establishments that retail merchandise (except groceries or health items) not included in preceding codes													
florist	2141									Z	Z	Z			
art dealer, supplies, sales and service	2142	Including frame shops								Z	Z	Z			
tobacco or tobacconist establishment	2143									Z	Z	Z			
mail order or direct selling establishment	2144	Retailing other than in stores									Z			Z	
antique shop, flea market, thrift stores	2145									Z	Z	Z			
Grocery, food, beverage, dairy	2150	Retail food and beverage merchandise from fixed point-of-sale locations													
grocery store, supermarket, or bakery	2151	Included are meat and seafood markets and delicatessens								Z	Z				
convenience store	2152	Excludes those with fuel pumps								Z	Z	Z			
specialty food store	2153	Retail specialty food items such as coffee and gourmet foods								Z	Z	Z			
fruit and vegetable store	2154									Z	Z	Z			
beer, wine, and liquor store	2155									Z	Z	Z			
Health and personal care	2160	Retail health and personal care merchandise from fixed point-of-sale locations													

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
pharmacy or drug store	2161	Primarily retail prescription or nonprescription drugs								Z	Z	Z			
cosmetic and beauty supplies and personal grooming products	2162	Primarily retail cosmetics, perfumes, toiletries, products								Z	Z	Z			
optical and contact lenses	2163	Retail prescription or nonprescription eyeglasses								Z	Z	Z			
Markets for farm produce or crafts	2199			ZS						ZS	ZS	ZS			ZS
Finance and Insurance	2200	Use this category when difficult to differentiate an establishment into a subcategory													
Bank, credit union, or savings institution	2210	Central banking functions								ZS/Z	Z	Z	Z		
Credit and finance establishment	2220	Credit card, sales financing, unsecured consumer lending, real estate credit, international trade financing								ZS/Z	Z	Z	Z		
Investment banking, securities, and brokerages	2230	Securities underwriting, brokering, exchange services, managing portfolios								ZS/Z	Z	Z	Z		
Insurance-related establishment	2240	Insurance underwriting, selling insurance								ZS/Z	Z	Z	Z		
Fund, trust, or other financial establishment	2250	Pool assets on behalf of shareholders or beneficiaries								ZS/Z	Z	Z	Z		
Pawn shop	2260										Z				
Real Estate, and Rental and Leasing	2300	Rent or lease assets													
Real estate services	2310	Lease real estate (except buildings) such as manufactured home sites and vacant Lots; includes real estate appraisers								ZS/Z	Z	Z	Z		
Property management services	2320	Manage real property for others													
commercial property-related, mini- or self-storage	2321	Lease buildings not used as residences; includes mini-warehouses and self-storage Dwelling Units									Z			Z	
rental housing-related	2322	Lease buildings used as residences								ZS/Z	Z	Z	Z		
Rental and leasing	2330	Rent tangible goods such as consumer goods and mechanical equipment to customers; excludes establishment primarily renting equipment with operators													

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
cars	2331	Lease passenger cars without drivers									Z				
leasing trucks, trailers, RVs, buses, aircraft, tugboats, etc.	2332	Drivers not provided									Z				
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles									Z				
leasing commercial, industrial machinery and equipment	2334	Rent or lease office machinery and equipment, heavy equipment used for construction, well-drilling, telecommunications, manufacturing, institutional furniture									Z			Z	
consumer goods rental	2335	Rent personal and household-type goods and a range of consumer, commercial, and industrial equipment geared toward consumers									Z				
intellectual property rental	2336	Establishments that assign patents, trademarks, brand names, and franchise agreements								ZS/Z	Z	Z	Z		
Business, Professional, Scientific, and Technical	2400	Perform professional, scientific, and technical services													
Professional services	2410	Services provided depend on worker skills and knowledge rather than equipment													
legal services	2411	Title abstract, lawyers, notaries								ZS/Z	Z	Z	Z		
accounting, tax, bookkeeping, payroll services	2412									ZS/Z	Z	Z	Z		
architectural, engineering, surveying and related services	2413	Architectural, engineering, building inspection, surveying and mapping, and laboratory testing (except medical, veterinary, or auto emission)								ZS/Z	Z	Z	Z		
graphic, industrial, interior design services	2414	Interior, industrial, and graphic design								ZS/Z	Z	Z	Z		
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues								ZS/Z	Z	Z	Z		
scientific research and Development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences									ZS			Z	
advertising, media, and photography services	2417	Advertising, public relations, media buying agencies, direct mail advertisers, market research, translation providers								ZS/Z	Z	Z	Z		

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners									ZS	ZS		Z	
Administrative services	2420	Typical office establishments in any business area. Use as a default category for most office buildings (nursing staffing)													
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning								ZS/Z	Z	Z	Z		
facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.								ZS/Z	Z	Z	Z		
employment agency	2423	Provide employee placement, temporary help								ZS/Z	Z	Z	Z		
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, etc.								ZS/Z	Z	Z	Z		
collection agency	2425	Collect payments, compile credit information, repossess tangible assets								ZS/Z	Z				
Travel arrangement and reservation services	2430	Promote or sell travel, includes convention and visitors' bureaus								ZS/Z	Z	Z	Z		
Investigation and security services	2440	Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems									Z				
Services to buildings and Dwellings	2450	Provide pest control, janitorial services, landscaping, carpet cleaning, etc.													
extermination and pest control	2451													Z	
janitorial	2452													Z	
landscaping	2453										Z			Z	
carpet and upholstery cleaning	2454										Z			Z	
packing, crating, and convention and trade show	2455										Z				
Food Services	2500	Prepare meals, snacks, and beverages													
Full-service restaurant	2510	Provide services to patrons who order and are served while seated or in combination with takeout								Z	Z	Z			

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Cafeteria or limited service restaurant	2520	Provide services to patrons who order or select items and pay before eating; may be consumed on premises, taken out, or delivered								Z	Z				
drive-through restaurants	2521	Provides drive-in, drive-through or drive-up service to patrons; includes most fast-food restaurants									Z				
Snack or nonalcoholic bar	2530	Prepare and serve specialty snacks, such as ice cream, frozen yogurt, cookies, coffee, juices for consumption on or near the premises, snowball stand								Z	Z	Z			
Bar or drinking place	2540	Bars, taverns, nightclubs primarily serving alcoholic beverages; may provide limited food and entertainment								Z	Z				
Mobile food services	2550	Prepare and serve meals and snacks for immediate consumption from motorized vehicles									ZS/ C	ZS		ZS	
Caterer	2560	Provide single event-based food services, including banquet halls with catering for wedding receptions, etc.								Z	Z	Z		Z	
Food service contractor	2570	Provide food services at institutional, governmental, commercial, or industrial locations based on contracts									Z			Z	
Vending machine operator	2580	Retail merchandise through vending machines that they service									Z			Z	
Personal Services	2600	Catch-all category for personal service establishments not classified elsewhere such as bail bonding, wedding planning, psychic services, etc.													
Personal care	2610	Hair, nail, and skin care and related personal care													
hair, nail, and cosmetic skin care	2611	Barber or beauty shop								Z	Z	Z			
dieting and weight reducing	2612									Z	Z	Z			
tanning salon	2614									Z	Z	Z			
electrolysis, ear piercing, and other personal care services	2616									Z	Z	Z			
Dry cleaning and laundry	2620														

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
coin-operated laundromat	2621									ZS/Z	Z	Z			
dry cleaning and laundry	2622									ZS/Z	Z	Z			
linen and uniform supply	2623										Z			Z	
Photofinishing	2630	Primarily engaged in developing film or making slides, etc.									Z			Z	
Parking Lot and parking garage	2640									Z	Z				
Special Services	2650														
massage therapist	2651									Z	Z				
tattoo parlor	2652									Z	Z				
adult establishment	2653										ZS				
adult cabaret	2654										ZS				
Pet and Animal Sales or Service (except Veterinary)	2700	Retails pets and other animals (except for farming purposes) and pet supplies, grooming, training, and care taking													
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies								Z	Z	Z			
Animal and pet services and kennels	2720	Boarding, grooming, sitting, and training (except veterinary and horse boarding)													
animal services	2721	grooming and training	Z								Z	Z			
animal boarding	2722	sitting and boarding	Z	Z							Z			Z	
pet cemetery	2723										Z				
MANUFACTURING AND WHOLESALE TRADE	3000	When captive services such as accounting are provide by a separate establishment, they are classified in the appropriate function code and not in manufacturing													
Foods, Textiles, and Related Products	3100	Produce food, tobacco, textiles, and leather													
Food and beverages	3110	Includes bakery and candy establishments that produce for later consumption; ice manufacturing												Z	
Tobacco manufacturing	3120													Z	
Textiles	3130	Textile mills, apparel manufacturers												Z	

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Leather and leather substitute products	3140	Leather and leather substitutes such as rubber footwear												Z	
Wood, Paper, and Printing Products	3200														
Wood products	3210	Except furniture												Z	
Paper and printing materials	3220	Manufactures paper and offer printing-related products												Z	
printing and related support activities	3221	Establishments do not manufacture the stock that they print; for publishers and publishers that also print, use publishing or information codes									ZC			Z	
Furniture and related products	3230	Includes mattresses, window blinds, cabinets, fixtures												Z	
Chemicals, and Metals, Machinery, and Electronics Manufacturing	3300	Transform or refine chemicals or metals, and manufacture products from chemicals or metals													
Petroleum products	3310	Transform crude petroleum into usable products												C	
Chemicals, plastics, and rubber products	3320													C	
Nonmetallic mineral products	3330	Manufacture bricks, ceramics, glass, cement, concrete, statuary, stone products												C	
Primary metal manufacturing	3340	Manufacture basic metal products, such as bars, rods, wires, and castings or finished products												C	
Machinery manufacturing	3350	Make machinery for particular applications, such as construction, ventilation, heating and cooling												Z	
Electrical equipment, appliance, and components manufacturing	3360	Manufacture computers, communication equipment, lighting equipment, batteries, motors, appliances												C	
Transportation equipment	3370													Z	
Miscellaneous Manufacturing	3400	Use for manufacturing establishments not classified elsewhere													
Jewelry and silverware	3410										ZC			C	
Dolls, toys, games, and musical instruments	3420										ZC			Z	

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Office supplies, inks, etc.	3430	Except paper									ZC			Z	
Signs	3440										ZC			Z	
Wholesale Trade Establishment	3500	Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses									ZC			Z	
Warehousing and Storage Services	3600	Operate warehouse and storage facilities for general merchandise, refrigerated goods													
Office and warehousing	3610										ZC			Z	
Warehousing	3620													Z	
Tankfarm	3630													C	
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000														
Transportation Services	4100	Serve passengers and cargo movements													
Air transportation	4110	Provide transportation for passengers or cargo using aircraft, excludes air courier (see 4160)													
air passenger transportation	4111	Provide scheduled and nonscheduled air transportation for passengers													C
air freight transportation	4112	Provide scheduled and nonscheduled air transportation of cargo without transporting passengers													C
airport and support establishment	4113	Provide air traffic control, operate airports and support airport operations such as rental of hangar space													C
aircraft and accessories	4114	Aircraft maintenance and repair (except factory conversions)													C
other air transportation	4115	Hot air balloon rides, helicopter rides, aerial tram and cable cars													C
Rail transportation	4120	Provide passenger and freight transportation and rail transportation support; use this category for establishments providing both transportation and support services, otherwise use the more specific subcategory													
rail passenger transportation	4121	For passengers only								Z					

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
rail freight transportation	4122	For freight systems only													
rail transportation support establishment	4123	Provide specialized services such as repair, maintenance, loading and unloading													
Road, ground passenger, and transit transportation	4130	Urban transit systems, charter and school bus transportation, taxis													
local transit systems--bus, special needs, and other motor vehicles	4133	Single-mode local transit systems other than rail									Z				
non-local and charter bus	4134	Non-local passenger buses for charter or for special needs transportation for elderly, infirm, or handicapped									Z			Z	
school and employee bus transportation	4135	Provide buses and other motor vehicles to transport pupils or employees												Z	
sightseeing	4136	Scenic or sightseeing land transportation								Z	Z				
taxi and limousine service	4137	Provide passenger transportation by automobile or van									Z			Z	
towing and other road and ground services	4138	Tow vehicles									Z			Z	
Truck and freight transportation services	4140	Provide over-the-road transportation of cargo using motor vehicles													
general freight trucking, local	4141	Provide local general freight trucking												Z	
general freight trucking, long-distance	4142	Provide long-distance freight trucking												Z	
Courier and messenger services	4160	Provide air, surface, or combined courier delivery services of Parcels and messages									Z			Z	C
Postal services	4170	Operate the national postal service, including establishments that sort, route, and deliver on a contract basis									Z			Z	
national post office	4171									Z	Z			Z	
Pipeline transportation	4180	Use transmission pipelines to transport products, such as crude oil or natural gas													
Communications and Information	4200	Produce or distribute information													
Publishing	4210	Issue copies of works for which they usually possess copyright													

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
newspapers, books, periodicals, etc.	4211	Publish newspapers, magazines, books, databases, greeting cards, calendars, maps, and similar works								Z	Z		Z	Z	
software publisher	4212	Publish and reproduce computer software								Z	Z	Z	Z		
Motion pictures and sound recording	4220	Produce and distribute motion pictures and sound recordings													
motion picture and video production, publishing, and distribution	4221	Produce or distribute motion pictures, videos, television programs, or commercials									Z	Z	Z	Z	
motion picture viewing and exhibition services	4222	Operate movie theaters, drive-ins, film festival exhibitions								Z	Z				
sound recording, production, publishing, and	4223	Produce, distribute, or publish music and musical recordings or provide sound recording									Z			Z	
Tele-communications and broadcasting	4230	Provide point-to-point communications; if multiple services are shared between the same facilities, use this general category; if separate facilities are maintained for each type of service, then use a specific classification													
radio and television broadcasting	4231	Operate broadcasting studios and facilities for over the air or satellite delivery of radio and television programs								Z	Z			Z	
cable networks and distribution	4232	Operate studios and facilities or cable systems, direct-to-home satellite systems									Z			Z	
wireless telecommunications	4233	Operate, maintain or provide access to facilities for the transmission of voice, data, text, sound, or full motion picture video, cell towers									Z			Z	
towers and antennas 50ft tall or less	4233a		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
towers and antennas taller than 50 ft	4233b			C							C				C
telephone and other wired tele-communications	4234	Operate telephone networks	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Information services and data processing industries	4240	News syndicates and information data processing services													
online information services	4241	Internet access and service providers									Z	Z	Z	Z	

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
library or archive	4242	Provide library or archive services									Z	Z	Z	Z	
news syndicate	4243	Supply information such as news reports, articles, pictures and features to the news media									Z		Z	Z	
Utilities and Utility Services	4300	Provide utility services such as electric power, gas, water and sewage removal													
Electric power	4310	Provide electric power generation, transmission, control, and distribution													
service distribution lines	4315		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
electric substations	4316										Z			Z	Z
Natural gas, petroleum, fuels	4320	Operate gas distribution systems, gas marketers, gas brokers, transmit and distribute gas													
natural gas service	4329	Provide natural gas service distribution to retail customers (includes distribution lines and valves)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Water, steam, air conditioning supply	4330	Public and private utility establishments that offer drinking water, water treatment, water supply, or hot or cool air supply													
drinking water	4331	Operate water treatment plants, filtration plants, pumping stations												Z	Z
water service	4339	Provide water service distribution to retail customers (includes distribution lines pumps and valves)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Sewer, solid waste, and related services	4340	Collect, treat, and dispose of waste materials													
hazardous waste collection	4341	Operate treatment and disposal facilities for hazardous waste, combine, collect, or haul hazardous waste materials												C	
hazardous waste treatment and disposal	4342	Remediate and clean contaminated buildings, soil, or ground water, abate asbestos, lead paint and other toxic material												C	
solid waste collection	4343	Collect or haul hazardous waste, non-hazardous waste, or recyclable materials, operate waste transfer stations									C			C	Z

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
solid waste combustor or incinerator	4344	Operate combustors and incinerators for the disposal of non-hazardous solid waste, includes compost dumps												C	
solid waste landfill	4345	Operate landfills for the disposal of non-hazardous solid wastes												C	
waste treatment and disposal	4346	Operate facilities for separating and sorting recyclable materials from non-hazardous waste streams												C	Z
septic tank and related services	4347	Pump septic tanks and cesspools, rent or service portable toilets												C	
wastewater treatment plants	4348													Z	Z
wastewater service	4349	Provide wastewater service distribution to retail customers (includes collection lines and lift stations)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
ARTS, ENTERTAINMENT, AND RECREATION	5000														
Performing Arts or Supporting Establishments	5100	Produce or organize and promote live presentations, excludes nightclubs													
Theater, dance or music establishment	5110	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment								Z	Z				
Sports team or club	5120	Professional or semi-professional sports teams or clubs participating in live sporting events													
Racetrack establishment	5130	Operate racetracks for events													
horse track	5131		Z	Z											
dog track	5132														
automotive track	5133														
Promoter of sports, performing arts, similar events	5140	Organize, promote, and manage performances, events													
Agent for management services	5150	Agents representing artists, athletes, entertainers, etc.								Z	Z	Z	Z	Z	
Independent artist, writer, or performer	5160	Independent individuals engaged in art, productions								Z	Z	Z	Z	Z	
Museums and Other Special Purpose Recreational Institutions	5200	Public and private museums, historical sites, zoos, and similar establishments													

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Museum	5210									Z	Z	Z	Z		
Historical or archeological institution	5220	Archeological sites, battlefields								Z	Z	Z	Z		Z
Zoos, botanical gardens, arboreta	5230													C	Z
Amusement, Sports, or Recreation Establishment	5300	Operate facilities offering activities and provide services													
Amusement or theme park establishment	5310	Operate a variety of attractions such as mechanical rides, water rides, games									C				
Games arcade establishment	5320	Operate arcades and parlors, except gambling, billiard, or pool								Z	Z	Z			
Casino or gambling establishment	5330	Except casino hotels, includes riverboat casinos, bingo halls, and video gaming terminals, or provide services such as Lotteries or off-track betting													
Miniature golf establishment	5340										Z				
Golf course	5350														
public golf course	5351	may include country club	Z	Z	Z	Z	Z	Z	Z						Z
private golf course	5352	may include country club			Z	Z	Z								Z
golf course resort	5353	may include club house, guest accommodations and/or residences that may be individually owned, but fall within the management of the resort													C
Marina or yachting club facility operators	5360	Operate docking and storage facilities for pleasure craft owners													
Fitness, recreational sports, gym, athletic club, multipurpose facility	5370	Includes archery and shooting ranges, horseback riding, ball parks and courts, fitness clubs, and more													
public facilities	5371		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			Z
private facilities	5372									Z	Z	Z	Z	Z	
Horse Riding Stables	5373	not constructed pursuant to a residential Development approval	Z	Z											Z
Bowling, billiards, pool	5380									Z	Z	Z			
Skating rink, roller skating	5390										Z				

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Camps, Camping, and Related Establishments such as trailer parks	5400	Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, trailer parks	C	C											
Natural and other Recreational Parks	5500	All parks without special economic functions	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000														
Educational Services	6100	Offer teaching and learning													
Nursery or preschool	6110			Z		Z	Z	Z	Z	Z	Z				
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level													
elementary	6121		C	C	C	C	C				Z				C
middle or junior	6122										Z				C
senior or high	6123										Z				C
special needs education services	6125	Offer specialized services such as for the physically or mentally disabled									Z				
adult education services	6126										Z				
College or university	6130										Z				C
Technical, trade, or other specialty school	6140	Offer vocational and technical training													
beauty schools	6141										Z				
business management	6142	Offer courses in office procedures, secretarial skills, and basic office skills									Z				
computer training	6143	Except computer repair									Z				
driving education	6144										Z				
fine and performing arts education	6145	Dance, art, drama, and music schools									Z				
flight training	6146	Offer aviation and flight training									Z				

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
sports and recreation education	6147	Offer instruction in athletic activities									Z				
Public Administration	6200	All government functions, includes federal, state and local government agencies													
Legislative and executive functions	6210	Government and public administrative offices								Z	Z	Z	Z		
Judicial functions	6220	Civilian courts of law and correctional institutions								Z	Z	Z	Z		
court	6221									Z					
correctional institution or jail	6222	Facilities for the confinement, correction, and rehabilitation of offenders sentenced by a court												Z	
Other Government Functions	6300	Use this category for government owned establishments not classified elsewhere such as defense and national guard establishments								ZS	ZS			Z	
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services													
Fire and rescue	6410		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Police	6420	Includes combined police and fire departments	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Emergency response	6430	Provide ground or air transportation for medical relief purposes	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Health and Human Services	6500	Provide health care, social assistance, and associated services													
Ambulatory or outpatient care services	6510	Offer health care services directly to patients without providing inpatient services													
clinics and health spas (Ord. # 1716)	6511	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and other licensed or certified health care providers									Z	Z	Z		
family planning or outpatient care clinic	6512	Provide outpatient family planning services and outpatient care									Z	Z	Z		
medical or diagnostic laboratory	6513	Provide analytic or diagnostic services including medical imaging									Z				
blood or organ bank	6514										Z				

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Nursing, supervision and other rehabilitative services, except	6520	Provide inpatient nursing and rehabilitative services and can accommodate patients for extended care, includes convalescent homes, nursing homes, inpatient care hospices, alcoholism or drug addiction rehabilitation, mental health Halfway Houses, group homes, and psychiatric convalescent homes	C	C	ZS						ZS				
Hospital	6530										C				
Health care facility	6540	Maximum of 25 beds for overnight care									Z	Z			
Social assistance, welfare, and charitable services	6560	Provide social assistance directly to individuals, does not offer residential or accommodation services except for Homeless Shelters													
child and youth services	6561	Offer services such as adoption, foster care, drug prevention services									Z	Z	Z		
child daycare	6562	Provide care for infants and preschool children, offer pre-kindergarten education programs									ZS	ZS	ZS		
community food services	6563	Collect, prepare, and deliver food for the needy, food banks, meal delivery programs and soup kitchens									Z	Z			
emergency and relief services	6564	Provide food, shelter, clothing, medical relief, resettlement to disaster victims									Z	Z			
other family services	6565	Hotline centers, suicide crisis centers, self-help organizations, etc.									Z	Z			
services for elderly and disabled	6566	Does not include housing for the elderly									Z	Z			
veterans affairs	6567										Z	Z			
vocational rehabilitation	6568	Provide job counseling, job training, and other vocational services									Z	Z			
homeless shelters	6569	Provide temporary residential or accommodation services									C				
Religious Institutions	6600	Churches, temples, synagogues, mosques													
small institution		Up to 250 seats in largest seating area		ZS							ZS	ZS			
other institutions		More than 250 seats in largest seating area		ZS							ZS				

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Death Care Services	6700	Funeral homes, crematories, cemeteries													
Funeral home and services	6710	Includes funeral homes combined with crematories									Z	Z			
Cemetery or cremation services	6720														
cemetery accessory to religious institution			ZS	ZS							ZS	ZS			
free-standing cemetery															Z
crematorium											C			Z	
Associations, Non-Profit Organizations, Clubs	6800	Includes grant making, civic, professional, and similar organizations													
Labor or political organization	6810	Labor unions, political groups, and political fund-raising groups								Z	Z	Z	Z		
Business association or professional membership	6820	Promote the business interests of their members organization or of their profession								Z	Z	Z	Z		
Civic, social, or fraternal organization	6830									Z	Z	Z	Z		
CONSTRUCTION-RELATED BUSINESSES	7000	Build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services													
Building, Developing, and General Contracting	7100	Custom builders, general contractors, developers, land Applicants, and construction management firms									Z			Z	
Machinery Related	7200	Contractors that install or utilize specialized machinery not generally used by other contractors, machinery installation, excavation, wrecking and demolition, structural steel erection contractors												Z	
Special Trade Contractor	7300	Specialize in construction activities such as plumbing, painting and electrical work													
Carpentry, floor, and tile contractor	7310										Z			Z	
Concrete contractor	7320													Z	
Electrical contractor	7330										Z			Z	

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Glass and glazing contractor	7340	Excludes automotive glass establishments									Z			Z	
Masonry and drywall contractor	7350	Includes bricklaying, drywall, and plaster work									Z			Z	
Painting and wall covering	7360										Z			Z	
Plumbing, heating, and air conditioning	7370										Z			Z	
Roofing, siding, or sheet metal contractor	7380										Z			Z	
Heavy Construction	7400	Provide heavy non-building construction												Z	
MINING AND EXTRACTION ESTABLISHMENTS	8000														
Oil and Natural Gas	8100	Operate and develop oil and gas field properties													
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	9000	Grow crops, raise animals, harvest timber, and harvest fish and other animals, may be described as farms, greenhouses, nurseries, or hatcheries													
Crop Production	9100														
Outdoor Production	9110		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Greenhouse Production	9140														
Greenhouse - no on-premises sales	9141		Z	Z						Z	Z	Z			Z
Greenhouse - sales of products grown on premises	9142			Z							Z	Z			
Greenhouse - sales of products and related accessory products	9143										Z	Z			
Support Functions for Agriculture	9200	Includes dusting, spraying, fertilizing												Z	
Animal Production	9300	Keep, graze, breed or feed animals in farms or feedlots													
Cattle ranch	9310		Z	Z											
Dairy cattle	9320		Z	Z											
Hog farm	9330		Z	Z											
Poultry and egg production	9340	Commercial facilities	Z	Z											

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Domestic backyard chickens	9340a	The keeping of up to 10 hens (no roosters) for personal use	Z	Z	Z	Z	Z	Z	Z						
Sheep and goats	9350		Z	Z											
Fish	9360		Z	Z											
All other animals	9370		Z	Z											
bees	9371		Z	Z	Z	Z	Z	Z	Z						
horses	9372	See Exhibit 4-1 regarding minimum parcel size required for the keeping of horses. (Ord. # 1775)	Z	Z											
fur-bearing	9373		Z	Z											
Support functions	9380	Includes horse boarding and animal breeding	Z												
Forestry and Logging	9400		Z	Z											
Fishing, Hunting and Trapping	9500		Z	Z											
Unclassifiable or No Function	9900	Temporary placeholder until a code can be assigned													
Special Events	9910														
special home events (Ord. # 1716)	9911		ZS	ZS	ZS	ZS	ZS	ZS	ZS						C
Other (Ord. # 1716)	9912		ZS	ZS											ZS
Temporary Uses (Ord. # 1716)	9920	Temporary uses specifically authorized in applicable zoning districts by section 5.25 or 5.26	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Subdivisions	9930														
major	9931		C	C	C	C	C	C	C	C	C	C	C	C	C
minor	9932		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Combination Uses	9940		ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
Home Occupations	9950		ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS			
Development Patterns	9960														
Cluster Subdivisions (sec. 6.1)	9961				ZS	ZS	ZS	ZS	ZS						

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Conservation Subdivision (sec. 6.2)	9962		ZS	ZS											
Reserved	9963														
Small Lot Patterns (sec. 6.4)	9964							ZS	ZS						
Traditional Neighborhood Development (sec. 6.5)	9965							ZS	ZS						
Morganton Road (sec. 6.6)	9966														

(Ord. #1714; Ord. #1717; Ord. #1604; Ord. #1820; Ord. #1871, 8-24-20)

Chapter 4. Development and Design Standards

Chapter 4 Contents

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4.1. GENERALLY

The standards in this section are intended to be minimum standards for Development of buildings, sites and infrastructure. Stricter standards or relief from standards may be established through the procedures in chapter 2, the zoning district standards in chapter 3, the specific use standards in chapter 5 or the Development Patterns in chapter 6.

4.2. LOT DEVELOPMENT STANDARDS

Lot development standards are summarized in Exhibit 4-1. Guidance for applying these is included in sections 4.2.1 (height), 4.2.2 (setbacks), and 4.2.3 (lot size, density and width).

4.2.1. Height

- (A) Subject to the provisions of this section, buildings and structures shall not exceed the maximum heights established in Exhibit 4-1.
- (B) The height of a building is the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.
(Ord. #1959; Ord. #2040)
- (C) A story includes any floor above the mean elevation of finished grade at the front of the building. Where floor levels are staggered, the number of stories is the number of Floors counting vertically from the point of the mean elevation of finished grade at the building front.
- (D) The base of any access door to a roof shall not be higher than six (6) inches above the lowest point of any parapet wall or six (6) inches above the lowest point of a roof’s surface, whichever is greater. The top of a roof access point shall not be greater than nine (9) feet above the base of the door.
- (E) Roofs with slopes greater than seventy-five (75) percent are regarded as walls.
- (F) In the CB, GB and PD Districts, buildings are limited to a maximum of three (3) stories with the ceiling of the top story not to exceed thirty-eight (38) feet in height. Buildings must have pitched or mansard roofs, or provide a parapet along any side facing a street.
(Ord. # 1716; Ord. #1959; Ord. #2040)
- (G) In the I districts, buildings are limited to a maximum of four (4) stories. Buildings must have pitched or mansard roofs, or provide a parapet

along any side facing a street. Buildings that are taller than thirty-five (35) feet shall not be located within two-hundred (200) feet of a residential zoning district.

(Ord. #1959; Ord. #2040)

- (H) The following buildings, where authorized by Exhibit 3-15, may be constructed to a Height of fifty (50) feet provided a sprinkler system and fire-resistant stairway enclosures shall be provided as required in the North Carolina State Building Code:
- (1) Government Offices;
 - (2) Schools;
 - (3) Religious Institutions;
 - (4) Libraries, Museums, Art Galleries, Art Centers and Similar Uses;
 - (5) Golf Course Club House, provided that the building shall be located no closer than 500 feet to any property line or public right-of-way; that there shall be no occupied Floor height above 28 feet; that the building shall not be more than three (3) stories; and that no Living Quarters shall be in the golf course club house;
 - (6) Hospitals, Clinics and Other Medical Facilities in Excess of 10,000 square feet of Floor area; and
 - (7) Post Offices.
- (I) Chimneys, church spires, water tanks, elevator shafts, scenery lofts and similar structural appendages not intended as places of occupancy are exempt from the height limitation set forth in this section, provided that not more than one-third (1/3) of the roof area is covered by such structures.
- (J) Heating and air conditioning equipment, solar collectors and similar equipment, fixtures and devices are exempt from the height limitation set forth in this section, provided that they are set back from the edge of the roof a minimum distance of one (1) foot for every foot the

feature extends above the roof surface. Screen or parapet walls shall be constructed to the height of any fixture taller than three (3) feet in height that would be visible from a street or residential property abutting the property.

- (K) Towers and antennas are allowed in all zoning districts to the extent authorized in Exhibit 3-15 (table of authorized land uses), and subject to the provisions of section 5.23.
- (L) Light standard heights shall not exceed the limits established in section 4.7(G).
- (M) Flagpoles and similar devices shall be limited to thirty-five (35) feet in Height.

4.2.2. Setbacks

- (A) **Setbacks Required.** Except as specifically provided in this section, authorized as part of a Variance, PD or Certificate of Appropriateness approval, or allowed for a Development Pattern authorized in a specific zoning district, no portion of any building, excluding eaves, decks, patios, steps and uncovered porches may be located on any Lot closer to any Lot line or to the street right-of-way line or centerline than is authorized in Exhibit 4-1. All setbacks are expressed in feet and are minimum setbacks unless otherwise noted. Additional setbacks may be required to meet parking, landscaping, buffers or other standards specified in this chapter, the specific use standards of chapter 5 or the Development Pattern standards in chapter 6 of this UDO.
- (B) **Allowed Setback Encroachments.** A step, stoop, open porch, awnings or other appurtenances may extend up to five (5) feet into the front setback, provided such features do not impede pedestrian circulation or extend more than twenty-five (25) percent into the minimum setback.

(C) Setback Measurement

- (1) Setback distances shall be measured from the property line or street right-of-way line to a point on the Lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.).
 - (2) If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured at a right angle to such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline.
- (D) All setbacks are subject to compliance with adopted Fire Code provisions.
- (E) The following structures shall comply with all setback requirements:
- (1) Gas pumps and overhead canopies or roofs; and
 - (2) Substantially opaque fences or walls that exceed (6) six feet in height.
- (F) Private roads or driveways that serve more than three (3) Lots, more than three (3) Dwelling Units or any non-residential use projected to generate traffic equivalent to three (3) or more Dwelling Units shall be treated as public streets for purposes of measuring front and exterior side setbacks.

4.2.3. Lot Size, Density and Lot Width

- (A) **Minimum Lot Size Established.** Except as specifically provided in this section, authorized as part of a PD approval, or allowed for a Development Pattern authorized in a specific zoning district, minimum Lot size shall comply with Exhibit 4-1. Larger Lots may be required to meet parking, landscaping, buffers or other standards specified in this chapter or Chapter 5 of this UDO.

- (B) **Adequate Facilities Required.** The minimum Lot sizes set forth in this section are permissible only if adequate public water and sewer facilities are or can be made available to serve every Lot in accordance with the provisions of this chapter of the UDO. [For example, in some areas zoned RS-1 that are not served by public sewer, Lots may have to exceed the 10,000 square feet minimum required below in order to accommodate septic tanks. In such cases and in cases where Lots of less than 15,000 square feet are proposed and such Lots do not have access to sewage treatment facility or county sewer lines, the Health Department-Environmental Health Division shall review and approve proposed plans as provided in sections 4.15.11 and 4.15.12.
- (C) **Additional Area Required for Additional Dwelling Units.** The "Additional Area" in the third column applies to the area required for each Dwelling Unit in addition to the first Dwelling Unit. In districts permitting Two-Family or Multi-Family Dwellings, where the area of the property is such that a portion remains after full requirements have been met for other Dwelling Units on the same property, the following rules shall apply in determining density and no relaxation of these rules shall be permitted by a variance. If otherwise permitted by the regulations of a district:
- (1) A total of two (2) Dwelling Units shall be permitted on a Lot containing area for one (1) Dwelling Unit and 95% of the area for the second.
 - (2) A total of three (3) Dwelling Units shall be permitted on a Lot containing area for two (2) Dwelling Units and 90% of the area required for a third.
 - (3) A total of four (4) Dwelling Units shall be permitted on a Lot containing area for three (3) Dwelling Units and 85% of the area for a fourth.
 - (4) One additional Dwelling Unit shall be permitted on a Lot containing area for four (4) or more Dwelling Units and 80% of the area required for the additional Dwelling Unit.

(D) **Core Area Exemption.** There shall be no minimum Lot area requirement for determining density in the following areas:

- (1) The portion of the CB district bounded by Connecticut Avenue, Massachusetts Avenue, Bennett Street and Ashe Street;
- (2) The block bounded by new Hampshire Avenue, Page Street, Pennsylvania Avenue, and Bennett Street; and
- (3) The block bounded by Broad Street, Wisconsin Avenue, Bennett Street and Illinois Avenue.

(E) **Combination Uses.** When a Combination Use consists of different residential Dwelling Unit types, the total number of Dwelling Units permissible on the entire Tract shall be determined by dividing the area of the Tract by the minimum square footage per Dwelling Unit. The mix of Dwelling Unit types and setback requirements may limit the ability to achieve the theoretical maximum density.

(F) **Credit for Dedicated Lands.** If an Applicant agrees to dedicate and the Town agrees to accept a portion of a tract that lies within an area designated on any officially adopted Town plan as part of a proposed public park, greenway or bikeway, then the total acreage of the dedicated area and the remaining area of the tract intended to be

used for residential purposes shall be used to calculate the maximum permissible density for the remainder of the subdivision, subject to minimum lot width requirements.

(G) **Minimum Lot Width.**

- (1) Exhibit 4-1 establishes minimum Lot widths.
- (2) Minimum Lot width is the shortest straight line connecting side Lot lines between the front and rear setbacks.
- (3) No Lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that could be used for purposes that are permissible in that zoning district and could satisfy any applicable setback requirements for that district. Lots specifically created for equestrian access purposes and only as permitted in RE and RR districts are exempt from this requirement.
- (4) No Lot created after the effective date of this chapter that is less than the recommended width shall be entitled to a variance from any building setback requirement.

(Ord. #1871)

Exhibit 4-1: Building Height, Setbacks and Lot Dimensions

Zoning District	Maximum Height	Front Setback	Setback From Street Centerline	Exterior Side Setback	Interior Side Setback	Rear Setback	Minimum Lot Size	Additional Area Required Per Additional Dwelling Unit	Lot Width
RE	35'	40'	70'	15'	15' ⁽¹⁾	30' ⁽¹⁾	5 acres ⁽⁴⁾		100' min.
RR	35'	40'	70'	15'	15' ⁽¹⁾	30' ⁽¹⁾	30,000 sq.ft. ⁽⁵⁾		100' min.
RS-1	35'	30'	60'	15'	10' ⁽¹⁾	30' ⁽¹⁾	10,000 sq.ft.		45' min.
RS-2	35'	30'	60'	15'	10' ⁽¹⁾	30' ⁽¹⁾	20,000 sq.ft.		45' min.
RS-3	35'	30'	60'	15'	10' ⁽¹⁾	30' ⁽¹⁾	30,000 sq.ft.		45' min.
RM-1	40'	25'	55'	15'	10' ⁽¹⁾	30' ⁽¹⁾	10,000 sq.ft.	3,600 sq.ft.	45' ⁽⁸⁾ min.
RM-2	40'	25'	55'	15'	10' ⁽¹⁾	30' ⁽¹⁾	10,000 sq.ft.	6,000 sq.ft.	45' ⁽⁸⁾ min.
CB ⁽²⁾	45'	5' maximum	Not applicable	5' maximum	No minimum	No minimum	No Minimum	1,500 sq.ft.	50' maximum
GB ⁽³⁾	45'	No minimum	No minimum	No minimum	No minimum	No minimum	No Minimum ^(6,7)	3,600 sq.ft.	No minimum
NB ⁽³⁾	35'	15'	45'	15'	20'	20'	No Minimum ⁽⁷⁾	3,600 sq.ft.	No minimum
OS ⁽³⁾	35'	15'	45'	15'	20'	20'	No Minimum ⁽⁷⁾	3,600 sq.ft.	No minimum
I ⁽³⁾	50' (see §4.2.1(G))	40'	70'	15'	10'	20'	50,000 sq.ft. ^(4,5)		No minimum

Table Notes:

- (1) Side and rear setbacks for Accessory Buildings and structures (excluding fences) that are twelve (12) feet or less in height measured from average grade of the footprint of the building to the highest point of the roof shall have a minimum setback of five (5) feet. The setback shall be increased two (2) feet for every for every one (1) foot of height for Accessory Buildings exceeding twelve (12) feet in height.
- (2) See CB district design standards for exceptions to maximum setbacks.
- (3) Whenever a Lot in a GB, NB, OS or I district has a common boundary line with a Lot in a Residential District, the interior side or rear setback requirement along the common boundary line for the property in the GB, NB, OS, or I district shall be the greater of the minimum setbacks for the applicable districts. [For example, where the side boundary line of a Lot in an "I" district abuts a side boundary of a Lot in a "RR" district, the minimum side setback shall be 15 feet.]

- (4) Minimum parcel size for keeping horses is 10 acres, unless the parcel was created by an instrument recorded at the Moore County Registry on or prior to December 12, 1989, in which case the minimum parcel size for keeping horses is 4.59 acres. Parcels no more than 16 feet wide at any point and no less than 50 feet long may be created between existing parcels for purpose of equestrian access.
- (5) Minimum parcel size for keeping horses is 10 acres, unless the parcel was created by an instrument recorded at the Moore County Registry on or prior to June 11, 2002, in which case the minimum parcel size for keeping horses is 4.59 acres. Parcels no more than 16 feet wide at any point and no less than 50 feet long may be created between existing parcels for purpose of equestrian access.
- (6) The minimum area for Lots with frontage directly on an arterial shall be 40,000 sq.ft.
- (7) The minimum area for lot for a single dwelling unit shall be 10,000 square feet.
- (8) Minimum Lot width is not applicable to townhome Development.

(Ord. #1714; Ord. #1716; Ord #1775; Ord. #1871, 8-24-20; Ord. #1887, 11-23-20; Ord. #1890, 1-6-21)

4.3. LANDSCAPING

This section shall be known as the Town of Southern Pines Landscaping Code or Landscaping Code.

4.3.1. Findings and Purpose

The Council finds that:

- (A) The natural conditions (topography, vegetation and wildlife) typify the North Carolina Sandhills and Longleaf Pine Ecosystems, which are unique within North Carolina. These elements are of economic value to the Town and make it a desirable place for both residents and visitors.
- (B) The natural conditions are a strong aspect of the visual character of the Town and contribute to the economic prosperity.
- (C) The purposes of the landscaping standards are, in part:
 - (1) To create an appearance in all zoning districts, where manmade Development is situated within an urban forest; or
 - (2) To create plantings that screen or buffer visual pollution within the Town.
- (D) Development should preserve and/or create landscape conditions typical of the surrounding ecosystem and site conditions using native and culturally adapted plant materials in appropriate settings.
- (E) Growth and Development necessitates removal of trees, shrubs and soils. The landscaping plans shall address preservation of existing vegetation and soils.
- (F) The general goal is to improve property and community appearance, allow for the ecological benefits provided by plants, prevent the

overcrowding of land and enhance the privacy and welfare of citizens by providing transition between differing land uses.

4.3.2. Applicability

- (A) The landscaping and buffering standards of this section shall apply to the following Development, except as specifically provided in this section, authorized as part of a Variance, PDD, Architectural Compliance Permit or Certificate of Appropriateness approval, or allowed for a Development Pattern authorized in a specific zoning district:
 - (1) All new multi-family, commercial, mixed-use and industrial Development;
 - (2) ReDevelopment that increases the number of required parking spaces by ten (10) or more spaces;
 - (3) Any expansion of a parking lot by ten (10) or more parking spaces.
- (B) All requirements shall run with the land use and shall apply against any owner or subsequent owner.
- (C) Land used toward achieving the requirements shall be on the same Lot or on property under the same permanent possession or control as the Lot on which the use is located.
- (D) The Airport Hazard Overlay District (see section 3.6.7) includes a tree restriction in the approach zone to a height that projects above the upper surface of the approach zone. Within the approach zone is a clear zone in which trees are prohibited.

4.3.3. Street Trees

- (A) Street trees are an essential part of the Town streetscape. The Town seeks to maintain existing trees where possible and to encourage the planting and continuance of the established street tree patterns.
- (B) To accomplish this objective the following shall apply:
- (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.

- (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.

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	- At least 50 percent of large trees shall be evergreens - Longleaf pines shall be a minimum 2 inch caliper and 8 feet tall - Other large trees shall be a minimum 2 inch caliper
Small Trees	One tree per 400 square feet	- At least 20 percent and not more than 30 percent of small trees shall be deciduous - At least 50 percent of evergreen trees shall be species other than pines - Small trees shall be a minimum 1.5 inch caliper
Shrubs	For buffers 20 feet or narrower – one shrub per 50 square feet	- Not more than 30 percent of shrubs shall be deciduous - 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
	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.
- (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;
 - (4) Service areas;
 - (5) Outside storage or operation areas;
 - (6) Dumpsters;
 - (7) HVAC units and other mechanical equipment;
 - (8) Dog runs and dog pens; and
 - (9) Fuel pumps.
- (C) Required landscape screens shall provide a visual obstruction from adjacent properties in conformance with the following standards:
- (1) The screen may be composed of view-obscuring vegetation, wall, or fence, which may be used individually or in combination.
 - (2) The minimum result shall be an opaque screen that obscures views from the ground to a height of the object being screened or a maximum height of fifteen (15) feet.
 - (3) Plant materials shall be at least five (5) feet tall at the time of installation and reach the desired height within five (5) years of planting.

- (4) When a combination of features is proposed, one-third (1/3) of the surface area of all walls or fences that face off-site must be screened by plant material within three (3) years. Additionally, landscape screen areas shall be sufficient to allow for the mature growth of plant materials when used.

(Ord. #1696)

4.3.6. Landscaping for Vehicle Use Areas

- (A) Purpose. To reduce reflected sunlight and headlight glare from parked vehicles, as well as to maintain a separation between vehicles and other uses and to reduce the effects on the environment of vehicle parking facilities, the following standards are provided.
- (B) Applicability.
- (1) The standards of this section apply to all new Development outside the CB district that requires Architectural Compliance Permit or **PD** approval and includes parking for five (5) or more vehicles, a drive-up window or gasoline pumps.
 - (2) Areas used for vehicle sales Lots and/or service, parking and business transactions such as areas adjacent to gasoline pumps (even if under a canopy) and areas for drive up service, shall be considered parking areas and shall comply with perimeter landscaping requirements.
 - (3) Internal parking Lot landscaping standards only apply to Vehicle Use Areas that encompass over 5,000 square feet, excluding areas under canopies, parking structures, loading and service areas and portions of drives with no parking on either side for a distance of twenty-five (25) feet or more.
 - (4) Landscape screens are required for parking lots with seventy-five (75) or more parking spaces.
 - (5) Parking Lot shading requirements are required for parking lots with fifteen (15) or more parking spaces.

(C) Required Plantings

- (1) Exhibit 4-5 establishes the planting requirements for Vehicle Use Areas.
- (2) At least 250 square feet of contiguous pervious growing area shall be required for each large tree and the area shall have a minimum dimension of ten (10) feet. At least 125 square feet of contiguous pervious growing area shall be required for each small tree and the area shall have a minimum dimension of ten (10) feet.
- (3) This screen planting may be combined with other required parking Lot planting as necessary. (For example, internal shade

trees may be interspersed with screening shrubs on landscape screens.)

(D) Islands and Medians

Minimum curb radii of five (5) feet are required on the corners of all tree islands and medians to allow for free movement of motor vehicles around planting materials. All islands shall have raised edging around them to further protect plants from being run over by motor vehicles. Medians without raised edging shall be protected by devices to stop vehicles from driving into the planted areas.

Exhibit 4-5: Vehicle Use Area Planting Requirements

Area	Minimum Required Planting Rate	Additional Conditions
Perimeter Landscaping – between Vehicle Use Areas and property lines excluding driveways and traffic visibility triangles	• 1 large tree, excluding longleaf pines shall be planted per 30 feet. • 1 evergreen shrub shall be planted per 3 feet or a combination of a wall and landscaping may be used.	• Trees compatible with power lines shall be substituted for large trees where overhead power lines are located. • Large trees shall be a minimum 2-inch caliper when planted. • Shrubs shall be at least 18 inches tall at time of planting and shall grow to a minimum height of 36 inches and a minimum crown diameter of 30 inches within three years of planting. • Walls shall be stone or brick and shall be at least 36 inches in height and shall have shrubs planted between the wall and the property line so that at least one third of the surface of the wall is screened within three years.
Internal Parking Lot Landscaping	• At least 15 percent of the paved Vehicle Use Area shall be used for planting trees and or shrubs. • Large trees shall be planted so that at least 20 percent of the parking Lot shall be shaded at maturity. • At least 1 large tree shall be planted per 250 square feet of required landscape area. • At least one small tree shall be planted per 125 square feet of required landscape area. • At least one evergreen shrub shall be planted per 35 square feet of required landscape area.	• Parking areas shall be laid out to prevent cars from striking plants. • Large trees shall be a minimum 2-inch caliper when planted. • No parking space shall be further than 75 feet from the trunk of a large tree • Landscape screens shall not be more than 120 feet apart, shall be parallel to parking aisles and shall be at least 6 feet in width. • Plants shall be at least 4 feet tall at time of planting. • Large trees shall be evenly distributed throughout the parking area. • For purposes of calculating the percent of the parking Lot shaded, each large tree is assumed to have a crown with a diameter of 30 feet. • Small trees may be substituted for up to 30 percent of the large tree requirement at a rate of two small trees for each large tree. • Large trees shall not be planted less than 20 feet apart and small trees shall not be planted less than 15 feet apart. • Evergreen trees, when used, shall be either pruned or located to facilitate safe sight distances within parking lots. • Shrubs must be located within five feet of the paved area and shall be located to facilitate safe sight distances.

Note: Trees shall be required at the following rates, either in combination of small and large trees or with large trees only to add up to the required landscape area.

4.3.7. Cleared Areas

- (A) All areas cleared of existing vegetation shall be re-vegetated as soon as possible after being disturbed. Cleared areas for the purpose of this ordinance shall not include the building footprint and the area within fifteen (15) feet of the building footprint.
- (B) Such disturbed areas shall be replanted with domesticated grass and trees of a species proven to thrive well in the area. Disturbed areas shall be replanted with one tree for each 700 square feet of disturbed area. Trees shall be a minimum two (2) inch caliper at planting.

4.3.8. Variations

- (A) The Planning Director may modify buffer and landscape standards where:
 - (1) There are special considerations of site design and/or topography.
 - (2) There is existing healthy vegetation that is sufficient to meet the requirements of this section in part or in whole.
 - (3) There exists a unique relationship to other properties.
 - (4) The plantings or planting area would conflict with utilities, easements, or overhead power lines, or encroach upon trees within the public right-of-way.
 - (5) Proposed street widening not provided by the developer will consume the landscaping area.
- (B) The Planning Director may require alternative or additional planted buffers or landscaping when a modification of the requirements of this part is warranted in order to meet the intent of the stated standards.

4.3.9. Plant Material and Installation Standards

- (A) Lists of acceptable large trees, small trees and other plant materials are included in Appendix F. Other plants may be used based on sound horticultural practices. All plant material shall meet or exceed size and shape relationships specified in the latest edition of *The American Standard for Nursery Stock* published by the American Association of Nurserymen. All sizes specified refer to size at time of planting. Neither a building permit shall be issued nor grading begun until a plan for buffers and landscaping has been approved.
- (B) List plants and size standards on the landscape plan as specified in the latest edition of one of these two references: the *Manual of Landscape Plants*, Dir. or *Landscape Plants of the Southeast*, Halfacre.
- (C) The landscape will be installed by a North Carolina licensed Landscape Contractor.
- (D) The installation will meet or exceed the procedures and techniques referenced in the latest edition of the *North Carolina Landscape Contractor's Study Manual*.
- (E) The Town will conduct inspections of the landscape installation to include:
 - (1) Site preparation - conditions of the site ready for landscape installation;
 - (2) Drainage and irrigation - inspect prior to back-filling trenches;
 - (3) Planting - inspect during installation of plants, other than grass or ground cover;
 - (4) Surface inspection - inspect turf, mulch, ground cover;
 - (5) Final inspection - final irrigation test for coverage and working order, quantify and qualify all plants according to plan and ordinance standards. This inspection must be completed prior to the Development receiving a Certificate of Occupancy.

(F) The Town will collect a fee for all inspections.

(G) Longleaf Pine Transplanting

- (1) All Longleaf Pines shall be transplanted only during the times between December 1 and April 15. During non-planting times, a bond shall be posted to assure installation during the planting schedule.
- (2) All Longleaf Pines shall be transplanted using a minimum 40-inch tree spade.

4.3.10. Drainage

Adequate soil drainage is required for all parking and landscape screen areas. Adequate soil drainage is defined as the natural movement of water to the subsoil. Any soil that has been disturbed by grading is considered compacted due to construction activity and will require drainage. Undisturbed areas shall not require drainage improvements.

4.3.11. Maintenance Responsibility

(A) **Maintenance Required.** Unless otherwise stated, the owner of any property where landscaping is required shall be responsible for the maintenance of all required materials and continued compliance with this section 4.3. Landscaped areas shall be kept in a proper, neat and orderly appearance and free from refuse and debris. The property owner shall replace all unhealthy or dead plant material. Failure to maintain the required landscape materials shall constitute a zoning violation and shall be remedied in accordance with the provisions in this UDO.

(B) **Irrigation**

- (1) An automatic irrigation system shall be installed in accordance with landscaping plans approved at the time of site plan approval. Such system must have underground water supply lines with sprinkler heads and/or drip emitters and shall be operated during growing season.

- (2) Applicants are encouraged to design creative landscaping that achieves the objectives of this Landscaping Code while minimizing the need for irrigation.

(C) **Landscape Management.** The management of preserved and installed plants shall include mulching, remediation of soils damaged during construction and weed control.

- (1) **Mulch:** Trees A four-inch layer of organic mulch beneath the canopy shall be provided to reduce water loss, moderate temperatures and protect against compaction.
- (2) **Remediation of Soils Damaged During Construction:** Two treatment options to reduce compaction and improve soil structure are:
 - (a) Holes and fractures can be created to increase air space by physically auguring openings.
 - (b) Organic mulch can be placed around the tree beneath the canopy.
- (3) **Weed Control:** Weed control of unwanted woody and herbaceous vegetation is required necessary to maintain the desired character of landscaped areas.

(D) **Protection of Vegetation During Construction**

Undisturbed vegetated areas shall be protected during construction. No storage of materials, fill or equipment shall be allowed within the Protected Area and shall be so noted on the grading and erosion control plans and posted on the protection fence. A protection fence constructed of a material resistant to degradation by sun, wind and moisture for the duration of the construction shall be installed at the same time as the erosion control measures and shall remain in place until all construction in the vicinity of the trees is complete. Site plans and erosion control plans shall include a detail of the proposed tree protection fence and its location.

4.3.12. Request for Extension of Compliance

- (A) The Town recognizes that land Development occurs continuously, and that vegetation used in landscaping or screening should be planted at certain times to insure the best chance of survival. To ensure compliance and to reduce the potential expense of replacing landscaping or screening materials that were installed at an inappropriate time or under unfavorable conditions for planting, an extension of compliance with landscaping requirements may be allowed for a period not longer than ninety (90) days.
- (B) In the event of an extension, the Applicant shall provide a letter acknowledging a performance guarantee (letter of credit or performance bond) adequate to cover one hundred and fifty (150) percent of the installed landscaping costs.
(Ord. # 1716)
- (C) The letter shall also acknowledge that the Applicant for the Building Permit is aware of all landscaping and screening requirements and will comply with those requirements within ninety (90) days or discontinue use of the property.
- (D) If the initial letter of request for extension of compliance with landscaping requirements has expired and conditions are still deemed unsuitable for planting, the Applicant may request one additional extension of up to ninety (90) days. Failure to comply with the provisions of this section within the time noted in the letter of request for the extension of compliance with landscaping requirements shall be deemed a violation of this ordinance.
- (E) The Applicant shall acknowledge that while a Conditional Certificate of Compliance may be issued, no Final Certificate of Compliance will be

¹ Single trees that have developed as individual specimens are the best candidates for retention. For the most part, trees that have developed as stands, particularly intermediate and suppressed trees will not function well as individuals. They are

issued while there is an active (pending) letter of request for extension of compliance with landscaping requirements, unless a performance guarantee (such as a letter of credit or performance bond) sufficient to cover 125 percent of the installed landscaping costs has been posted with the Inspections or Planning Department.

4.3.13. Existing Vegetation Credits

- (A) Existing healthy vegetation shall be preserved when possible and may be credited toward landscape requirements. Vegetation to be saved and protection measures to be used during grading and construction shall be specified on site plans. Protection measures maintain a radius of at least six (6) feet around existing plants or provide a radius of one (1) foot for each one (1) inch DBH of trees, whichever is greater.
- (B) Credit given for protected trees shall be equal to the diameter breast height (DBH) of the tree in inches, divided by two (2) inches, but no fraction thereof. Trees so credited must have a minimum DBH of two (2) inches and be shown on the grading, erosion control and landscape plans. Protection of natural groups of trees is encouraged, with each tree within the grouping being credited as if standing alone; however, the protected ground area or tree save area shall encompass all trees within the grouping.¹
(Ord. #1959; Ord. #1981)
- (C) The site plan shall:
 - (1) Indicate trunk locations, DBH and drip lines of all trees and/or tree stands to be preserved (Note: When stands of trees will be preserved well away from construction areas, it is not necessary to plot accurate trunk locations);

prone to failure and decline when their neighbors are removed. Not only are the trees unstable, but they contribute little to the appearance or landscape quality of the new project.

- (2) Specify that the natural grade shall be maintained within the tree protection zone; and
 - (3) Specify that no storage, dumping of materials, parking construction trailers, fires, etc., shall be allowed within the tree protection zone.
- (D) At the start of grading involving the lowering of the existing grade around a tree or stripping of topsoil, a clean, sharp, vertical cut shall be made at the edge of the tree protection area defined in section 4.3.13(A) at the same time as other erosion control measures are installed. The tree protection fencing shall be installed on the side of this cut farthest away from the tree trunk. This procedure shall be incorporated as a note on the grading and erosion control plans.
- (E) Additionally, all utility lines and drainage channels shall be minimized within the drip lines of trees to be saved and preferably located adjacent to driveways and in groupings as allowed by good engineering practices. If excavation or storage must occur within the tree protection zone, the landscape architect or consulting arborist will determine where tunneling, handwork and root pruning are required. Root pruning shall be completed before grading begins. When all such provisions are not fulfilled, existing trees will be considered unprotected and may not be used to satisfy landscape requirements of this section 4.3.

4.4. TREE AND ECOSYSTEM PROTECTION

4.4.1. Purpose

Southern Pines supports an abundance of natural resources, including land, forests, streams, lakes, wildlife and natural beauty. Increasing urbanization threatens the quality of the natural resources that make it a special place to live and work. The natural environment affects the economic, historic and aesthetic value of the Town. Establishing standards for the protection of natural resources represents prudent stewardship of the land and good business. The purposes include:

- (A) To preserve and enhance the quality of the water in rivers, streams, ponds and lakes that flow into and out of Southern Pines;
- (B) To minimize future flooding problems by guiding Development away from flood prone areas;
- (C) To preserve the water carrying capacity of watercourses and the natural water storage capacity of the flood plain;
- (D) To protect land and watercourses from pollutants, sedimentation and erosion;
- (E) To retain open spaces in order to protect their environmentally sensitive character;
- (F) To protect and conserve Significant natural resources from degradation due to urbanization. Such natural resources include wildlife and plant life habitats, wetland areas and riparian areas;
- (G) To minimize the impact of Development by controlling the location, intensity, pattern and design of Development and construction activities;
- (H) To enhance the aesthetic appearance of Southern Pines as a means of improving quality of life and attracting new businesses and residents; and
- (I) To protect environmentally sensitive lands while recognizing the legitimate expectations of property owners and Southern Pine's economic Development goals.

4.4.2. Applicability

Except as herein exempted, all public rights-of-way within the Town and its extraterritorial jurisdiction are hereby protected. The provisions of this section 4.4 shall not apply to:

- (A) Trees, vegetation and land disturbing activity normally associated with the landscaping construction or modification on any non-public land,

unless the property owner voluntarily registers a specimen tree or group of trees.

- (B) Routine maintenance of existing vegetation outside the public right-of-way, such as pruning, watering and fertilizing.
- (C) The removal of dead trees and/or trees and other plants that have been diagnosed and determined to be diseased beyond treatment.

4.4.3. Permitted Uses

A plan showing protection measures shall be required from any person or property owner for the following activities on undeveloped land.

- (A) Construction of any kind on public rights-of-way
- (B) No person shall remove, cut above ground or otherwise disturb the vegetation or the soil within the critical root zone of any specimen tree on public rights-of-way without first obtaining approval of a Landscape Protection Plan, Site Plan, PD Concept Plan or Preliminary Subdivision Plat showing protection measures.
- (C) All Development activities on a site, including installation of public and private utilities, shall conform to the provisions of an approved plan showing tree protection measures.

4.4.4. Ecosystems

There are three basic ecosystems, which occur within the Town's jurisdiction.

- (A) **Piedmont Transition:** Areas with these conditions generally have silty loam surface soils and silty clay subsoil, hardwood-loblolly pine vegetation association and slopes of 5-12%. The overall appearance is much like North Carolina piedmont forests and farmlands.
- (B) **Lowland/Wetland:** Areas fitting these conditions generally occur at the base of slope, flat alluvial or adjoining creeks and streams. The vegetation and soils are typical of low, wet sites. Such areas are not

well suited for Development but serve as natural resources. The overall appearance is typical of emergency of perennial streams and headwaters with lowland vegetation.

- (C) **Sandhills:** Areas exhibiting these conditions generally have sandy surface soils with sandy or loam-clay subsoil, longleaf pine vegetation association and 2-12% slopes. The overall appearance is dominated by longleaf pine forest conditions.

4.4.5. Specimen Trees

- (A) Specimen trees include all of the following: A specimen tree is any healthy living tree that:
 - (1) Has a DBH of twenty-four (24) inches or more; or
 - (2) A DBH of twelve (12) inches or more in the case of the following species: Ilex species (Holly), Magnolia species, or Pine species
- (B) Is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association; or
- (C) Provides unique habitat for any endangered or threatened wildlife species protected by Federal law.

4.4.6. Construction Activity on or Adjacent to Public Rights-of-Way

A permit for Right-of-Way Encroachment and Construction shall be required for:
(Ord. # 1716)

- (A) Any excavation of trenches or tunnels for the installation or repair of utilities taking place within the critical root zone of any specimen tree on public land.
- (B) Protection of trees in construction area:
 - (1) All trees to be saved on public right-of-ways near any excavation or construction of any building, structure, or new

streets shall be guarded with protective fencing or other equally effective measures. All construction material, dirt or other debris shall be kept outside the Protected Area.

- (2) No person shall deposit, place, store or maintain upon any street right-of-way, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree growing therein.

4.4.7. Preservation and Removal on Private Property

The following provisions apply to Specimen Trees on private land:

- (A) Specimen trees shall be shown on all Preliminary Development Plans and located by survey on required site plans. The Planning Director may visit the site to determine the accuracy of identification. The location and identification of specimen trees shall be required if such trees are within one hundred (100) feet of areas of a Development site where soil disturbance or construction activity is proposed.
- (B) Proposed Development should be designed to maximize the preservation of specimen trees. Where specimen trees exist, flexible approaches such as adjustments to Lot layout, placement of buildings and paved surfaces and location of utilities should be pursued in order to save them.
- (C) Saving a specimen tree shall constitute sufficient evidence that the requirements have been met for a variance application.
- (D) No soil disturbance from construction, trenching or grading, or paving, or storage of equipment or materials shall take place within the critical root zone of any specimen tree to be preserved unless during Development application review it is determined there is no reasonable way the property can be developed without such disturbance.

4.5. OFF-STREET PARKING AND LOADING

4.5.1. Generally

This section 4.5 establishes the minimum requirements for the number of spaces and the design of parking areas. This section provides administrative flexibility for the Planning Director to adjust the number of required spaces and the design of spaces to provide for adequate parking, accommodate unique site conditions and capitalize on the benefits of parking opportunities on-street or in shared parking areas.

4.5.2. Applicability

The requirements of this section shall be applicable to all new Development and changes of use that create the need for parking or increase existing parking demands, except as specifically provided in this section, authorized as part of a Variance, PDR or Certificate of Appropriateness approval, or allowed for a Development Pattern authorized in a specific zoning district.

4.5.3. Parking Space Requirements

- (A) All Developments in all zoning districts other than in portions of the central business area as established herein shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the Development in question. No off-street parking shall be required in the area bounded by Connecticut Avenue, Massachusetts Avenue, Bennett Street and Ashe Street.
- (B) Exhibit 4-6 establishes the minimum number of required off-street parking spaces that shall be provided for specified land uses. When determining the number of parking spaces, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.
- (C) The number and design of parking spaces for the disabled shall comply with the North Carolina State Building Code requirements for

handicapped parking. Bicycle parking shall be designed and located in a manner that is consistent with the Town's Bicycle Transportation Plan.

- (D) The Town Council recognizes that Exhibit 4-6 does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the Planning Director is authorized to determine the parking requirements using this table as a guide.

Exhibit 4-6: Minimum Number of Required Parking Spaces

Land Uses	Minimum Vehicle Parking Spaces	Minimum Bicycle Parking Spaces
RESIDENTIAL AND GUEST ACCOMMODATIONS		
1 and 2 family residences	2 spaces per Dwelling Unit	
Single-Family, attached, including Townhouses and Condominiums	2 spaces per Dwelling Unit	
Multi-Family		1 space per 10 Dwelling Units
0-1 bedrooms	1 space per Dwelling Unit plus 1 space per 5 Dwelling Units for visitors	
2-3 bedrooms	2 spaces per Dwelling Unit plus 1 space per 5 Dwelling Units for visitors	
4 or more bedrooms	2.5 spaces per Dwelling Unit plus 1 space per 5 Dwelling Units for visitors	
Multi-Family, assisted or subsidized	Multi-Family Dwelling Units developed or sponsored by a public or nonprofit agency for limited income families or the elderly require only 1 space per Dwelling Unit	
Congregate living, including nursing homes and intermediate care facilities		
Adults and families	3 spaces for every five beds	
Children under age 16	1 space for every 3 beds plus 1 space for 400 square feet of administrative area	
Rooming house, bed and breakfast, and tourist home	1 space for each guest room plus 2 additional spaces for the resident owner or manager.	

Land Uses	Minimum Vehicle Parking Spaces	Minimum Bicycle Parking Spaces
Hotels and motels	1 space for each room to be rented plus additional spaces (in accordance with other sections of this table) for restaurant or other facilities.	
RETAIL, SALES AND SERVICE		
Vehicle and boat sales	1 space per 200 square feet of Gross Floor Area.	
Gasoline and vehicle fuel sales	1 space per 200 square feet of Gross Floor Area of building devoted primarily to gas sales operation, plus sufficient parking area to accommodate vehicles at pumps without interfering with other parking spaces	
Automotive repair	1 space per 200 square feet of Gross Floor Area	
Car wash	Conveyor type-1 space for every three employees on the maximum shift plus reserve capacity equal to five times the capacity of the washing operation. Self-service type-2 spaces for drying and cleaning purposes per stall plus 2 reservoir spaces in front of each stall.	
Heavy consumer goods	1 space per 400 square feet of Gross Floor Area	
Other retail sales	1 space per 200 square feet of Gross Floor Area	1 space per 5,000 square feet
Open air markets	1 space per 1,000 square feet of Lot area used for storage, display or sales.	1 space per 5,000 square feet
Banks and credit unions	1 space per 200 square feet of Gross Floor Area	1 space per 5,000 square feet of floor area
Financial, real estate, travel and legal services	1 space per 300 square feet of Gross Floor Area	1 space per 5,000 square feet of floor area
Other professional offices	1 space per 400 square feet of Gross Floor Area	1 space per 5,000 square feet of floor area
Animal services	1 space per 200 square feet of Gross Floor Area	
Restaurants (<i>Ord. # 1716</i>)	1 space per 100 square feet of Gross Floor Area plus one space per 100 square feet of outdoor seating area	1 space per 5,000 square feet of floor area
Personal care and other consumer services	1 space per 200 square feet of Gross Floor Area	1 space per 5,000 square feet of floor area
Laundromats and dry cleaners	1 space per 200 square feet of Gross Floor Area	

Land Uses	Minimum Vehicle Parking Spaces	Minimum Bicycle Parking Spaces
MANUFACTURING, WAREHOUSING AND WHOLESALE		
Manufacturing with on-site sales	1 space per 200 square feet of sales and administrative area plus one space per 600 square feet of production area	
Manufacturing with no on-site sales	1 space for every two employees on the maximum shift except that, if permissible in the commercial districts, such uses may provide 1 space per 200 square feet of Gross Floor Area	
Warehouse and outdoor storage facilities	1 space for every two employees on the maximum shift but not less than 1 space per 5,000 square feet of area devoted to storage (whether inside or outside).	
Self-service storage	1 space per 50 storage units	
Wholesale	1 space per 400 square feet of Gross Floor Area.	
TRANSPORTATION, COMMUNICATION AND UTILITIES		
Transportation services	1 space per 200 square feet of administrative floor area	
Carriers, package delivery and postal services	1 space per 200 square feet of Gross Floor Area	1 space per 5,000 square feet of floor area
Recycling centers	1 space for every employee on maximum shift.	
ARTS, ENTERTAINMENT AND RECREATION		
Theaters and stadiums	1 space for every four seats	1 space per 5,000 square feet of floor area
Libraries/museums	1 space per 300 square feet of Gross Floor Area	1 space per 2,500 square feet of floor area
Indoor recreation	1 space for every 3 persons that the facilities are designed to accommodate when fully utilized (if they can be measured in such a fashion-example tennis courts or bowling alleys) plus 1 space per 200 square feet of Gross Floor Area used in a manner not susceptible to such calculation.	1 space per 5,000 square feet of floor area
Country clubs	1 space per 200 square feet of area within enclosed buildings, plus	
Public recreation, outdoor	1 space for every 3 persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.	1 space per 10,000 square feet of recreation area

Land Uses	Minimum Vehicle Parking Spaces	Minimum Bicycle Parking Spaces
Commercial recreation parks	Miniature golf course, skateboard park, water slide and similar uses-1 space per 300 square feet of Lot area devoted to the activity plus 1 space per 200 square feet of building Gross Floor Area; Driving range-1 space per tee plus 1 space per 200 square feet in building Gross Floor Area; Par Three Course-2 spaces per golf hole plus 1 space per 200 square feet of building Gross Floor Area.	1 space per 10,000 square feet of recreation area
Stables	1 space per horse that could be kept at the stable when occupied to maximum capacity.	
Golf resort	1 space for every two employees on maximum shift plus additional spaces (in accordance with other sections of this table) for restaurants, golf and country clubs and Dwellings.	
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE AND OTHER INSTITUTIONS		
Nursery schools/day care	1 space per employee plus 1 space per 200 square feet of Gross Floor Area	
Elementary and middle schools	1.175 spaces per classroom in elementary schools,	3 spaces per classroom
High schools	5 spaces per classroom	3 spaces per classroom
Colleges and universities	1 space per 150 square feet of Gross Floor Area	1 space per 2,400 square feet of academic space
Trade Schools	1 space per 100 square feet of Gross Floor Area	
Hospitals and clinics	2 spaces per bed or 1 space per 150 square feet of Gross Floor Area, whichever is greater.	
Medical and dental offices	1 space per 150 square feet of Gross Floor Area. May be reduced to 1 space per 300 square feet for single practitioners	
Emergency services	1 space per 200 square feet of Gross Floor Area	
Religious institutions	1 space for every four seats in the portion of the church building to be used for services plus spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses, plus 1 space for every 200 square feet of Gross Floor Area designed to be used neither for services nor residential purposes.	
Death care services	1 space per 100 square feet of area open to the public plus 1 space per 200 square feet of other areas.	

Land Uses	Minimum Vehicle Parking Spaces	Minimum Bicycle Parking Spaces
Associations, non-profit organizations and private clubs	1 space per 100 square feet of meeting area plus 1 space per 200 square feet of administrative area	
CONSTRUCTION RELATED BUSINESSES		
Contracting offices	1 space for every 400 square feet of office space plus 1 space for every 1000 feet of storage area. Equipment and employee parking shall be located in a screened area behind the Principal Structure.	
AGRICULTURE AND FORESTRY		
Agricultural uses	1 space for every two employees on maximum shift	
Greenhouses with retail sales	1 space per 200 square feet of Gross Floor Area	
OTHER USES		
Home Occupations	2 spaces plus 1 space for each non-resident employee	

4.5.4. Flexibility in Administration Required

The Town Council recognizes that, due to the particularities of any given Development, the inflexible application of the parking standards set forth in Exhibit 4-6 may result in a Development either with inadequate or excess parking space. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private Lots. The latter situation results in a waste of money as well as a waste of space that could more desirably be used for Development or environmentally useful open space. Therefore, the Planning Director may permit reductions in the number of spaces or require more parking if the Planning Director finds in writing and notes on the building permit or zoning permit approval that such deviations are more likely to satisfy actual parking needs in accordance with this section.

(A) The Planning Director may reduce the required number of spaces when:

- (1) The Applicant agrees that the reduction for a project serving the elderly shall apply only as long as a residential Development is oriented toward the elderly;

- (2) A business is primarily oriented to walk-in trade;
- (3) The site is a reuse of a constrained site in a CB, NB or OS district and the Planning Director finds that at least ninety (90) percent of the required parking can be provided on-site, off-site or through a shared parking agreement;
- (4) The Applicant has entered into an irrevocable agreement secure off-site parking;
- (5) The Applicant has entered into an agreement for shared parking pursuant to section 4.5.10; or
- (6) The Applicant has submitted and the Director concurs with a parking study, prepared by qualified professional.
 - (a) Such a study must illustrate that the parking requirements do not accurately apply to the specific Development proposal.
 - (b) The data submitted must include, at a minimum, the size and type of the proposed Development, the mix of uses,

the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses.

- (c) The data must be obtained either from relevant studies published in refereed journals or other secondary source of comparable authority; or from primary studies of no fewer than three comparable Developments within the regional market.

- (B) The Planning Director may require an increase in the number of parking spaces when:

- (1) The proposed use is located near a concentration of similar uses and there is a record of citizen complaints about a lack of sufficient parking; or
- (2) The Planning Director finds that the proposed use differs operationally from the typical parking generation for a comparable use shown in Exhibit 4-6.

- (C) The Planning Director may allow aisle widths to be reduced by up to one (1) foot per lane from the minimums established in Exhibit 4-7 for constrained infill and reDevelopment sites if the parking spaces accessed from such aisles are increased in width by at least one-half (1/2) foot.

(Ord. #1714)

4.5.5. Parking Space and Aisle Dimensions

- (A) Except as otherwise provided in this section, parking spaces and aisles shall comply with the minimum dimensions established in Exhibit 4-7.

- (B) In parking areas containing ten (10) or more parking spaces:

- (1) Up to twenty (20) percent of the parking spaces may contain a rectangular area of only eight (8) feet in width by sixteen (16) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
- (2) Up to five (5) percent of the required parking spaces may be designated for motorcycle or motor scooter parking in spaces measuring at least four (4) feet wide by (8) feet long.

- (C) Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-two (22) feet by eight (8) feet.

- (D) Driveways that are not parking aisles shall be not less than ten (10) feet in width for one-way traffic and twenty (20) feet in width for two-way traffic, except that ten (10) feet wide driveways are permissible for two-way traffic when:

- (1) The driveway is no longer than fifty (50) feet;
- (2) It provides access to not more than six (6) spaces; and
- (3) Sufficient turning space is provided so that vehicles need not back into a public street.

(Ord. # 1716)

Exhibit 4-7: Parking Space Design Standards

A Parking Angle (degrees)	B Standard Stall Width (feet)	C Stall Depth from Curb (feet)	D Aisle Width 1-way/2- way (feet)	E Curb Length (feet)	Minimum Lot Width (feet) (2 rows plus aisle)
0	8	8	10/22	22	28
30	9	15	10/22	18	40
37.5	9	16	11/22	15.1	43
45	9	17	13/22	12.7	47
52.5	9	18	15/22	11.4	51
60	9	19	18/22	10.4	56
90	9	19	24/24	9	62

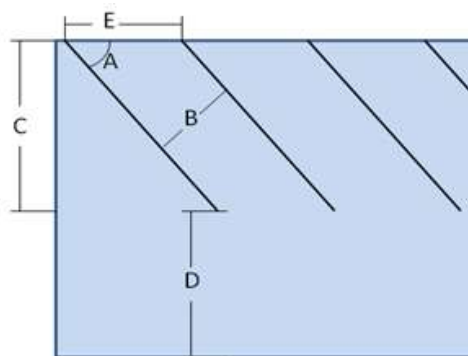


Table Note: Letters A-E in the first 5 columns correspond with the angles and dimensions shown to right.

4.5.6. Parking Lot Locations

- (A) In the CB zoning districts parking lots shall be located on the rear or interior side of any building. There shall be no parking between the front elevation of the building and street right-of-way. The CB areas falling within the DTO district are exempt from this requirement and can have a maximum of two (2) rows (one aisle with parking on both sides) of parking between the building and street.
- (B) In the NB zoning district a maximum of one row (an aisle with parking on one side) of parking is permitted between the building and street.
- (C) The standards in paragraphs (A) and (B) shall not apply to any back building where there is an intervening building between the back building and any street in the CB and NB districts.

- (D) In the GB zoning district, a Development with seventy-five (75) or fewer parking spaces shall have a maximum of two (2) rows of parking spaces between any street and the front elevation of a building. All other parking must be located on the side or rear of the building. Developments with more than seventy-five (75) parking spaces must have parking on at least (3) three sides of the building with not more than thirty (30) percent of the parking spaces located in the front of the building.

4.5.7. General Design Requirements

- (A) Except for Single-Family and Duplex driveways and authorized head-in parking within the public right-of-way, parking spaces shall be designed to prohibit backing and driving forward directly into a public

right-of-way. All other parking spaces shall be designed so that vehicles do not have to back across a sidewalk.

- (B) Except for spaces serving single-family residences, parking spaces shall be designed to prohibit any space from being inaccessible when any other space is occupied.
- (C) At the end of any dead-end parking aisle, a vehicle maneuvering area measuring at least twenty-four (24) feet wide by six (6) feet deep shall be provided.
- (D) The placement of barrier curbs is required to:
 - (1) Protect all landscaped areas from vehicular damage;
 - (2) Ensure that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way;
 - (3) Ensure that vehicles do not extend over sidewalks;
 - (4) Protect building walls or other structures from damage.
- (E) Non-continuous curbs or wheel stops shall be used where stormwater drains into landscaping, detention or retention areas.
- (F) Vehicle Use Areas of all Developments shall be designed so that sanitation, emergency and other public service vehicles can serve such Developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
- (G) Circulation Areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

4.5.8. Vehicle Use Area Surfaces

- (A) Vehicle Use Areas that (i) include lanes for drive-in windows or (ii) contain parking areas that are required to have more than ten (10) parking spaces and that are used regularly at least five (5) days per

week shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion and dust. Specifications for surfaces meeting the standard set forth in this section are contained in Appendix E.

- (B) Vehicle Use Areas that are not provided with the type of surface specified in paragraph (A) shall be graded and surfaced with crushed stone, gravel or other suitable material (as provided in the specifications set forth in Appendix E) to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties or other similar devices. In addition, whenever such a Vehicle Use Area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the Vehicle Use Area that opens onto such streets), shall be paved as provided in paragraph (A) for a distance of fifteen feet back from the edge of the paved street. This paragraph shall not apply to Single-Family or Two-Family Residences or other used that are required to have only one (1) or two (2) parking spaces.
- (C) Parking spaces in areas surfaced in accordance with paragraph (A) shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with paragraph (B) shall be demarcated whenever practicable.
- (D) Vehicle Use Areas shall be properly maintained in all respects and kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

4.5.9. Access between Parking Lots

The Town Council encourages property owners to provide access between parking lots that abut one another to facilitate traffic circulation from one parking Lot to another. Access points between parking lots shall be at least ten (10) feet in width for one-way traffic and twenty (20) feet in width for two-way traffic.

4.5.10. Shared Parking

- (A) One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.
- (B) The Planning Director may approve the joint use of parking spaces for uses generating parking demands at different times subject to the Applicant's demonstration that the available parking will be sufficient for both uses and the provision of a shared parking agreement pursuant to paragraph (D) of this section. For example, if a parking Lot is used in connection with an office building on Monday through Friday but is generally 90% vacant on weekends, another Development that operated only on weekends could be credited with 90% of the spaces on that Lot. Or, if a church parking Lot is generally occupied only to 50% of capacity on days other than Sunday, another Development could make use of 50% of the church Lot's spaces on those other days.
- (C) If the joint use of the same parking spaces by two (2) or more Principal Uses involves satellite-parking spaces, then the provisions of section 4.5.11 are also applicable.
- (D) Shared parking is permitted by agreement only. The agreement must:
 - (1) Be in writing and executed by all owners of the properties affected;
 - (2) Specify the parking being shared and the hours of operation by the uses involved;
 - (3) Be enforceable by the Town and approved by the Planning Director and the Town Attorney;
 - (4) Be recorded in the office of the clerk of court by the owner(s) of the property affected and a copy furnished to the Planning Director.

- (E) An affidavit stating that the shared parking agreement is valid and no change in use or hours of operation of the affected properties has occurred shall be submitted annually to the Planning Director.
- (F) A violation shall occur if a use is operated at a time other than during the hours of operation specified in the shared parking agreement. The Planning Director may revoke the certificate of use or occupancy for any use operated in violation of a shared parking agreement.
- (G) Reserved parking spaces may not be shared.

4.5.11. Satellite Parking

- (A) If the number of off-street parking spaces required by this chapter cannot reasonably be provided on the same Lot where the Principal Use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby Lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as "satellite" parking spaces.
- (B) All such satellite parking spaces (except spaces intended for employee use) must be located within 600 feet of a public entrance of a Principal Building housing the use associated with such parking, or within 600 feet of the Lot on which the use associated with such parking is located if the use is not housed within any Principal Building. Satellite parking in the CB district shall be located within 1,200 feet of the public entrance to the Principal Building. Satellite parking spaces intended for employee use may be located within 1,200 feet of the Use. Satellite parking spaces must be located in a zoning district that permits parking lots for the applicable Use. All distances in this paragraph refer to the walking distance along sidewalks.
- (C) The Applicant wishing to take advantage of the provisions of this section must present an agreement that complies with the provisions of 4.5.10(D). The Applicant also must Sign an acknowledgment that the continuing validity of his permit depends upon his continuing ability to provide the requisite number of parking spaces.

4.5.12. Special Provisions for Parking for Existing Buildings

The Planning Director may authorize the reuse of a building in reliance on reasonably available on-site, on-street and satellite parking when:

- (A) There exists a Lot with one or more structures on it constructed before the effective date of this chapter;
- (B) A change in use that does not involve any enlargement of a structure is proposed for such Lot;
- (C) The parking requirements of Exhibit 4-6 that would be applicable as a result of the proposed change cannot be satisfied on such Lot because there is not sufficient area available on the Lot that can practicably be used for parking; and
- (D) It is a continuing condition of the permit authorizing the Use that the Applicant will secure satellite parking when it does become available.

4.5.13. Loading and Unloading Areas

- (A) Except within the Historic Overlay District, whenever the normal operation of any Development requires that goods, merchandise or equipment be routinely delivered to or shipped from that Development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate such uses in a safe and convenient manner.

(Ord. #1714)

- (B) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the Development in question. Loading spaces shall be at least twelve (12) feet wide by fifty-five (55) feet long and have an overhead clearance of at least fourteen (14) feet.
- (C) Exhibit 4-8 lists the number of spaces required to comply with this section. However, the Planning Director may require up to ten (10)

percent fewer or more loading spaces if the resulting number reasonably satisfies the use's loading requirements.

Exhibit 4-8: Required Loading Spaces

Gross Leasable Area of Building	Number of Required Spaces
1,000 - 19,999	1
20,000 - 79,000	2
80,000 - 127,999	3
128,000 - 191,000	4
192,000 - 255,000	5
256,000 - 319,000	6
320,000 - 391,999	7
Plus one (1) for each additional 72,000 square feet or fraction thereof.	

- (D) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can:
 - (1) Maneuver safely and conveniently to and from a public right-of-way; and
 - (2) Complete the loading and unloading operations without obstruction or interfering with any public right-of-way or any parking space or parking Lot aisle.
- (E) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off street parking area be used to satisfy the area requirements for loading and unloading facilities.
- (F) The Planning Director may authorize the reuse of a building in reliance on reasonably available loading spaces when:
 - (1) There exists a Lot with one or more structures on it constructed before the effective date of this chapter;
 - (2) A change in use that does not involve any enlargement of a structure is proposed for such Lot; and

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

4.6. SIGNS

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

4.6.1. Purposes

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

- (A) Encourage the effective use of Signs as a means of communications in the Town;
- (B) Maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic Development and growth;
- (C) Improve pedestrian and traffic safety;
- (D) Minimize the possible adverse affect of Signs on nearby public and private property;
- (E) Foster the integration of Signage with architectural and landscape designs;
- (F) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height and excessive size (area) of Signs that compete for the attention of pedestrian and vehicular traffic;
- (G) Allow Signs that are compatible with their surroundings and aid orientation, while precluding the placement of Signs that contribute to Sign clutter or that conceal or obstruct adjacent land uses or Signs;
- (H) Encourage and allow Signs that are appropriate to the zoning district in which they are located and consistent with the category of use, activity and function to which they pertain;
- (I) Curtail the size and number of Signs and Sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
- (J) Establish Sign size in relationship to the scale of the Lot and building on which the Sign is to be placed or to which it pertains;
- (K) Categorize Signs based upon the function that they serve, and tailor the regulation of Signs based upon their function;
- (L) Preclude Signs from conflicting with the principal permitted use of the site and adjoining sites;
- (M) Regulate Signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;
- (N) Except to the extent expressly preempted by state or federal law, ensure that Signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe Signs;
- (O) Preserve, conserve, protect and enhance the aesthetic quality and scenic beauty of all districts of the Town;
- (P) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- (Q) Protect property values by precluding, to the maximum extent possible, Sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness or movement;
- (R) Protect property values by ensuring that Sign types, as well as the number of Signs, are in harmony with buildings, neighborhoods and conforming Signs in the area;

- (S) Regulate the appearance and design of Signs in a manner that promotes and enhances the beautification of the Town, and that complements the natural surroundings in recognition of the Town's reliance on its natural surroundings and beautification efforts in retaining economic advantage for the community; and
- (T) Enable the fair and consistent enforcement of these Sign regulations.

4.6.2. Applicability

The provisions of this Sign Code are applicable to all Signs, except as specifically provided in this section, authorized as part of a Variance, PDB or Certificate of Appropriateness approval, or allowed for a Development Pattern authorized in a specific zoning district.

4.6.3. Substitution of Noncommercial Speech for Commercial Speech

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

(Ord. # 1716)

4.6.4. Severability clause.

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

(Ord. # 1716)

4.6.5. Determining the Number of Signs

- (A) For the purpose of determining the number of Signs, a Sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single Sign.
- (B) A multi-sided Sign shall be regarded as one Sign.
- (C) One (1) Logo Emblem Sign is allowed in addition to the permitted number of wall signs.

4.6.6. Computation of Sign Area

- (A) The surface area of a Sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display together with any material or color forming an integral part of the background of the display or used to differentiate the Sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
- (B) If the Sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the Sign area. The area between a Wall Sign and a Logo Emblem Sign is exempt from the computation of Sign area. In the instance an establishment has a Wall Sign and Logo Emblem Sign on the same frontage, the area between the Wall Sign and the Logo Emblem Sign will not count towards the computation of the Sign area; only the surface area of the Sign shall be included in the computation of the Sign area.

- (C) With respect to two-sided, multi-sided or three dimensional Signs, the surface area shall be computed by including the total of all sides designed either to attract attention or communicate information that can be seen at one time by any person from any vantage point. For example, with respect to a typical two-sided Sign where a message is printed on both sides of a flat surface, the Sign area of one side (rather than the sum total of both sides) shall be regarded as the total Sign area of that Sign, since one can see only one side of the Sign from any vantage point.
- (D) With respect to V-shaped Signs, the surface area shall be calculated as in paragraph (C) above provided that the angle of the intersecting Sign planes does not exceed ninety (90) degrees. If the angle of the intersecting Sign planes exceeds ninety (90) degrees, Sign area shall be computed as it would for a one-sided Sign.
- (E) In computing items of information, letters less than three (3) inches in height, if contained in a Wall Sign, shall not be counted.

4.6.7. Total Sign Area

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

- (D) **Other Commercial Districts.** Subject to the other provisions of this section, the maximum Sign area permitted on any Lot in a commercial district other than the GB district or I district shall be determined by multiplying the number of feet of street frontage of the Lot by one-half (0.5) feet. However, in no case may the total Sign area exceed one-hundred (100) square feet.
- (E) **Multiple Frontage Lots.** If a Lot has frontage on more than one (1) street, then the total Sign area permitted on that Lot shall be the sum of the Sign area allotments related to each street on which the Lot has frontage. However, the total Sign area that is oriented toward a particular street may not exceed the portion of the Lot's total Sign area allocation that is derived from frontage on that street.
- (F) **Lots with No Frontage.** Whenever a Lot has no street frontage on any Lot boundary and an Applicant desires to install on such a Lot a Sign that is oriented toward a street, then the total Sign area permitted on that Lot shall be the Sign area that would be allowed if the Lot boundary closest to the street toward which such Sign is to be oriented fronted on such street.
- (G) **Wall Signs.** The area of any Sign located on a wall of a structure may not exceed fifty (50) percent of the total surface area of the wall on which the Sign is located.
- (H) **Signs within the Historic District Overlay.** Subject to other provisions of this section, the maximum total sign area permitted for signs for commercial entities located within the Historic District Overlay is fifteen (15) square feet for establishments with frontage on one street and twenty-five (25) square feet for establishments with frontage on two streets. Residential properties and dwellings located within the Historic District Overlay are limited to a maximum total sign area of four (4) square feet.

(Ord. #1775)

4.6.8. Freestanding Sign Area

- (A) For purposes of this section, a side of a Freestanding Sign is any plane or surface included in the calculation of the total Sign area as provided in section 4.6.6. For example, Wall Signs typically have one side. Freestanding Signs typically have two sides (back-to-back), although four-sided and other multi-sided Signs are also common.
- (B) A single side of a Freestanding Sign may not exceed thirty-five (35) square feet on Lots with less than four-hundred (400) feet of frontage and fifty (50) square feet on Lots with four-hundred (400) or more feet of frontage on the street toward which the Sign is primarily oriented.
- (C) With respect to Freestanding Signs that have no discernible "sides", such as spheres or other shapes not composed of flat planes, no such Freestanding Sign may exceed the maximum total surface area allowed under paragraph (B) of this section for a single side of a Freestanding Sign.

4.6.9. Number of Signs Allowed**(A) Freestanding Signs**

- (1) Except as authorized by this section, no Development shall have more than one (1) Freestanding Sign.
- (2) If a Development is located on a corner Lot that has at least one-hundred (100) feet of frontage on each of the two (2) intersecting public streets, then the Development may have not more than one (1) Freestanding Sign along each side of the Development bordered by such streets.
- (3) If a Development is located on a Lot that is bordered by two public streets that do not intersect at the Lot's boundaries (double front Lot), then the Development may have not more than one (1) Freestanding Sign on each side of the Development bordered by such streets.

- (4) For property with no less than nine-hundred (900) feet of frontage that abuts the US Highway 1 corridor that has topography substantially or completely blocking the view of a business Sign by passerby motorists from each direction, the positioning of one (1) additional Sign (no more than (2) two frontage Signs in total), one at each end of the property will be permitted. This is intended to provide the business with reasonable highway motorist exposure as other businesses have located on either side of the highway corridor. The additional Sign must conform to the requirements as specified in this section 4.6 of the UDO, and shall not to exceed sixteen (16) square feet in size.
- (5) All Freestanding Signs shall be of a shape that the ratio between the maximum and minimum dimensions shall not exceed 2 to 1.

(B) Wall and Logo Emblem Signs

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

4.6.10. Sign Location and Height Requirements

- (A) No Sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof surfaces constructed at an angle of seventy-five (75) degrees or more from horizontal shall be regarded as wall space. This provision shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.
- (B) No Wall Sign attached flat to a building may project more than twelve (12) inches from the building wall. Projecting Signs may, however, exceed the twelve (12) inch limit. One Projecting Sign not to exceed four (4) square feet in Sign area, may be allowed per establishment in the CB zoning district. The bottom edge of such Projecting Signs must be located at least eight (8) feet above the sidewalk.
- (C) No Sign or supporting structure may be located in or over the traveled portion of any public right-of-way unless the Sign is attached to a structural element of a building and an encroachment permit has been obtained from the Town.
- (D) No part of a Freestanding Sign may exceed a height, measured at average grade at the base of the Sign, established in Exhibit 4-9.

Exhibit 4-9: Maximum Sign Height

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

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

4.6.11. Sign Illumination and Signs Containing Lights

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

- (A) No Sign within one-hundred-fifty (150) feet of a residential zone may be illuminated between the hours of 12 midnight and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the Lot where it is located is entirely inconsequential.
- (B) Lighting directed toward a Sign shall be shielded so that it illuminates only the face of the Sign and does not shine directly into a public right-of-way or residential premises.
- (C) Subject to paragraph (E) of this section, illuminated tubing or strings of lights that outline property lines, sales areas, roof lines, doors, windows or similar areas are prohibited.
- (D) Subject to paragraph (E) of this section, any illuminated Sign shall be lighted with non-flashing and motionless illumination. Signs shall not include or have the appearance of animation or electronic changeable message(s).
- (E) Exceptions to these Sign illumination requirements as follows:
 - (1) Paragraphs (C) and (D) of this section do not apply to Temporary Signs erected in connection with the observance of holidays.
 - (2) Paragraph (C) does not apply to:
 - (a) Strings of miniature white lights in the **CB** District;
 - (b) Lights used on theater marquees in the Central Business District;
 - (c) A single lighted window sign measuring no larger than one square foot in area; and
 - (d) Architectural accent lights for which the source is completely screened from view from all streets, sidewalks and abutting property lines. Such accent lights shall be downlit, shall not illuminate more than thirty (30) percent

of the length of any wall and shall be subject to approval through the Architectural Compliance Permit process.

4.6.12. Subdivision and Multi-Family Development Entrance Signs

- (A) At any entrance to a residential subdivision or Multi-Family Development, there may be either one double faced identification Sign not to exceed thirty-two (32) square feet in size or two (2) single faced identification Signs not to exceed thirty-two (32) square feet per face. Such Signs must be of a Monument style and shall not exceed six (6) feet in height.
- (B) In addition to any entrance Signs, subdivisions may have Signs within the Development identifying specific sections within the subdivision. A section may have two (2) single face Signs not to exceed sixteen (16) square feet in size per face. The subdivision may have one (1) section Sign (up to two (2) Sign faces) for each thirty (30) Lots, Townhouses or Condominium Dwelling Units. Section Signs shall be available to PD districts and shall not be visible from the main thoroughfare or any other street from which the subdivision obtains access. Such Signs must be of a Monument style and shall not exceed six (6) feet in height.
- (C) At any entrance to an office/commercial/industrial Development there may be one double-faced Sign not to exceed one-hundred (100) square feet in size. Such Signs must be of a Monument style. Maximum height of such Sign(s) is ten (10) feet. To qualify for such Signage the Development must be a minimum of fifty (50) acres in size; the Development is limited to two (2) Signed entrances with a minimum one-thousand (1,000) feet of separation between Signs on the same street. Such Signs shall be located parallel to the entrance road outside of any Traffic Visibility Triangle.
- (D) At any entrance to an office-subdivision there may be one (1) double-faced Sign not to exceed thirty-two (32) square feet in size. Such Signs

must be of Monument style. Maximum height of such Sign(s) is seven (7) feet. To qualify for such a Signage the Development must be a minimum of ten (10) acres in size. The Development is limited to two (2) Signed entrances with a minimum one-thousand (1,000) feet of separation between Signs on the same street. Such Signs shall be parallel to the entrance road outside of any Traffic Visibility Triangle.

4.6.13. Shopping Center Signs

- (A) Shopping Centers are required to maintain a Unified Sign Plan.
- (B) Signs in Shopping Center Developments are restricted to Monument Signs, Wall Signs, Projecting Signs, Canopy Signs and certain Temporary Signs delineated in section 4.6.16.
- (C) One (1) Monument Sign per Shopping Center is permitted. However, for Developments having multiple arterial street frontages one additional Monument Sign may be approved for each arterial street frontage. Monument Sign area is calculated at one (1) square foot of Sign area for each linear foot of street frontage or one-hundred (100) square feet of Sign area, whichever is less. Monument Signs shall not exceed a height of ten feet. Additional Monument Signs may be permitted for outparcel buildings within a Shopping Center Development provided that:
 - (1) There is only one (1) Freestanding Sign per out-parcel;
 - (2) The maximum Sign area for the Monument Sign is thirty-two (32) square feet;
 - (3) The maximum height of the Monument Sign is ten (10) feet; and
 - (4) The Sign is not located within one hundred (100) feet of any other Freestanding Sign.
- (D) One Wall Sign per separate business establishment is permitted. A second Wall sign may be established if the business establishment has

frontage on more than one street or if the business establishment's parking is not located between the establishment and street.

Allowable Wall Sign area is determined as follows:

- (1) Establishments with a building frontage of fifty (50) feet or less shall have no Sign greater than thirty-five (35) square feet.
 - (2) Establishments with a building frontage greater than fifty (50) feet shall have a maximum Wall Sign area of one (1) square foot of Sign area for each 1 foot of building frontage or two-hundred (200) square feet of Sign area, whichever is less.
- (E) One (1) projecting sign per separate business establishment is permitted. Projecting signs may exceed the twelve (12) inch limit for signs attached to a wall. Projecting signs are not to exceed four (4) square feet in sign area. The bottom edge of such projecting signs must be located at least eight (8) feet above the sidewalk.

4.6.14. Landmark Signs

- (A) Landmark Signs are monument structures identifying the name of a specific sub-area or major mixed-use Development. Landmark Signs shall only display the name of the sub-area or overall Development and shall not depict the name of any businesses or subdivisions within the project area.
- (B) Landmark Signs are only permitted in the PD (Planned Development) zoning classification.
- (C) The location and number of Landmark Signs permitted within a Development will be determined during the Planned Development application process for the entire Development. For existing Developments eligible for Landmark signs, the location and number of Landmark Signs will be determined by the Town of Southern Pines Planning Staff.
- (D) No Landmark Sign shall be located within one thousand two hundred (1,200) feet of another Landmark Sign.

- (E) If a Landmark Sign is used as part of commercial Development project, the Sign shall be counted as an authorized Monument Sign.
- (F) The Town Council will approve the architectural design of Landmark Signs through the Architectural Compliance Permit process. Landmark Signs must compliment the character and architectural design of the Development. Landmark Signs must also be consistent with other permitted signage to create a unified signage character for the entire Development.
- (G) Landmark Signs shall not exceed the following dimensional restrictions:
 - (1) The maximum height for a Landmark Sign is twenty-five (25) feet;
 - (2) The base of the structure shall not exceed one hundred square feet; and
 - (3) The maximum profile area of the Landmark Sign shall not exceed one-hundred and fifty (150) square feet. Profile area is the area within the maximum height and width extent of the sign as viewed horizontally from any side.
- (H) Illumination of Landmark Signs must be internal to the sign monument or lit from above in a downward fashion. No up-lighting of these signs will be permitted.

4.6.15. Signs Exempt from These Regulations

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

- (A) Signs not exceeding four square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as (i) Signs giving property identification names or numbers or names of occupants, (ii) Signs on mailboxes or paper tubes, and (iii) Signs posted on private property relating to private parking or warning the public against trespassing or danger from

animals. In the HCO district, such Signs shall not exceed two (2) Signs per zoning Lot nor two (2) square feet in area per display surface and shall not be taller than three (3) feet in height

- (B) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational Signs and traffic, directional or regulatory Signs.
- (C) Official Signs of a non-commercial nature erected by public utilities.
- (D) Flags, pennants or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device. However, the number of such flags, pennants or insignia shall be limited to three (3) per premises.
- (E) Legal notices, identification and informational Signs and traffic directional or regulatory Signs erected by or on behalf of a governmental body.
- (F) Memorial Signs or tablets and names and construction dates of buildings when cut into any masonry surface or mounted bronze Plaque.
- (G) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts or lights.
- (H) Signs directing and guiding traffic and parking on private property that do not exceed four (4) square feet each and that bear no advertising matter visible from public right-of-way.
- (I) Church bulletin boards and church identification Signs that do not exceed one (1) per abutting street and sixteen (16) square feet in area. A maximum of two (2) off-premises church identification Signs may be permitted provided that each Sign does not exceed two square feet in area.

- (J) Devices, depictions, letterings, or symbols painted on or otherwise affixed to currently licensed motor vehicles and not used in violation of this chapter.
- (K) School identification Signs that do not exceed one per abutting street and sixteen (16) square feet in area. The Development in which the school is located cannot exceed (1) one Sign per street frontage per section 4.6.9.

4.6.16. Certain Temporary Signs Not Requiring Permits

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

(Ord. # 1919)

- (A) Signs containing the message that the real estate on which the Sign is located (including buildings) is for sale, lease or rent, together with information identifying the owner or agent.
 - (1) Such Signs may not exceed six (6) square feet in area and shall be removed immediately after sale, lease or rental.
 - (2) For Lots of less than five (5) acres, a single Sign on each street frontage may be erected. For Lots of five (5) acres or more in area and having a street frontage in excess of four hundred (400) feet, a second Sign not exceeding six (6) square feet in area may be erected.
 - (3) Each Sign shall be located no closer than ten feet to the paved portion of a road (street) or ten (10) feet from the edge of the travel portion of a non-paved road (street).

- (4) In the HCO districts such Signs may include up to sixteen (16) square feet per display surface for property zoned non-residential or located within an approved planned Development
- (5) All such Signs shall be removed not more than seven (7) days after sale, rental or lease of the premises.
- (B) Construction site/opening soon identification Signs. Construction Signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractor, funding sources and related information. Not more than one such Sign may be erected per site and it shall not exceed four (4) square feet in area per display surface for Single-Family or Duplex construction or thirty-two (32) square feet in area for Multi-Family or non-residential construction. Such Signs shall not be erected prior to the issuance of a building permit and shall be removed within ten (10) days after the issuance of a Certificate of Occupancy. One "Opening Soon" Sign may be permitted per building site provided such Sign does not exceed thirty-two square feet in area and is erected for a period not to exceed sixty (60) days.
- (C) Signs attached temporarily to the interior of a building window or glass door, such Signs, individually or collectively, may not cover more than fifty percent of the surface area of the transparent portion of the window or door to which they are attached.
- (D) Displays, including lighting, erected in connection with the observance of holidays. Such Signs shall be removed within ten (10) days following the holidays.
- (E) Signs erected in connection with elections or political campaigns. The maximum allowable Sign area of any such Sign shall be six (6) square feet. Each Sign shall be located no closer than ten (10) feet to the paved portion of a road or ten (10) feet from the edge of the travel portion of a non-paved road and may not be attached to a tree or other living plant material. No more than one Sign per candidate shall be permitted for each street frontage per Lot. Such Signs may only be erected within two (2) weeks of the date of the primary, general or

special election and must be removed within two (2) days following the primary, general or special election voting day for which the signs are intended to serve. If the period of time between a primary and a general or special election for which the primary is serving is less than four (4) weeks, measured from the date of the primary voting day to the date of the general or special election voting day, the signs shall be allowed to remain in place. Such Signs may be erected at officially designated polling places on the day of the election and shall be limited to one (1) Sign per candidate.

- (F) Banners and other Signs indicating that a special event such as a fair, carnival, circus, or festival is to take place on the Lot where the Sign is located. Such Signs may be erected up to one (1) week before the event and must be removed not later than three (3) days after the event.
- (G) Temporary Signs announcing the openings of new businesses, provided such Signs are on the premises in which the business is located do not exceed thirty-two (32) square feet of display area per business site and are displayed for a period not to exceed thirty (30) days.
- (H) Yard, auction or garage sale Signs announcing yard or garage sales, provided such Signs do not exceed one (1) Sign per site of such sale nor four (4) square feet in area per display surface and are removed within twenty (24) hours of erection.
- (I) Temporary Off-Premises directional and instructional Signs concerning an annual public event may be allowed on private property and public street rights-of-way provided that the following conditions are met:
 - (1) A \$100.00 fee is paid to the Planning Department. A maximum of \$75.00 of the fee is refundable at such time as the administrator is assured that all such Signs erected have been removed.

- (2) The Signs contain only directional and instructional information solely for the purpose of directing pedestrian and/or vehicular traffic to an annual non-profit and non-commercial activity or function.
 - (3) The public event or function for which the Signs are proposed is undertaken by a bona-fide non-profit, civic, religious, charitable or fraternal organization. The Signs not exceed four (4) square feet in area and not exceed a height of three (3) feet.
 - (4) The Signs shall be independently free-standing ground Signs (not attached to a tree or other living plant material, utility poles or building) and be located so as not to infringe on a sight distance triangle.
 - (5) The Signs shall be erected for no more than one day prior to the start of the event and removed one day after the completion of the event but in no case shall such Signs be erected for a total period to exceed seven (7) days.
- (J) Signs or banners indicating the following special events: Rockingham NASCAR races, Stoneybrook Steeplechase, professional golf tournaments, Springfest/Tour de Moore, Autumnfest, Elk's National Golf Tournament or other special events recognized by resolution of the Town Council, public service messages by the Police or Fire Departments. Such Signs or banners may be erected up to one (1) week before the event and must be removed not later than the first business day after the event. Maximum size of temporary banners shall be forty (40) square feet. Not more than one (1) Sign or banner shall be allowed per business. Such Signs or banners must be produced by a commercial Sign company.
- (K) Banners indicating the 50th, 75th and 100th year celebration for churches. Such banners shall be a maximum size of forty (40) square feet and shall be permitted for one (1) year.
- (L) Banner flags displayed on any theater in the Central Business (CB) District when they are used to call attention to a forth coming or current performance or event at the theater. Banner flags shall not exceed thirty (30) square feet in size. Banners shall be erected no more than ten (10) days prior to an event and must be removed within two (2) days after the event.
- (M) In the C.B. district, Signs placed by the occupant of the premises within twelve (12) feet of the premises if:
- (1) The Sign does not interfere with vehicular or pedestrian traffic;
 - (2) The Sign's area is no greater than six square feet;
- The Sign is removed when the premises are not open for business.
- (Ord. #1703)*
- 4.6.17. Miscellaneous Restrictions and Prohibitions**
- (A) No Off-Premises Signs (except those exempted from regulation or from permit requirements under sections 4.6.13 and 4.6.14) may be located in any district. Off-Premises Signs are prohibited in all HCO Districts, except those which existed on March 1, 1995 in, the Town of Southern Pines that:
- (1) Are located along federal aid primary highways for which Sign compensation is regulated by state and federal law; and
 - (2) Were erected and are permitted and maintained in compliance with state regulations.
- (B) All Signs, including the supports, frames and embellishments thereto, shall be located outside of any public right-of-way.
- (C) No Sign shall be attached, affixed or painted on any utility pole, light standard, telecommunications pole, any tree or other natural object.

- (D) No Sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
- (E) Signs shall not include or have the appearance of animation or changeable information. Without limiting the foregoing, banners, streamers, animated display boards, pennants and propellers are prohibited. The restriction of this section shall not apply to exempt flags, pennants or insignia.
- (F) Freestanding Signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the Sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.
- (G) No Portable Signs except those meeting the requirements of Section 4.6.16 shall be allowed in any zoning district.
- (H) Canopy Signs are permitted when suspended or attached to the underside of a canopy provided such Signs do not exceed six (6) square feet in area and shall be located at least eight feet above the sidewalk.
- (I) Flags, pennants or insignia of any governmental or non-profit organization shall be limited to three (3) per premises.
- (J) The Sign area of a Sign permanently painted, affixed or placed in a building window that is visible from a street right-of-way shall be restricted to no more than forty (40) percent of the total window area.
- (K) Awning signs shall be located on the awning valance and shall not exceed twelve (12) square feet in area or cover more than twenty (20) percent of the awning area.
- (L) No Sign on a vehicle shall be located in any zoning district when the vehicle on which the Sign appears is placed so that the practical effect of the Sign on the vehicle is to advertise the entity or activity to which

the Sign refers rather than to identify the vehicle, unless the vehicle is being used off-premises in the regular course of business or is being operated, loaded, or unloaded.

- (M) Nothing in this code shall be interpreted to allow for the use of Dynamic Digital Signs (electronic message centers, television screen type) or apparatus as part of a permissible Sign. This provision is not intended to limit the use of LED bulbs to illuminate signs.

(Ord. # 1716)

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

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

- (O) Signs in Residential Districts

- (1) Lighting of Signs in Residential and Planned Development districts is permitted with only direct illumination. All fixtures must be concealed and spillover of light must be minimal.

- (2) No Sign shall be erected or displayed in any Residential or Planned Development district except as exempted by section 4.6.15, or specifically allowed by this Sign Code.

4.6.18. Non-Conforming Signs

Non-Conforming Signs are subject to the provisions of Chapter 7 of this ordinance.

4.6.19. Sign Removal

Any Temporary Sign erected in violation of the provisions of this chapter may be removed immediately by the administrator. Any Sign so removed shall be retained at a designated municipal facility until recovered by the Sign owner following payment to the Town of a \$5.00 fee per Sign. Any Sign not recovered within 10 days will be destroyed.

4.6.20. Discontinued Signs

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

4.6.21. Non-Conforming Signs

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

- (A) Expansion and Improvement. A non-conforming Sign shall not be enlarged, expanded or otherwise improved, except for change of text or Sign panels, routine maintenance or repair.

- (B) Moving. A non-conforming Sign shall not be moved in whole or in part to any other location unless the move results in the entire Sign being brought into compliance with all applicable regulations of this UDO.
- (C) Loss of Non-Conforming Status. If a Sign is destroyed by any means, by more than fifty (50) percent of the replacement cost of the Sign, it shall not be reestablished except in compliance with all applicable regulations.
- (D) Repairs. Repairs to damage to a non-conforming Sign shall be completed within three (3) months of the time of such damage or the Sign shall be removed.
- (E) Signs in existence on the effective date of this ordinance that do not comply with the provisions regulation the use of strobe lights, zip lights, flashing lights, rotating beacons, flags, streamers or strings of lights shall be made to conform with the provisions of this UDO within ninety (90) days of its adoption.

4.6.22. Signs Within the Historic District Overlay

- (A) Signs in the Historic District shall obtain a Certificate of Appropriateness prior to any installation, with the exception of certain temporary signs not requiring a permit.
- (B) Signs in the Historic District are restricted to Monument Signs, Wall Signs, Projecting Signs, Canopy Signs, Awning Signs and certain Temporary Signs as set forth in UDO Section 4.6.16.
- (C) One (1) Monument Sign per parcel is permitted. However, the Monument Sign shall be located on private property and subject to the following:
 - (1) When multiple tenants share a structure located on a single parcel, only one (1) Monument Sign is permitted.
 - (2) The maximum sign area for the Monument Sign is ten (10) square feet.

- (3) The maximum height of the Monument Sign is four (4) feet; and
- (4) The Monument Sign is not located within any site distance triangle and does not interfere with any vehicular or pedestrian way.
- (D) One (1) Wall Sign per separate business establishment is permitted. A second Wall Sign may be established if the business establishment has frontage on more than one street or if the business establishment's parking is not located between the establishment and the street. Wall Signs shall not exceed six (6) square feet in area.
- (E) One (1) Projecting Sign per separate business establishment is permitted. Projecting Signs may exceed the twelve (12) inch limit for signs attached to a wall. Projecting Signs are not to exceed four (4) square feet in sign area. The bottom edge of such Projecting Signs must be located at least seven (7) feet above the sidewalk.
- (F) Canopy Signs are permitted when suspended or attached to the underside of a canopy provided such signs do not exceed four (4) square feet in area and shall be located at least seven (7) feet above the sidewalk.
- (G) Awning Signs are permitted to be located on the awning valance and shall not exceed six (6) square feet in area or cover more than twenty (20) percent of the awning area.
- (H) The sign area of a sign permanently painted, affixed or placed in a building window that is visible from a street right-of-way or pedestrian way shall be restricted to no more than forty (40) percent of the total window area.

(Ord. #1775)

4.7. FENCES AND WALLS

All fences and walls shall comply with the requirements of this section unless specifically approved as part of a ~~Final Planned~~ Development ~~Plan~~,

Architectural Compliance Permit, Conditional Zoning or Special Use Permit, Variance or Certificate of Appropriateness.

- (A) Except as otherwise provided in this section, fences that are no taller than six (6) feet may be built along interior side and rear property lines.
- (B) Exterior side yard fences that are no taller than six (6) feet shall be at least two feet from the right-of-way and no closer than two (2) feet from the inside edge of the sidewalk.
- (C) Fences in front yards are discouraged, but must be:
 - (1) Located least two (2) feet from the right-of-way and no closer than two (2) feet from the inside edge of the sidewalk;
 - (2) Less than sixty (60) percent opaque;
 - (3) Be designed as picket or wrought-iron style fences (chain link and chicken wire are prohibited); and
 - (4) Not exceed four (4) feet in height, except that wrought iron and split rail style fences may be up to five (5) feet tall.

(Ord. #1714)

- (D) Perimeter chain link fences that are installed in any Institutional, Commercial or Residential Development must locate the fence no closer to the property line than the middle of the setback or buffer. Existing vegetation cannot be removed in the setback/buffer. If berms are located in the buffer or setback then the fence must be behind the berm, inside the Development. The fence cannot be taller than (6) six feet from ground level and must be of a non-reflective color such as brown, black or dark green.
- (E) Fences shall be considered to be structures that are subject to the zoning district setback requirements if they are located in a yard adjacent to a street right-of-way, exceed (6) six feet in height and are substantially opaque.

- (F) No fence shall obstruct any traffic safety visibility zone.
- (G) Barbed wire, razor wire or other fence materials designed to cut or puncture are prohibited in all districts, except in the I and GB districts. In the HCO districts, such fences shall be limited to side and rear property lines that are screened from the highway corridor and abutting residential properties.
- (H) Deer fences may be erected around gardens provided that the fences are located at least ten (10) feet from the nearest property line.
(Ord. #1714)

4.8. LIGHTING

4.8.1. Title

The provisions contained in this section 4.7(G) shall be known and may be cited as the Southern Pines Lighting Code (or Lighting Code).

4.8.2. Purposes

The general purpose of this section is to protect and promote the public health, safety and welfare, the quality of life, the ability to view the night sky, and ongoing operations on Fort Bragg by establishing regulations and a process of review for exterior lighting. These provisions establish standards for exterior lighting to:

- (A) Protect against direct glare and excessive lighting;
- (B) Provide safe roadways for motorists, cyclists and pedestrians;
- (C) Protect and reclaim the ability to view the night sky, and help preserve the quality of life and the tourist experience;
- (D) Prevent Light Trespass in all areas of the Town's jurisdiction or adjacent jurisdictions;
- (E) Promote efficient and cost-effective lighting;
- (F) Ensure that sufficient lighting can be provided where needed to promote safety and security;

- (G) Allow for flexibility in the style of lighting fixtures;

- (H) Provide lighting guidelines.

(Ord. # 1716)

4.8.3. Applicability

- (A) All applications for design review, special use, subdivision and/or building permits shall include lighting plans showing location, type, height and lumen output of all proposed and existing fixtures. The Applicant shall provide enough information to verify that lighting conforms to the provisions of this lighting code. The Planning Director shall have the authority to request additional information in order to achieve the purposes of this Lighting Code.
- (B) All exterior lighting installed after the effective date of the ordinance codified in this Lighting code in any and all zoning districts in the Town shall be in conformance with the requirements established herein and any other applicable ordinances. All Existing Lighting in any and all zoning districts in the Town shall be addressed as follows:
 - (1) All existing lighting located on a subject property that is part of an application for an architectural compliance permit, special use, or subdivision, or building permit approval is required to be brought into conformance with this lighting code. Conformity shall occur prior to issuance of certificate of occupancy, final inspection or Final Plat recordation, when applicable. For other permits, the Applicant shall have a maximum of thirty (30) days from date of permit issuance to bring the lighting into conformance.
 - (2) All existing exterior commercial lighting that is not in conformance with this lighting code shall be brought into conformance within two (2) years from the date of adoption of this lighting code. Where the property owner can provide a valid lease agreement for existing lighting, the Board of Adjustment may grant a variance to this provision subject to

appropriate conditions to bring lighting closer to compliance with these regulations through shielding or other appropriate actions.

- (3) **Moving.** Non-conforming lighting shall not be moved to any other location unless the move results in the entire light being brought into compliance with all applicable regulations of this UDO.
- (4) **Loss of Non-Conforming Status.** If a light is destroyed or rendered inoperable for any reason other than failure of the bulb it shall not be repaired unless such repair will bring the light into compliance with all applicable regulations of this UDO.

(Ord. #1716; Ord. #1919)

4.8.4. Exemptions

The following are exempt from the requirements of the Lighting Code:

- (A) Outdoor lighting fixtures on advertisement Signs on interstates and federal primary highways;
- (B) Outdoor lighting fixtures existing and legally installed prior to the effective date of this Lighting Code; however, when Existing Lighting fixtures become irreparable, their replacements are subject to all the provisions of this Lighting Code;
- (C) Navigational lighting systems at airports and other lighting necessary for aircraft safety;
- (D) Outdoor lighting fixtures that are necessary for worker safety;
- (E) Holiday lights for the period from October 25th to January 15th, except that flashing holiday lights are prohibited on commercial properties. Flashing holiday lights on residential properties are discouraged. Holiday lights are encouraged to be turned off after bedtime and after close of businesses; and

- (F) Vehicular lights and all temporary emergency lighting needed by the Fire and Police Departments, or other emergency services.
- (G) Outdoor accent lighting for single-family residential properties provided that each light fixture emits no more than one thousand (1,000) lumens.
- (H) Lighting at Town parks.

4.8.5. General Standards

All exterior lighting shall be full cut-off fixtures with the light source fully shielded, with the following exceptions:

- (A) **Unshielded Luminaires.** When a light source or luminaire has no cutoff the standards in Exhibit 4-10 shall be met. Note that one (1) lumen per square foot equals one (1) foot candle

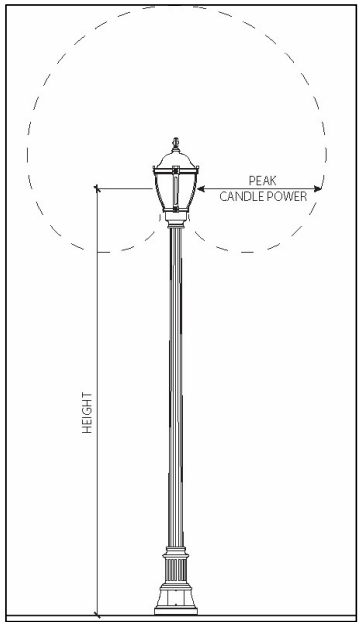
Exhibit 4-10: Standards for Unshielded Luminaires

Standard	Maximum Permitted Average Maintained Illumination at Ground Level**	Maximum Permitted Height of Light Source*
Residential Districts	0.20 lumen per square foot	16 feet
Commercial Districts	0.20 lumen per square foot	16 feet
Industrial Districts	0.30 lumen per square foot	20 feet

* Measured from the ground to light source.

** Measured at the property line.

Examples of Unshielded Luminaires

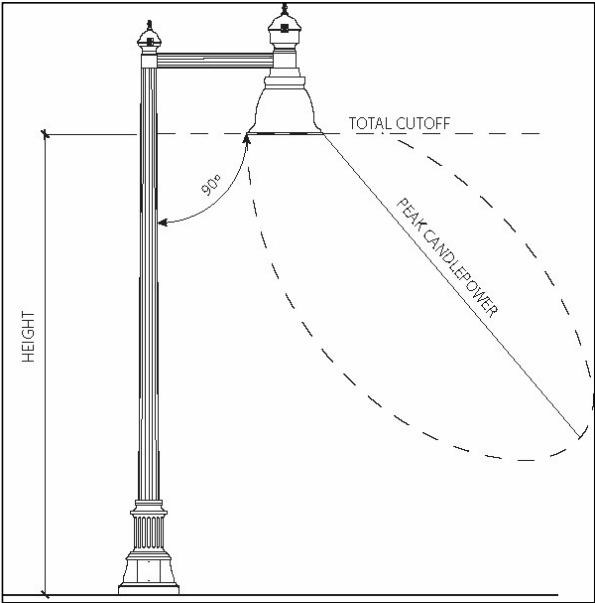


(B) **Luminaires with Total Cutoffs.** When a luminaire has total cutoff at ninety (90) degrees, the standards in Exhibit 4-11 shall be met.

Exhibit 4-11: Standards for Luminaires with Total Cutoffs

Standard	Maximum Permitted Average Maintained Illumination**	Maximum Permitted Height of Light Source*
Residential Districts (not including Multi-Family)	0.50 lumen per square foot 1.00 lumen per square foot	16 feet 25 feet
Commercial and Industrial Districts	2.00 lumens per square foot 3.00 lumens per square foot	30 feet 40 feet.

* Measured from the ground to light source.
**Measured at the property line



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Examples of Luminares with Total Cutoffs



(C) **Luminares with Cutoffs Less Than 90 Degrees.** When a luminaire has total cutoff of light at an angle less than ninety (90) degrees and is located so that the light source is completely shielded from the direct view of an observer five (5) feet above the ground any property line, then the maximum permitted illumination and the maximum permitted height of the luminaire shall meet the standards in Exhibit 4-12.

Examples of Luminares with Cutoffs Less than 90 Degrees



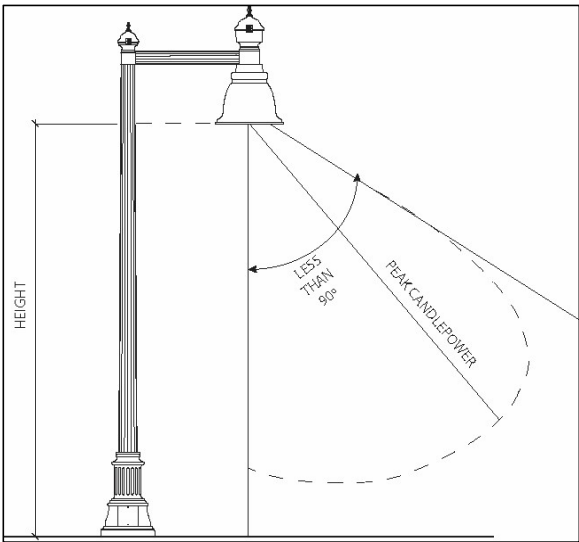
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Exhibit 4-12: Standards for Luminares with Cutoffs Less Than 90 Degrees

Standard	Maximum Permitted Illumination**	Maximum Permitted Height of Light Source*
Residential District	0.50 lumen per square foot 1.00 lumen per square foot	20 feet 25 feet
Commercial District	2.00 lumens per square foot 3.00 lumens per square foot	30 feet 40 feet
Industrial	4.00 lumens per square foot	40 feet

* Measured from the ground to light source.

** Measured at the property line.



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- (D) **Motion Sensor Lighting.** Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light shall not be triggered by activity off the property.
- (E) **Non-Essential and Security Lighting.** All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.
- (F) **Floodlamps and Area Lights.** All floodlamps and area lights shall be aimed downward at least forty-five (45) degrees and no portion of the light bulb shall extend below the bottom edge of an external shield. Any floodlamp or area light emitting 1,000 or more lumens shall be aimed downward at least sixty (60) degrees. The light source of floodlamps and area lights shall not be visible from adjacent properties or the public right-of-way. Flood lights with directional shielding and photocells with timers that allow a flood light to go on at dusk and off by eleven p.m. are encouraged.
- (G) **Uplighting.** Uplighting is prohibited in all zoning districts, except in cases where the fixture is shielded by a roof overhang or similar structural shield from the sky and the light fixture(s) will not cause light to extend beyond the structural shield, and except as specifically permitted in this Lighting Code.
- (H) **Flag Poles.** Upward flagpole lighting is permitted for governmental flags only and provided that the maximum output is one thousand three hundred (1,300) lumens. Flags are encouraged to be taken down at sunset to avoid the need for lighting.
- (I) **Canopy Lights Service Stations.** The average lighting level for new and existing service stations shall be no greater than three (3) lumens per square foot under the canopy. All lighting shall be recessed to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property
- (J) **Towers.** All radio, communication and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.
- (K) **Temporary Lighting.** Temporary lighting that conforms to the requirements of this Lighting Code shall be allowed. Non-conforming temporary exterior lighting may be permitted by the Planning Director only after considering (1) the public and/or private benefits which will result from the temporary lighting; (2) any annoyance or safety problems that may result from the use of the temporary lighting; and (3) the duration of the temporary non-conforming lighting. The Applicant shall submit a detailed description of the proposed temporary non-conforming lighting to the Planning Director.
- (L) **Outdoor Sports Field /Outdoor Performance Area Lighting**
- (1) These standards shall not apply to properties subject to State or Federal safe lighting standards.
 - (2) Because of their unique requirements for nighttime visibility and their limited hours of operation, ball fields, playing fields and tennis courts are exempted from the exterior lighting standards of paragraphs A, B and C of this section. These outdoor recreational uses must meet all other requirements of this Lighting Code.
 - (3) The outdoor recreational uses specified above shall not exceed a maximum permitted post height of eighty (80) feet.
 - (4) The outdoor recreational uses specified above may exceed a total cutoff angle of ninety (90) degrees, provided that the luminaire is shield to prevent light and glare spillover to adjacent right-of-way or residential property. The maximum

permitted illumination at the property line shall not exceed two (2) lumens per square foot.

(M) **Lighting of Outdoor Display Areas**

- (1) Outdoor display areas shall have a maximum point of illuminance of twenty (20) lumens per square foot.
- (2) All light fixtures shall meet the IESNA definition of Cutoff Fixtures. Forward throw fixtures (type IV light distribution, as defined by the IESNA) are required within twenty-five (25) feet of any public street right-of way.

(N) **Sign Lighting.** Lighting fixtures illuminating Signs *shall* be aimed and shielded so that direct illumination is focused exclusively on the Sign. (Ord. #1703)

4.8.6. Additional Regulations

Notwithstanding any other provision of this section to the contrary:

- (A) No flickering or flashing lights shall be permitted.
- (B) Light sources or luminaries shall not be located within a required buffer except along pedestrian walkways.
- (C) Measurement
 - (1) Metering equipment. Lighting levels shall be measured in lumens per square foot with a direct reading, portable light meter. The meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five (5) percent. It shall have been tested, calibrated and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of the date of its use.
 - (2) Method of measurement. The meter sensor shall be mounted not more than six (6) inches above ground level in a horizontal position. Readings shall be taken by qualified personnel only

after the cell has been exposed long enough to provide a constant reading.

4.8.7. Public Lighting Requirements

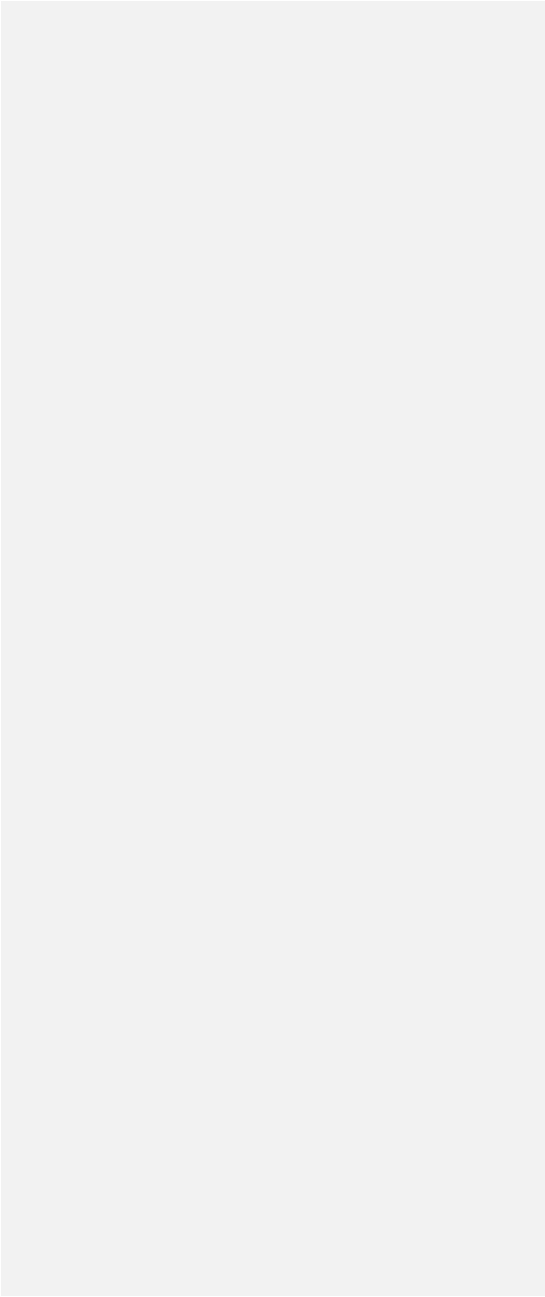
- (A) Subject to paragraph (B), all public streets, sidewalks and other common areas or facilities in subdivisions created after the effective date of this chapter shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks and other common areas or facilities.
- (B) To the extent that fulfillment of the requirement established in paragraph (A) would normally require street lights installed along public streets, this requirement shall be applicable only to subdivisions located within the corporate limits of the Town. Streetlights shall be placed at each intersection and at such block spacing as may be required by the Public Service director.
- (C) All roads, driveways, sidewalks, parking lots and other common areas and facilities in unsubdivided Development shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots and other common areas and facilities.
- (D) All entrances and exits in substantial buildings used for non-residential purposes and in two-family or multi-family residential Developments containing more than four (4) Dwelling Units shall be adequately lighted to ensure the safety of persons and the security of the buildings.
- (E) Where ownership of street lighting facilities such as poles and standards, luminaries, lamps, etc., will be retained by the electrical power supplier, the type of street lighting facilities to be installed shall be acceptable to both the Town of Southern Pines and the supplier of electrical power.

- (F) The Town of Southern Pines shall be responsible for street light maintenance and energy consumption on standards lighting upon acceptance of the subdivision and/or system, unless provision is made under subsection (i) below, for the responsibility to be assumed by an entity other than the Town of Southern Pines.
- (G) Standard street lighting is established as shown in Exhibit 4-13.
- (H) Acceptable standard fixtures shall be cut-off, enclosed or shoe box style. All poles must be special metal, wood pole, special decorative square metals or system metal as provided by local electric power supplier and approved by the Town Engineer. Acceptable non-standard fixtures are fixtures provided by the local electric power supplier that meet the standards set forth in Exhibit 4-13.

Exhibit 4-13: Standard Street Lighting

Street Classification	Height of Light Standard	Approximate* Interval Spacing	High Pressure Sodium	Pattern Location
Major Thoroughfares (Multi-Lane Divided)	25'	250'	28,500 Lumen	Poles located in median with double mast arm installations or two single poles at opposite corners at intersections, double mast arm installations at major median openings, and single alternating mast arms at all other locations.
Collector Thoroughfares (Four-Lane Undivided)	25'	250'	28,500 Lumen	Poles located in parkway with single mast arm placed on alternating sides at required interval and two poles at opposite corners of each intersection.
Collector Thoroughfares (Three-Lane Undivided)	20' - 25'	One light at each intersection and at midblock locations where the block length is greater than 600 feet. Spacing for midblock lights shall be no greater than 450 feet.	28,500 Lumen or 9,500 Lumen	Poles located in parkway with single mast arms placed on alternating sides at required interval.
Minor and Local Thoroughfares (Three-Lane Undivided and Smaller)	16' - 20' - 25'	Lights will be installed at each intersection, cul-de-sac, hazardous location, midblock locations where the block length is greater than 900 feet. Spacing for midblock lights shall be no greater than 600 feet.	9,500 Lumen	Poles located in parkway with single mast arms. All lights may be placed on one side of the street.

* The Town Engineer may vary locations for particular street arrangements provided required illumination levels are maintained.



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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 or authorized Development Pattern, every residential Development shall be developed so that at least five (5) percent of the total area of the Development remains permanently as usable open space.
- (B) For purposes of this section, usable open space means an area that:
 - (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) 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) Subdivided residential Developments of less than twenty-five (25) Dwelling Units are exempt from the requirements of this section unless the Town agrees that it will accept an offer of dedication of such open space and in that case the offer of dedication shall be made.

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.

4.9.3. Dedication of Open Space

- (A) If any portion of any Lot proposed for residential or commercial Development lies within an area designated on the officially adopted recreation master plan as a neighborhood park or part of the greenway system or bikeway system, the area so designated (not exceeding five (5) percent of the total Lot area) shall be included as part of the area set aside to satisfy the requirement of section 4.9.1. This area shall be dedicated to public use.
- (B) If more than five (5) percent of a Lot proposed for residential Development lies within an area designated as provided in paragraph (A), the Town may attempt to acquire the additional land in the following manner:
 - (1) The Applicant may voluntarily dedicate the additional land to the Town;

- (2) The Applicant may be encouraged to develop an integrated subdivision, cluster Development or some other applicable Development Pattern and to dedicate the common open space created thereby; or
- (3) The Town may purchase or condemn the land.

4.9.4. Homeowners Associations

Homeowners associations or similar legal entities that are responsible for the maintenance and control of common areas, including open space, shall be:

- (A) Established before any Lot in the Development is sold or any building occupied;
- (B) Be granted clear legal authority to maintain and exercise control over such common areas and facilities;
- (C) Have the power to compel contributions from residents of the Development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

4.9.5. Flexibility in Administration Authorized

- (A) The requirements set forth in this article concerning the amount, size, location and nature of recreational facilities and open space to be provided in connection with residential Developments are established by the Town Council as standards that presumptively will result in the provision of that amount of recreational facilities an open space that is consistent with officially adopted Town Plans. The Town Council recognizes, however, that due to the particular nature of a Tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the Permit Issuing Authority is authorized to permit minor deviations from these standards whenever it determines that:

- (1) The objectives underlying these standards can be met without strict adherence to them; and
- (2) Because of peculiarities in the Applicant's Tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

- (B) Whenever the Permit Issuing Authority approves a deviation from these open space standards pursuant to paragraph (A), the official record of action taken on the Development application shall contain a statement of the reasons for allowing the deviation.

4.9.6. Open Space Linkages

Where a trail, natural area or public park is dedicated to or acquired by the Town, such area may be credited toward the minimum amount of common open space required.

4.9.7. Open Space Design Criteria

All required open space shall meet the following design criteria, as applicable:

- (A) Water bodies, retention areas, detention basins and wetlands basins, may constitute up to forty (40) percent of required open space, provided that retention facilities are designed to provide safe access to water. Unless otherwise approved by the Town Council, side slopes to retention facilities shall provide at least six (6) feet of horizontal run for each foot of vertical rise.
- (B) At least thirty (30) percent of required open space must be dry land with a slope of less than ten (10) percent unless otherwise approved the Town Council.
- (C) Unless otherwise approved by the Town Council, open space shall be continuous, contiguous with open space on abutting properties and accessible to the public.

4.9.8. Connectivity Required

To the maximum extent practicable, common open space shall be organized to create integrated systems of open space that connect with the following types of lands located within or adjacent to the Development:

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

4.10. DEVELOPMENT DESIGN STANDARDS

(Ord. #1716)

4.10.1. Applicability

- (A) The commercial building design standards of this section are applicable to the new Development and reDevelopment of all commercial structures in any zoning district. The standards may be modified pursuant to Architectural Compliance Permit or Certificate of Appropriateness approval. For purposes of this section, reDevelopment does not include any project that is considered routine maintenance, such as painting, re-roofing or replacement or repair of existing doors, windows, trim or existing walls. Remodeling that involves the change of an exterior portion of a building shall comply with these standards for portion of the building being changed.
- (B) These commercial building design standards apply in a variety of settings, and the Town shall apply discretion to modify standards where the character and function of a site and neighboring Development justify such modifications.

- (C) The large-scale retail Development standards in section 4.10.6 provide an alternative Development Pattern for Developments with buildings encompassing 25,000 or more square feet of retail and service space.

(Ord. #1703)

4.10.2. Purpose and General Principles

The integration of proposed Development, building, or site improvement into the existing fabric of the Town is of critical public concern. The intent of design requirements is to assure respect for the character of the Town and reduce incompatible and adverse impacts on the community.

- (A) Proposed Development shall be located and configured in a manner that is visually harmonious with the terrain and vegetation of the Parcel and with nearby Parcels.
- (B) The design and configuration of structures and their materials and colors shall be visually harmonious with the overall appearance, history and heritage of the Town.
- (C) Structures shall demonstrate the general principles of good design including, but not limited to those dealing with form, mass, scale, height, texture and color. Specific consideration shall be given to compatibility with adjacent structures and neighborhoods and surrounding areas of the Town where the structures reflect the characteristics set forth in this section.

4.10.3. Site Design Requirements**(A) Building Continuity**

- (1) Buildings along a block face shall provide a continuous frontage, particularly where maximum setbacks (build-to lines) require buildings to be constructed close to the front property line. Building fronts may be recessed for allowed courtyards and outdoor dining facilities as provided in this section.

- (2) Gaps between buildings along the fronts of blocks shall be limited to pedestrian and vehicle access and intersecting streets.
- (3) For Developments on sites of five (5) or more acres, Outlots or outblocks with liner buildings may be used to separate large surface parking areas from the street, provided that the liner buildings extending along at least sixty (60) percent of the frontage.

(B) Connection to Street

- (1) Pedestrian connections measuring at least five (5) feet in width shall be provided between sidewalks and all buildings on a site.
- (2) On sites of five (5) or more acres shall provide designated and marked pedestrian ways along internal drives or between parking aisles.
- (3) The Town Council may waive the requirement for internal pedestrian ways when for Developments with two (2) or fewer rows of parking (one travel aisle) separate the building from the sidewalk.

(C) Front Yards

- (1) **Purpose.** With the exception of limitations established in for the CB district, an Applicant may establish a front yard for any portion of any building front subject to compliance with the provisions of this section. Applicants are encouraged to provide front yards that include widened sidewalks, galleries, arcades, courtyards and other places for customers and the public to gather, provided that the front yards:
 - (a) Improve the visual quality and character of the street;
 - (b) Promote pedestrian traffic and the use of public transit;
 - (c) Are readily accessible and ADA compliant;

- (d) Enhance access between outdoor and indoor spaces; and
- (e) Enhance public safety and security, while promoting more effective use of the public realm.

- (2) **Front Yard Improvements.** Where provided, Front Yards shall include a combination of the items listed in Exhibit 4-14 provided that the item is specifically allowed in the applicable portion of the setback area, as indicated by the letter "A" in the exhibit. If not allowed, the item is prohibited. Front Yards also may be used for building access improvements. In addition to the items listed below, the Town may approve the installation of decorative bike racks, planter pots and pedestrian furniture.

- (3) **Front Yard Design Standards.** To achieve the purposes of this section, front yards shall be designed so that they are visible, avoid clutter, incorporate high quality, durable materials. In addition to complying with other district requirements, front yards and façades shall meet the following design standards:
 - (a) Flooring and walking surfaces shall be constructed of durable, non-slip materials that complement sidewalk paving. Changes in colors shall be used to highlight steps.
 - (b) The shape and design (including landscaping) of the space shall provide visibility of the entire space from the sidewalk.
 - (c) Lighting shall be adequate to illuminate the entire space, but lighting sources shall be hooded or directed so that they are not visible to pedestrians on the sidewalk.
 - (d) Except as provided in this paragraph, fencing is prohibited. Front yards may be enclosed by decorative walls, posts with decorative ropes or chains or other decorative enclosures approved by the Town, provided that the enclosure is not taller than thirty (30) inches. Decorative

fencing that is not higher than forty-two (42) inches may be authorized to enclose commercial use of front yards.

- (e) Other than furniture for dining areas and outdoor displays subject to special use approval, front yard improvements shall be limited to seating, decorative waste receptacles, fountains, water features and landscaping.

- (4) **Maintenance.** The owner of the front yard shall be responsible for operations, maintenance and physical improvements in the front yard. Failure to adequately maintain front yards in reasonable order and condition constitutes a violation of this section. The Planning Director is hereby authorized to give notice to the owner or occupant, as the case may be, of any

violation, directing the owner to remedy the same within twenty (20) days.

(Ord. # 1919)

- (D) **Landscape.** Landscaping shall comply with the provisions of Section 4.3.
- (E) **Parking.** Parking shall comply with the provisions of section 4.5 and applicable zoning district standards. Within the CB district, parking lots may not be established between any building and Broad Street or between any building and a street on any corner Lot within the Historic District Overlay.

Exhibit 4-14: Items Authorized in Front Yards

Front Yard Items	Location	Distance from Back of Sidewalk (in feet)			
		$d \leq 5$	$5 \leq d < 15$	$15 \leq d < 25$	$d \geq 25$
Patio Paving/Hardscape	Behind the back edge of the sidewalk	A	A	A	A
Groundcover		A	A	A	A
Lawn			A	A	A
Hedge				A	A
Clustered Ornamentals	Along building façade		A	A	A
			A	A	A
Planting Beds: Shrubs, seasonal plantings	At the front property line or along the back edge of a sidewalk outside of the right-of-way	A	A	A	A
Small trees planted on 25 feet centers		A	A	A	A
Large Trees planted on 50 feet centers		A	A	A	A
Decorative Fence 42-inch maximum height		A	A	A	A
Masonry Wall with Hedge 32-inch maximum height					A
Masonry Wall with clustered ornamentals or groundcover			A	A	A

Notes:

1: d = distance measured in feet

2: A = allowed item

3: < = is less than

4: $\leq$ = is less than or equal to5: $\geq$ = is greater than or equal to

4.10.4. Building Design Requirements**(A) Building Orientation and Entries**

- (1) The front of buildings shall face and have the primary customer entry facing that street. Corner Lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block may be required to have entries on each street frontage.
- (2) Maximum spacing or distance between customer entries shall not exceed the standards established in Exhibit 4-15.

(B) Building Dimensions

- (1) In the CB and DTO districts, buildings or building segments shall be taller than wide.
- (2) In other districts, the width of buildings or building segments shall not be more than twice the building height.
- (3) Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.
- (4) Large scale retail structures shall comply with Section 4.10.6.

(C) Building Materials. The exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows. The Permit Issuing Authority may approve:

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

Exhibit 4-15: Maximum Spacing Between Entries

Zoning District	Maximum Spacing	Additional Provisions
NB and OS	100 feet	At least one entry required per business
CB	50 feet	May be increased if recommended by Historic District Commission
DTO	100 feet	May be increased to one per business for non-retail uses
GB and HCO	150 feet	May be increased for buildings located at least 40 feet back from sidewalk and buildings with common entries serving multiple businesses.
PDD		To be determined at time of Final Development Plan approval

- (2) Alternative materials satisfying minimum building code standards on walls that are screened and not visible from any public street, walkway or residential zoning district.
- (3) Alternative materials satisfying minimum building code standards for structures located within a planned golf course Development that are compatible with the Development and the proposed location within the Development.

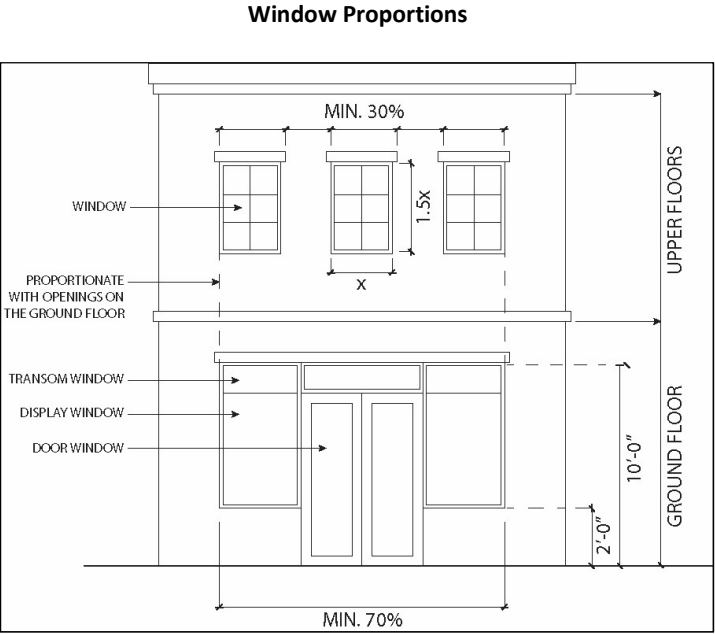
(D) Windows

- (1) Windows shall be glazed in non-reflective, clear glass.
- (2) The following standards apply in the CB district
 - (a) On the ground floor a minimum of seventy (70) percent of the street-facing building façades between the elevations of two (2) and ten (10) feet above the sidewalk must be comprised of windows with at least eighty (80) percent transparency or doors. In the DTO district, this minimum window requirement is forty (40) percent.

(b) On upper Floors a minimum of thirty (30) percent of the street-facing walls of all structures, including parking garages, above the first Floor shall be comprised of clear, windows with at least sixty (60) percent transparency or other openings for parking structures approved by the Planning Director. Openings shall be horizontally aligned

with openings on adjacent buildings, vertically aligned, or proportionate with openings on the ground Floor of the building.

(c) Window height shall be at least one and one-half (1.5) times the width.



- (3) In other zoning districts, windows and doors shall comprise at least twenty-five (25) percent of street-facing building façades between the elevations of two (2) and ten (10) feet above the grade of the building entry.

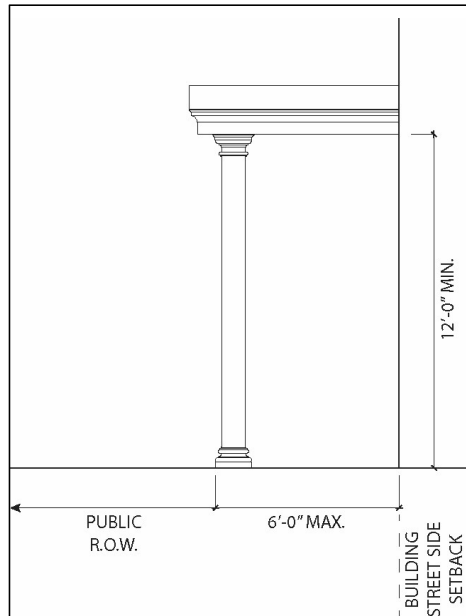
(E) Awnings

- (1) Awnings are encouraged and may encroach over the sidewalk within the CB district and may encroach up to six (6) feet into any street side setback in other districts.
- (2) The minimum clearance between the lowest point of an awning and sidewalk shall be eight (8) feet.
- (3) In the CB and DTO districts Aawnings shall be canvas or material of similar appearance and flexibility ~~unless otherwise approved~~

~~by the Town Council.~~ In other districts, awnings shall be canvas or material of similar appearance and flexibility or metal. Street facing awnings shall not be taller than six (6) feet unless specifically approved by the Town Council.

(F) Galleries and Arcades

- (1) Galleries and arcades are encouraged and may encroach up to six (6) feet into any street side setback but may not encroach into public right-of-way.
- (2) The minimum clearance for arcades and galleries shall be twelve (12) feet between the sidewalk and the ceiling of the gallery or arcade.



(3)

(G) **Roofs**

- (1) In the CB district horizontal parapets with cornices shall be required along Broad Street. Parapets, gable or hip roofs may be used along other streets in the CB district. Parapet height should vary between adjacent buildings.
- (2) In other districts, buildings may use parapets with cornices, gable or hip roofs. Changes in parapet height or design, gables or other changes in the roofline as viewed from any public

Sample of Gallery



Sample of Arcade



street shall be required for any building that is wider than one hundred (100) feet. For buildings that are wider than one hundred (100) feet, changes in rooflines shall be used to avoid uninterrupted planes of longer than two hundred (200) feet)

- (3) Shingles or standing seam, non-reflective metal shall be used on all roofs visible public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited.

Amended

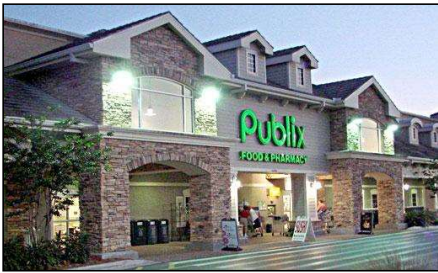
11-15-22

61

Rooflines illustrated

In the CB District

In Other Districts



(H) Mechanical Equipment

Mechanical equipment shall be screened from view from the street and shall not be located between the street and the building.

(I) Loading Zones and Garage Bays

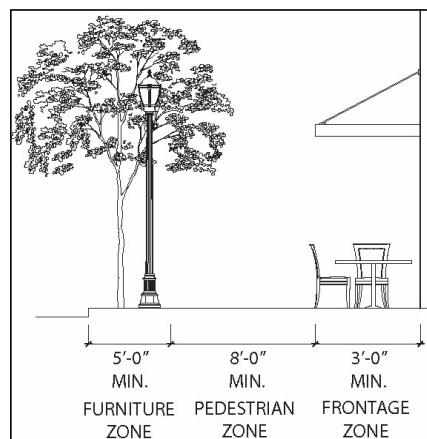
Garage doors and loading bays shall face an interior Lot line alley or service drive and shall not face a street or residential district unless buffered or screened in accordance with sections 4.3.4 and 4.3.5.

(J) Signage

Signage shall comply with the standards in section 4.6 and any applicable zoning district standards.

4.10.5. Frontage

- (A) **Frontage Zone.** A zone extending at least three (3) feet in depth from the building shall be established along sidewalks and paved walkways abutting buildings. Where this area is covered by a awning, gallery or arcade, customer dining areas may be established, provided that tables and chairs do not extend into the pedestrian zone and that the tables and chairs are moved indoors when business closed.
- (B) **Pedestrian Zone.** A paved walkway area of at least eight (8) feet in depth from the frontage zone shall be provided parallel to the front of a building, which shall be kept open and free of any obstructions. This dimension may be reduced by the Town Council in the CB district due to limited right-of-way. For single business buildings that are set back at least forty (40) feet from the nearest right-of-way, pedestrian zones shall be at least twelve (12) feet in width.
- (C) **Furniture Zone.** Between the pedestrian zone and the street shall be a furniture zone, with a depth of five (5) feet. Lighting, landscaping, bike racks, waste receptacles and street furniture may be approved for use in this area.

Images of Frontage, Pedestrian and Furniture Zones

4.10.6. Large Scale Retail Development**(A) Purposes**

- (1) To ensure that Large Scale Retail buildings are compatible with surrounding Development;
- (2) To ensure that buildings are design for sustainable economic uses; and
- (3) To facilitate future reDevelopment if such buildings are abandoned.

(B) Applicability

The standards of this section shall apply to any new building with a retail business occupying 25,000 square feet or more of floor area and any new retail building serving 25,000 square feet or more of Gross Floor Area to one or more businesses from a common entry or interior space.

(C) Design Requirements

In addition to complying with the use, site and building design standards of this UDO, the following provisions shall apply:

- (1) **Utility Design.** Utilities shall be designed to accommodate future subdivision of the space into retail spaces no larger than 20,000 square feet with independent exterior entrances.
- (2) **Entries.** Building façades shall be designed with entries that are no further than one hundred and fifty (150) feet apart. Building entries should be clearly defined, visible entrances, providing access from the front of the building to the pedestrian zone, and featuring no less than three of the following:
 - (a) Canopies or porticos;
 - (b) Awnings;
 - (c) Overhangs
 - (d) Recesses/projections;

- (e) Arcades;
- (f) Raised corniced parapets over the door;
- (g) Peaked roof forms or arches;
- (h) Outdoor patios; or
- (i) Display windows.

- (3) **Building Materials.** Predominant wall materials shall have the appearance of brick. Predominant wall materials shall cover at least eighty (80) percent of walls, exclusive of windows and doors. Stucco, stone and cementitious lap siding may be used as accent materials. Materials with the appearance of concrete block, smooth concrete, corrugated or standing seam metal are prohibited.

- (4) **Building Articulation.** Front and street-facing side façades greater than one hundred (100) feet in length, measured horizontally, shall

- (a) Incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the façade and extending at least twenty (20) percent of the length of the façade.
- (b) Have a change in at least three of the following elements every one hundred (100) feet along all walls facing a public street or internal street: color change; texture change; material change; or architectural feature, such as an offset, projection, columns, canopies, arcades, or reveal with at least twelve (12) inches in depth.

- (5) **Rooflines**

- (a) Rooflines shall be varied in height, or at least every one hundred (100) feet along any side of a building facing a street. Hips, gables or changes in parapet elevation shall be used to provide relief in height.

- (b) Gable and hip roofs are allowed; parapets shall be used to conceal flat roofs and rooftop mechanical equipment from public view.
- (c) The parapet design shall be a minimum of three (3) feet in height and shall incorporate a three-dimensional cornice treatment.

Rooflines are defined by gables and changes in parapet walls.



4.10.7. Manufactured Home Parks

Manufactured home parks shall comply with the standards in this section in addition to other applicable provisions of this UDO.

- (A) The minimum Lot area for a manufactured home park is two (2) acres;
- (B) The minimum number of manufactured home spaces for a manufactured home park is ten (10) spaces.
- (C) Each manufactured home space shall contain a minimum of six thousand (6,000) square feet.
- (D) No manufactured home shall be located closer than twenty (20) feet from another manufactured home or any other Principal Building within the manufactured home park.

- (E) No manufactured home shall be located closer than forty (40) feet from a public street right-of-way or fifteen (15) feet from a private, interior manufactured home park street.
- (F) Usable open space in each manufactured home park shall be provided in accordance with section 4.9.
- (G) Except for management office and/or management services associated with the manufactured home park, no manufactured home shall be used for non-residential purposes.
- (H) The area beneath a manufactured home must be fully enclosed with durable skirting within sixty (60) days of placement in the manufactured home park.

4.10.8. Multi-Family Development Standards

(A) Applicability

- (1) The following Development standards shall apply to all Multi-Family structures in the Morganton Road Overlay district and Multi-Family Developments of ten (10) or more Dwelling Units in any zoning district in which such Dwelling Units are allowed.
- (2) No Multi-Family Development may include ten (10) or more Dwelling Units, except pursuant to a Planned Development approval.
- (3) The Development standards in this section may be modified pursuant to a PD approval.
- (4) In the RM-1 and RM-2 districts, no Multi-Family Residence may be located within two hundred (200) feet of the closest point of any other Multi-Family Residence, unless both structures are part of an integrated complex that includes no more than ten (10) Dwelling Units.

(Ord. #1714; Ord. # 1919; Ord. # 2000)

(B) Building Setbacks, Orientation and Lot Standards

- (1) Buildings shall be set back a minimum of ten (10) feet and a maximum of fifteen (15) feet from sidewalks public walkways or street right-of-way. Setbacks may be greater than fifteen (15) feet if the intervening distance consists of common open space.
- (2) The minimum spacing between the sides of Multi-Family Residential structures shall be twenty (20) feet.
- (3) Where practical, Dwellings should be located to face each other across common landscaped space with buildings no closer than (30) feet.

(C) Building Design. Multi-Family Developments shall:

- (1) Include variations in heights, color, setback, rooflines, trim, and building sizes to create visual diversity between structures;
- (2) Group buildings in clusters;
- (3) Articulate façades by including projections of at least five (5) feet at least once every fifty (50) feet along the façade,
- (4) Locate windows to provide easy surveillance of open spaces and walkways, without placing such windows within direct alignment with windows of adjacent structures;
- (5) Units above grade level should have access to private balconies of usable dimensions no smaller than ten (10) feet by six (6) feet;
- (6) Create areas for foundation planting by keeping hard surfaces away from front façades;
- (7) Design entrances to.
 - (a) Provide private entrances at grade level and adjacent to private open space to the greatest extent possible. Unless otherwise approved by the Town Council, no more than four (4) Dwelling Units shall share a common entrance.

- (b) Avoid aligning doors to separate Dwelling Units with each other unless screening is provided. However, entrances should be visible from the sidewalk or public walkway and other Dwelling Units, when practical.
- (c) Provide porches or roofed overhangs over building entrances.
- (d) Set back buildings or entries so that the entry paths extend at least ten (10) feet from sidewalk or public circulation walkway. These entry areas should be designed to provide semi-public gardens around the front entryways. Do not provide access to apartments via long-shared access galleries.

(Ord. #1714)

- (8) Provide a private garden, yard, patio or balcony for every Dwelling Unit.
- (9) The private open space of all Dwelling Units shall be visually and functionally accessible from inside the Dwelling.
- (10) Provide screening for yards where private activities are likely to occur and to delimit private from common open space.

(D) Pedestrian Improvements

- (1) Provide continuous walkways through the project and connecting Dwellings to and through common open space.
- (2) Minimize walkways that provide direct opportunities to cut through the project by strategically locating fences, low walls and planting areas within the site and near site entry points.
- (3) Provide storage space for strollers, bicycles, and so forth, close to the main entries of Dwellings or groups of Dwellings.

(E) Parking

- (1) Provide parking in small Lots that are designed and located to ensure that most parked vehicles are visible from one (1) or more Dwellings.
- (2) To the greatest extent practicable, parking shall not separate Dwelling Units from common open space.

(F) Open Space

- (1) Common usable open space shall comprise ten (10) percent of the total project area.
- (2) Open spaces shall be configured so that the ratio of building height to open space width is in the range of 1:3 or greater. Ratios as tight as 1:2 may be approved if landscaping effectively screens buildings from each other.
- (3) Common open space shall be configured in square or nearly square areas with sides of at least one hundred (100) feet.
- (4) To the greatest extent practicable, Dwelling Units shall have access to common open space without having to cross a street.
- (5) Play Areas
 - (a) Play areas for young children should be physically separated from potential traffic hazards.
 - (b) Provide a variety of hard-surfaces areas in the form pathways that are least five (5) feet wide and small areas off the circulation system for various children's activities.
- (6) For Developments with more than twenty (20) Dwellings, provide on-site; well-equipped and challenging play areas for school age children within a five (5) minute walk from each Dwelling Unit.
 - (a) Provide places for school age children to sit.

- (b) Where possible include a space for ball games on site (minimum 80 feet x 40 feet).

- (7) Provide retaining walls that can also be used for casual seating.
- (8) Where cluster Dwellings are included in a project, ensure some uniqueness for each cluster. Vary the design (size, dimensions, grading, planting, site furniture and play equipment) of the common open spaces of each cluster.
- (9) The number of Dwelling Units grouped around common and open space should range between twenty (20) to one hundred (100).

(Ord. #1703)

4.11. TRANSPORTATION (STREETS)**4.11.1. Generally**

These transportation provisions address the mobility needs within the Town of Southern Pines. In addition to addressing the design, function and access to public and private streets, these regulations address mobility for bicyclists and pedestrians and the necessary coordination of design between the public and private realms.

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

4.11.2. Street Classification

- (A) Whenever a new street is to be constructed, the street shall be defined by one of the classification provided in paragraph (B).
 - (1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;
 - (2) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but it is not conclusive;

- (3) Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both inside and outside of the subdivision.
- (B) The classification of streets shall be as follows:
- (1) Residential Alley: A very narrow paved, urban street or lane, which is used by slow-moving vehicles and pedestrian. A residential alley is intended to act as part a secondary vehicular street network.
 - (2) Residential Local: A street whose sole function is to provide access to abutting properties. A residential local street is intended to serve no more than two-hundred (200) trips per day.
 - (3) Cul-de-sac: A street that terminates in a vehicular turn-around that is no longer than 500 feet in length measured from the connection with the intersecting street to furthest paved point of the street turn-around.
 - (4) Residential Sub-collector: A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect local streets with collector streets. Including residences indirectly served through connecting streets, it is intended to serve not more than eight hundred (800) trips per day.
 - (5) Residential Collector: A street whose principal function is to carry high volumes of traffic between local, residential sub-collector streets, commercial collector and arterial streets but that may also provide direct access to abutting properties. It is intended to serve, directly or indirectly, more than eight hundred (800) trips per day.

- (6) Commercial Local: A street whose principal function is to provide access to businesses within commercial districts, carrying automobile and delivery truck traffic at relatively low speeds.
- (7) Commercial Collector: A street whose principal function is to carry high volumes of traffic between local and sub-collector streets and arterial streets but that may also provide direct access to abutting properties. A commercial collector is intended to serve, directly or indirectly, more than eight hundred (800) trips per day.
- (8) Arterial: A major street that is part of the NCDOT street system that serves as an avenue for the circulation of traffic into, out of, through or around the Town and carries high volumes of traffic. Design criteria are unique to the setting and shall be determined in coordination with NCDOT.
- (9) Marginal Access Street: A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties. Design criteria are unique to the setting and shall be determined in coordination with NCDOT.

(Ord. # 1716; Ord. #1745, 7-10-18)

4.11.3. Access to Lots

- (A) Every Lot must be accessible to a public street for the users of the Lot and emergency vehicles.
- (B) Lots that do not abut a public street may be authorized if they are accessible by a Private Drive pursuant to paragraphs (C) and (D) or a Private Street pursuant to section 4.11.14.

(C) A Private Drive may be approved as the sole access for a Lot or Parcel subject to the following conditions:

- (1) It accesses a public or private street and is located on a perpetual easement not less than twenty (20) feet in width;
- (2) The easement serves no more than three (3) Lots in the RS-3, RE or RR zoning district or no more than twenty-five (25) Dwelling Units in a RS-1, RM or PD zoning district;
- (3) Prior to recording of the plat, that delineates the Lot, restrictive covenants are recorded in the Moore County Registry that permanently establish the easement, provide for maintenance of the Private Drive and prohibit further division of any of the Lots served by the easement. If the Private Drive is part of a subdivision for Townhouses or Condominiums, the Lots may be served by a "Private Ingress/Egress/Access Easement" that is maintained by the "home owners association" and shall be clearly designated on Final Plat and in restrictive HOA documents.

(D) Private Drives shall meet the design and construction requirements to support and provide fire department access. Pavement width shall be at least twenty (20) feet, but may be increased based on curve radii and whether parking is allowed to encroach on the Private Drive. The HOA is responsible for ensuring fire department access at all times.

(Ord. #1715; Ord. #1630)

4.11.4. Access to Arterial Streets

Whenever a major subdivision borders on or contains an existing or proposed Arterial Street, no direct driveway access may be provided from the Lots within the subdivision onto the Arterial Street unless the Town Council finds that an internal street system or alternative access is not practicable. Whenever a minor subdivision borders on or contains an existing or proposed Arterial Street, no more than one (1) direct driveway access may be provided from the Lots within the subdivision onto the

Arterial Street unless the Town Council finds that an internal street system or alternative access is not practicable.

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

4.11.5. Entrances to Streets

(A) All driveway entrances and other openings onto streets within the Town's Planning Jurisdiction shall be constructed so that:

- (1) Vehicles can enter and exit from the Lot in question without posing any substantial danger to themselves, pedestrians or vehicles traveling in abutting streets; and
- (2) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

(B) Requests for new driveway entrances or requests for modifications to existing driveway entrances, when not associated with a rezoning or Special Use Permit application shall be reviewed and approved by the Town Engineer or designee. The Town Engineer or designee shall issue a driveway permit in such cases.

(C) Specifications for driveway entrances are set forth in Appendix B to this chapter. If driveway entrances and other openings onto streets are constructed in accordance with the foregoing specifications and requirements, this shall be deemed prima facie evidence of compliance with the standard set forth in paragraph (A).

(D) For purposes of this section, the term "prima facie evidence" means that the Permit Issuing Authority may (but is not required to) conclude from this evidence alone that the proposed Development complies with paragraph (A).

(Ord. #1745)

4.11.6. Coordination with Surrounding Streets

(A) The street system of a subdivision shall be coordinated with existing, proposed and anticipated streets outside the subdivision or outside

the portion of a single Tract that is being divided into Lots (hereinafter, "surrounding streets") as provided in this section. Where applicable, the street layout in all new subdivisions shall conform to the arrangement, width and location indicated on any official thoroughfare plan for state and local streets.

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

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

4.11.7. Street Connections Required

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

dead-end street or cul-de-sac in excess of one-thousand (1,000) feet may be created unless no other practicable alternative is available.

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

4.11.8. Relationship of Streets to Topography

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

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

4.11.9. Blocks

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

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

- (A) Street rights-of-way shall be designed and constructed in conformance with the provisions listed below unless otherwise allowed for by the Town Council as part of a Special Use Permit or Planned Development application. The Town Engineer may require modifications to these standards based on natural and built conditions to effectively serve the following functions:

- (1) To safely and efficiently carry motor vehicle traffic;
- (2) To provide a safe and convenient passageway for bicycle and pedestrian traffic; and
- (3) To serve as an important link in the Town's drainage system.
(Ord. # 1919)
- (B) Curbs and Gutters. All streets, except as provided in paragraph (C) and section 4.11.14, shall be constructed with curb and gutter and shall conform to the other requirements of this paragraph. Only standard ninety (90) degree curb may be used, except that concrete roll-type curb shall be permitted along local and residential sub-collector streets within residential subdivisions. Asphalt raised curb (wedge curb) may be permitted by the Town Council in subdivision extensions where the existing subdivision already has asphalt curb in fifty (50) percent or more of the existing footage of streets for the total Development that was approved under a master plan prior to the adoption of the UDO.
- (C) Public Streets without Curbs and Gutters. When the Town Council determines that due to site-specific drainage requirements and proposed street grade, shoulders and drainage swales would be more appropriate than curb and gutter, the streets shall be constructed according to the criteria indicated in Exhibit 4-18 or 4-19 as well as the construction standards and specifications in Appendix B. The Town Engineer may require modifications to these standards based on natural and built conditions to effectively serve the functions listed in paragraph (A) of this section.
 - (1) The standards in Exhibit 4-16, 4-17, 4-18, and 4-19, are minimums. Additional right-of-way may be needed to accommodate the streets due to road design and topographical conditions.
 - (2) Where curbs and gutters are not used, the installation, maintenance and repair of pipes and culverts under Private Streets, Private Drives and driveways shall be the responsibility

of the property owner(s) relying on such access to the Private Street.

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

- (D) If a substantial section of a proposed street does not abut property to which pedestrian access from the street will be needed, parking and sidewalks, as required by paragraph A of this section, may be waived by the Town Council. The remaining design standards of this section and the construction standards in Appendix B shall continue to apply.
(Ord. #1890, 1-6-21)
- (E) In circumstances when sidewalks otherwise would be required on both sides of the street, an unpaved greenway or multi-use path may be permitted if the Town Council determines that the proposed greenway or multi-use path provides an equal level of service (that paved sidewalks would provide) to the users of the facility. Such a greenway or multi-use path may be substituted for a sidewalk on one or both sides of the street if:
 - (1) If located adjacent to private streets, provisions are made that reasonably assures that the greenway or multi-use path will be installed and maintained in perpetuity as private without cost to the Town. If located adjacent to public streets, provisions are made that reasonably assures that the greenway or multi-use path will be installed without cost to the Town and then dedicated for public use; and,
 - (2) The Town Manager reviews and approves the appropriateness of the substitution and the adequacy of the provision for installation and maintenance.
- (F) Provision for Bicycles. All streets and stormwater improvements shall be designed to minimize bicycle safety hazards. Where sufficient right-of-way exists on collector and arterial streets, the Town may require the developer to establish bike lanes.

- (G) On-street Parking. On street parking shall not be allowed along public residential sub-collector, collector or arterial streets unless provisions are made for sidewalks or a Multi-User Trail.
- (H) Whenever the Permit Issuing Authority finds that a means of pedestrian access is necessary from the subdivision to schools, parks open space, playgrounds or other roads of facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the Applicant may be required to reserve an unobstructed easement of at least ten (10) feet in width to provide such access.
- (I) In industrial districts sidewalks may be installed on only one side of the street if the Tract being developed provides greenways that satisfy the following conditions:
- (1) The greenway is at least fifty (50) percent of the length of the required sidewalk on one side of the street;
 - (2) They provide reasonable connectivity to streets, sidewalks, and greenways within or adjoining the Development;
 - (3) They are constructed and maintained to the same standards as the Town's public greenways;
 - (4) The public is entitled to use the greenways to the same extent as the sidewalk;
 - (5) Provision is made that reasonably assures that the greenway will be installed and maintained in perpetuity as private without cost to the Town; and
 - (6) The Town Manager reviews the proposed greenway and the provisions for its installation and maintenance and determines that it satisfies the requirements set forth above.
- (J) No fence, wall, building shrub or tree trunk shall be located within two (2) feet of the outer edge the sidewalk except on commercial local streets.
- (K) Sidewalks are not required on a cul-de-sac serving only Lots of Single-Family residences when either:
- (1) The cul-de-sac is no more than three-hundred (300) feet in length; or
 - (2) The cul-de-sac is more than three hundred (300) feet in length and serves no more than six (6) residences or Lots, and the Planning Department, in consultation with Public Services Department, determines that there is no reasonable possibility that the street right-of-way to which the cul-de-sac connects will include a sidewalk.
- (L) Where a previous Special Use Permit was approved with greenways located on street right-of-way, greenways may be substituted for sidewalks in those approved greenway locations.
(Ord. # 1919)
- (M) The Town Council may approve alternative sidewalk arrangements in conjunction with planned Development, subdivision, special use or architectural compliance permit approval. Alternatives include the provision of Multi-User Trails in lieu of sidewalks, location of sidewalks within easements located adjacent to public right-of-way or other pedestrian accommodations that adequately provide for pedestrian circulation.
(Ord. # 1716; Ord. #1919)

Exhibit 4-16: Residential Street Design Standards

Street Type: Residential Local Streets	
• Right-of-Way Minimum: 50 feet • Street Width: 27 feet from back of curb to back of curb • Travel Lane Width: 11 feet • Planting Strips: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the street for single-family frontage, both sides for multi-family, commercial or mixed-use frontage.	
Street Type: Residential Sub-collector Streets	
• Right-Of-Way Minimum: 60 feet • Street Width: 29 feet from back of curb to back of curb • Travel Lane Width: 12 feet • Curb and Gutter Width (90 degree curb): 2.5 feet • Planting Strips: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the street for single-family frontage, both sides for multi-family, commercial or mixed-use frontage.	
Street Type: Residential Collector Streets: 2 – Lanes with Sidewalks without On-Street Parking	
• Right-of-Way Minimum: 80 feet • Travel Lane Width: 12 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Bicycle Lane Width: 5 feet • Curb And Gutter Width: 2.5 feet • Planting Strips Minimum: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on both sides of the road	

Street Type: Residential Collector Streets: 2 – Lanes with Sidewalks with On-Street Parking
• Right-of-Way Width Minimum: 100 feet • Travel Lane Width: 12 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Bicycle Lane Width: 5 feet • Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet) • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on both sides of the road
Street Type: Residential Collector Streets: 2 – Lanes with Sidewalks and Multi-Use Path without On-Street Parking
• Right-of-Way Width Minimum: 80 feet • Travel Lane Width: 14 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the road • Multi-Use Path Width: 10 feet in width on one side of the road
Street Type: Residential Collector Streets: 2 – Lanes with Sidewalks and Multi-Use Path with On-Street Parking
• Right-of-Way Width Minimum: 100 feet • Travel Lane Width: 14 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet) • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the road • Multi-Use Path Width: 10 feet in width on one side of the road

Street Type: Residential Collector Streets: 4 – Lanes with Sidewalks without On-Street Parking
• Right-of-Way Width Minimum: 100 feet • Travel Lane Width: 12 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Bicycle Lane Width: 5 feet • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on both sides of the road
Street Type: Residential Collector Streets: 4 – Lanes with Sidewalks with On-Street Parking
• Right-of-Way Width Minimum: 110 feet • Travel Lane Width: 12 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Bicycle Lane Width: 5 feet • Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet) • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on both sides of the road
Street Type: Residential Collector Streets: 4 – Lanes with Sidewalks and Multi-Use Path without On-Street Parking
• Right-of-Way Width Minimum: 110 feet • Travel Lane Width: 12 feet median side, 14 feet curb side • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the road • Multi-Use Path Width: 10 feet in width on one side of the road

Street Type: Residential Collector Streets: 4 – Lanes with Sidewalks and Multi-Use Path with On-Street Parking

- Right-of-Way Width Minimum: 110 feet
- Travel Lane Width: 12 feet median side, 14 feet curb side
- Median Width: 12 feet
- Median Mountable Curb and Gutter Width: 1.5 feet
- Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet)
- Curb and Gutter Width: 2.5 feet
- Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks
- Sidewalks: 5 feet in width on one side of the road
- Multi-Use Path Width: 10 feet in width on one side of the road

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

Exhibit 4-17: Commercial Street Design Standards**Street Type: Commercial Local Streets**

- Right-of-Way Width Minimum: 70 feet
- Street Width: 45 feet from back of curb to back of curb
- Travel Lane Width: 12 feet
- Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet)
- Curb and Gutter Width: 2.5 feet
- Sidewalks: 11 feet in width on both sides with planting wells included in the sidewalks. Planting wells should be 6 feet by 6 feet in width and located on both sides of the road with street trees planted in the strip between the pavement and sidewalks.

Street Type: Commercial Collector Streets: 2 – Lanes with Sidewalks without On-Street Parking

- Right-of-Way Width Minimum: 80 feet
- Travel Lane Width: 12 feet
- Median Width: 12 feet
- Median Mountable Curb and Gutter Width: 1.5 feet
- Bicycle Lane Width: 5 feet
- Curb and Gutter Width: 2.5 feet
- Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks
- Sidewalks: 5 feet in width on both sides of the road

Street Type: Commercial Collector Streets: 2 – Lanes with Sidewalks with On-Street Parking
• Right-of-Way Width Minimum: 100 feet • Travel Lane Width: 12 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Bicycle Lane Width: 5 feet • Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet) • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on both sides of the road
Street Type: Commercial Collector Streets: 2 – Lanes with Sidewalks and Multi-Use Path without On-Street Parking
• Right-of-Way Width Minimum: 80 feet • Travel Lane Width: 14 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the road • Multi-Use Path Width: 10 feet in width on one side of the road
Street Type: Commercial Collector Streets: 2 – Lanes with Sidewalks and Multi-Use Path with On-Street Parking
• Right-of-Way Width Minimum: 100 feet • Travel Lane Width: 14 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet) • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the road • Multi-Use Path Width: 10 feet in width on one side of the road

Street Type: Commercial Collector Streets: 4 – Lanes with Sidewalks without On-Street Parking
• Right-of-Way Width Minimum: 100 feet • Travel Lane Width: 12 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Bicycle Lane Width: 5 feet • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on both sides of the road
Street Type: Commercial Collector Streets: 4 – Lanes with Sidewalks with On-Street Parking
• Right-of-Way Width Minimum: 110 feet • Travel Lane Width: 12 feet • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Bicycle Lane Width: 5 feet • Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet) • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on both sides of the road
Street Type: Commercial Collector Streets: 4 – Lanes with Sidewalks and Multi-Use Path without On-Street Parking
• Right-of-Way Width Minimum: 110 feet • Travel Lane Width: 12 feet median side, 14 feet curb side • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the road • Multi-Use Path Width: 10 feet in width on one side of the road

Street Type: Commercial Collector Streets: 4 – Lanes with Sidewalks and Multi-Use Path with On-Street Parking
• Right-of-Way Width Minimum: 110 feet • Travel Lane Width: 12 feet median side, 14 feet curb side • Median Width: 12 feet • Median Mountable Curb and Gutter Width: 1.5 feet • Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet) • Curb and Gutter Width: 2.5 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the road • Multi-Use Path Width: 10 feet in width on one side of the road

Exhibit 4-18: Streets Design Standards without Curbs and Gutters

Street Type: Residential Local Streets with Sidewalks* *For Single-Family Developments Only
• Right-of-Way Width Minimum: 50 feet • Street Width: 27 feet • Travel Lane Width: 11 feet • Ditch Width: 8 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the road
Street Type: Residential Local Streets with Multi-Use Trails* *For Single-Family Developments Only
• Right-of-Way Width Minimum: 70 feet • Street Width: 27 feet • Travel Lane Width: 11 feet • Ditch Width: 8 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Multi-Use Path Width: 10 feet in width on one side of the road

Street Type: Residential Local Streets with Sidewalks and Multi-Use Trails* *For Single-Family Developments Only
• Right-of-Way Width Minimum: 70 feet • Street Width: 27 feet • Travel Lane Width: 11 feet • Ditch Width: 8 feet • Planting Strip Width: 6 feet in width on both sides of the road with street trees planted in the strip between the pavement and sidewalks • Sidewalks: 5 feet in width on one side of the road • Multi-Use Path Width: 10 feet in width on one side of the road

Exhibit 4-19: Streets Design Standards without Curbs and Gutters

Street Type: Residential Private Alley
• Right-of-Way Width Minimum: 20 feet • Street Width: 20 feet from back of curb to back of curb • Travel Lane Width: 7.5 feet • Curb and Gutter Width: 2.5 feet

(Ord. #1745, 7-10-18; Ord. #1871, 8-24-20)

greater. ADT shall be calculated according to the trip generation rate in Exhibit 4-20.

4.11.11. General Street Layout

- (A) Local street connectivity is encouraged to improve mobility and to facilitate the free flow of traffic along Collector and Arterial Streets.
- (B) All permanent dead-end streets (as opposed to temporary dead-end streets shall be developed as cul-de-sacs in accordance with the standards set forth in paragraph (C) of this section. Except where no other practicable alternative is available, such streets shall be designed so as to provide access to no more than twenty (20) Dwelling Units or a maximum of 200 average daily trips (ADT, whichever is

Exhibit 4-20: Trip Generation Rates

Use	ADT
Single-Family	9.44
Multi-Family and Single-Family Attached	7.32
Mobile Home	5.0
Retirement Community	3.7
Non- Residential	Most recent ITE trip generation rate determined to be appropriate trip generation rates approved by the Town Engineer

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

- (C) The right-of-way of a cul-de-sac shall have a radius of fifty-five (55) feet. The radius of the paved portion of the turn-around (measured to the outer edge of the pavement) shall be forty-three (43) feet. When a center island in a cul-de-sac is unpaved, the minimum pavement width shall be twenty (20) feet. Any unpaved center of the turn-around shall be landscaped.
- (D) Streets shall be laid out so that residential blocks do not exceed 1,500 feet, unless the Town Council determines that there is no other practicable alternative available.

*(Ord. #1871, 8-24-20)***4.11.12. Street Intersections**

- (A) Streets shall intersect as nearly as possible at right angles and no two (2) streets may intersect at less than a seventy-five (75) degree angle. Not more than two (2) streets shall intersect at any one point, unless the Town Engineer certifies to the Permit Issuing Authority that such an intersection can be constructed with no extraordinary danger to public safety.

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

- (B) Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than one-hundred-fifty (150) feet.
- (C) Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than four-hundred (400) feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between off-set intersecting streets shall be at least one-thousand (1,000) feet.

4.11.13. Construction Standards and Specifications

Construction and design standards and specifications for streets, sidewalks and curbs and gutters are contained in Appendix B and all such facilities shall be completed in accordance with these standards.

*(Ord. #1890, 1-6-21)***4.11.14. Private Streets in Subdivisions**

- (A) Unless the recorded plat of the land from which the Lots are created clearly shows a street to be public, the streets listed on the plat shall be considered private. The recording of a plat with streets listed as public shall constitute an offer of dedication of such street.
- (B) Except as otherwise approved in a PD, whenever multiple Lots are to be served by a Private Street:
- (1) The street must be built to the same standards and specifications as would apply if it were a Public Street.
 - (2) The Private Street shall serve only the Development in which it is located; it may not be designed to be extended to serve property outside the Development.

- (3) Permanent provision must be made, and shown to the satisfaction of the Town Council, for the street to be maintained properly by a landowner association or comparable mechanism.
- (C) Private Drives serving more than three (3) dwellings shall meet the design and construction requirements to support and provide fire department access. The access shall be comprised of a fire department approved material and the width shall be at least twenty (20) feet but may be increased based on curve radii and whether parking is allowed to encroach on the Private Drive. The HOA is responsible for ensuring fire department access at all times.
- (D) The recorded plat of any subdivision shall clearly identify Private Streets. Further, the initial purchasers of a newly created Lot served by a Private Street shall be furnished by the seller with a disclosure statement, in accordance with the provisions of G.S. 136-102.6, outlining the maintenance responsibilities for the Private Street.
- (E) No work done by the Town involving the maintenance or repair of a private street shall neither imply nor impose any subsequent maintenance responsibilities on the Town.

(Ord. #1745)

4.11.15. Street, Private Drive and Sidewalk Requirements in Un-subdivided Developments

The provisions of this section shall apply to all un-subdivided Development requiring PD or Architectural Compliance Permit approval.

- (A) Within un-subdivided Developments, all Public Streets, Private Streets and Private Drives shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic and shall comply with the design standards of section 4.11.10, except as modified by this section.
- (B) Whenever a Street in an un-subdivided Development connects two (2) or more sub-collector, collector or arterial streets in such a manner that any substantial volume of through traffic is likely to make use of

this road, such Street shall be constructed in accordance with the standards applicable to Public Streets and shall be dedicated. In other cases when roads in un-subdivided Developments within the Town are constructed in accordance with the specifications for Public Streets, the Town may accept an offer of dedication of such streets.

- (C) Private Drives serving more than three (3) dwellings shall meet the design and construction requirements to support and provide fire department access. Pavement width shall be at least twenty (20) feet, but may be increased based on curve radii and whether parking is allowed to encroach on the Private Drive. The HOA is responsible for ensuring fire department access at all times.
- (D) In all un-subdivided residential Development, sidewalks shall be provided linking Dwelling Units with other Dwelling Units, the Public Street, and on-site activity centers such as parking areas, laundry facilities and recreational areas and facilities. Notwithstanding the foregoing, sidewalks shall not be required where pedestrians have access to a road that serves not more than nine (9) Dwelling Units. The sidewalk requirement may also be waived where, in the opinion of the Planning Director, an adequate system of hiking and/or bicycling trails are provided which would offer acceptable pedestrian facilities and access.
- (E) Whenever the Permit Issuing Authority finds that a means of pedestrian access is necessary from an un-subdivided Development to schools, parks, playgrounds or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to reserve an unobstructed easement of at least ten (10) feet to provide such access.
- (F) The sidewalks required by this section shall be at least five (5) feet wide and constructed according to the specifications set forth in Appendix B.

(Ord. #1890)

4.11.16. Traffic Calming

- (A) Traffic calming devices are only applicable on local streets that are “primarily residential” in character. To allow flexibility for various land uses, like parks and schools, no exact standard or distance between traffic calming devices are set. However, “primarily residential” means at least seventy-five (75) percent of the properties with frontage on the street are in residential zoning districts or have existing land uses that are residential.
- (B) In new Developments, the developer shall meet with appropriate Town staff (Town Engineer, Street Superintendent, Town Planners, Public Services Director, Police Chief and Fire Chief) to determine the need, if any, for traffic control devices. Once the need is established, a visioning session with Town staff and developer shall be conducted to discuss the traffic calming measures that will best serve the new community/Development. After the visioning session, the developer shall submit to the Town, for review, the proposed traffic calming plan for approval or approval with modifications. Once approved by the Town, the traffic calming devices shall be incorporated in the proposed site plan or Engineering Plan.
- (C) Traffic calming measures that may be considered are listed below. However, the measures identified are not meant to exclude other measures as new ideas are being developed.
- (1) Non-Physical measures may include, but not be limited to, speed enforcement, radar trailers, land striping, Signage, pavement marking legends, high visibility crosswalks, on street parking, raised pavement markings, streetscaping, multi-way stops, turn prohibitions and other restrictions, gateways/entryways and colored pavements.
 - (2) Vertical traffic calming measures may include, but not be limited to, textured pavements, speed tables, raised crosswalks and raised intersections.

- (3) Horizontal traffic calming measures may include, but not be limited to, traffic circles, roundabouts, curb extensions, chicanes, lateral shifts, neck-downs, realigned intersections, bulb-outs, two lane chokers, one lane chokers, center island narrowing and medians.
- (4) Diversion traffic calming measures may include, but not be limited to, street closures, diagonal diverters and semi-diverters.

(Ord. #1745)

4.11.17. Attention to Handicapped in Street and Sidewalk Construction

- (A) As provided in G.S. 136-44.14 whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with Appendix B and the published standards of the North Carolina Department of Transportation, Division of Highways.

(Ord. #1890)

- (B) In un-subdivided Developments, sidewalk construction for the handicapped shall conform to the requirements of Chapter 11 of the North Carolina State Building Code, as amended.

(Ord. #1745)

4.11.18. Addressing and House Numbers

- (A) Building/house numbers shall be assigned by the Town and the Moore County Addressing Coordinator. Numbers shall be placed on the structure visible from the roadway, if not, it shall be posted at the beginning of the driveway in a prominent location that is visible from both directions. If a driveway is shared, directional Signage shall be placed at any intersection.

- (B) New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

4.11.19. Bridges

All bridges shall be constructed in accordance with the standards and specifications of the North Carolina Department of Transportation, except that bridges on roads not intended for public dedication may be approved if designed by a registered, professional engineer.

4.11.20. Utilities

Utilities installed in public rights-of-way or along private roads shall conform to the requirements set forth in section 4.15.

4.11.21. Street and Sidewalk Improvements

The cost of installing street and sidewalk improvements required by this article shall be borne entirely by the developer. In no case shall the Town of Southern Pines be responsible for the cost of street and sidewalk improvements required by this section 4.11. Sidewalks shall be installed at the time of street construction or property secured in accordance with section 2.20.6. Damage to streets or sidewalks during site Development shall be repaired prior to issuance of a certificate of occupancy or prior to the reimbursement or release of any Subdivision Performance Guarantee.

(Ord. #1745; Ord. #1919)

4.11.22. Street Names and Traffic Signs

- (A) Street names shall be assigned by the developer subject to the approval of the Permit Issuing Authority and the Moore County Addressing Coordinator. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly

created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within Moore County, regardless of the use of different suffixes (such as those set forth in paragraph (B)).

- (B) Street names shall include a suffix such as the following:
- (1) Circle: A short street that returns to itself.
 - (2) Court or Place: A Cul-de-sac or dead-end street.
 - (3) Loop: A street that begins at the intersection with one street and circles back to end at another intersection with the same street.
 - (4) Street, Avenue and other common suffixes not applying above: All Public Streets not designated by another suffix.
- (C) Street name and traffic Signs which meet the standards of the Town and the NCDOT specifications shall be placed at all street intersections. The cost to install street name and traffic Signs shall be borne by the developer. In the case of a subdivision with private streets, street and traffic Signs shall be constructed of a reflective material and shall meet the size and location requirements of the Town as determined by the Town Engineer.
- (D) If an owner, developer, homeowners association or Applicant of a site or subdivision desires to install specialty street name Signs and posts, or specialty traffic control Signs and posts that vary from the standard type Sign materials required by and used by the Town, that person or homeowners association must make a request in writing to the Town. All such requests must include detailed dimensional drawings of the proposed street name Signs and posts and/or traffic control Signs and posts and specifications for the material to be used in those Signs and posts.
- (E) The Town Engineer will review and approve all requests for such specialty street name Signs and posts and/or traffic control Signs and

posts that differ from standard Town type materials usually required by and used by the Town.

- (F) If approved by the Town, the use of specialty Signs and posts in any subdivision or any site, that approval is subject to the Town receiving a letter from the owner developer or homeowners association specifically agreeing to each of the following:

- (1) All Sign faces shall be made of reflective Sign material conforming to the requirements of NCDOT. The Sign face dimensions and the positioning of the Sign and post with respect to the street pavement and/or the intersection must conform to the requirements of the Manual for Uniform Traffic Control Devices. The location of each specialty Sign and post must be approved by the Town of Southern Pines prior to installation of that Sign and post.
- (2) The developer, the owner, or the homeowners association shall be responsible for all installation costs associated with the specialty Signs and posts.
- (3) The developer, the owner, or the homeowners association shall be responsible for the perpetual maintenance of specialty Signs and posts for which they requested Town approval.
- (4) If the developer, the owner, or the homeowners association fails to fulfill its responsibility for maintenance of these specialty Signs and posts, the Town of Southern Pines shall install its standard Sign materials and the developer, the owner or the homeowners association shall be required to remove the specialty Signs and posts and at no cost to the Town. The cost of materials and installation of the standard street name Signs, standard traffic control Signs and posts needed to replace the specialty street name Signs, specialty traffic control Signs and posts that have not been properly maintained shall be borne by the owner, the developer or the homeowners association of the subdivision of the site, whichever is appropriate.

- (5) The developer, the owner or the Applicant shall inform purchasers of its property of the conditions and responsibilities of the homeowners association pertaining to perpetual maintenance responsibility for the specialty Signs and posts within the subdivision or on that site.

4.11.23. Pavement Markings and Pavement Materials

All pavement markings and materials in Public Street pavement shall be approved by the Permit Issuing Authority for the Public Street. Pavement markings and material changes to street pavement shall be limited to pedestrian crossings, lane markings, edge of pavement marking and traffic warning or control markings or materials approved by the Town Engineer and should be consistent with the standards of the Manual on Uniform Traffic Control Devices.

4.11.24. Sidewalk Accessibility

If there is an existing or proposed sidewalk adjacent to a proposed or developing piece of property then such Development must extend such a sidewalk to the primary entrance of the building.

4.12. TRANSPORTATION /TRAFFIC ANALYSES

4.12.1. Purpose.

The intent of this section is to provide the information necessary to allow decision-makers to assess the adequacy of available capacity to meet existing, projected and proposed demand at adopted levels of service. Traffic Impact Analyses (TIA) are intended for Developments having traffic impacts on major streets, multiple streets or multiple intersections. Traffic Design Analyses (TDA) are intended for Developments having more localized impacts. Where there is not sufficient available capacity to meet these demands, the traffic study should identify improvements required to accommodate proposed demand and maintain adopted levels of service. A traffic study will be required for Development applications exceeding specific trip generation thresholds established in this section.

4.12.2. Types of Studies and Applicability**(A) Traffic Impact Analysis (TIA)**

- (1) Purposes: The purposes of a TIA will be to:
 - (a) Evaluate traffic operations and impacts at site access points under projected traffic loads;
 - (b) Evaluate the impact of site-generated traffic on affected intersections in the impact area;
 - (c) Evaluate the impact of site-generated traffic on the quality of traffic flow on public streets located in the Impact area;
 - (d) Evaluate the impact of the proposed Development on residential streets in the impact area;
 - (e) Ensure that site access and other improvements needed to mitigate the traffic impact of the Development meet commonly accepted engineering design standards;
 - (f) Ensure that adequate facilities for pedestrians, transit users and bicyclists have been provided; and
 - (g) Identify transportation infrastructure needs and related costs created by the Development and cost sharing for needed improvements.
- (2) Applicability: A TIA will be required prior to approval of a Preliminary Plat; Architectural Compliance Permit, Zoning Map Amendment, or Special Use Permit for Development that exceeds the following thresholds in one or more Development Applications submitted for a Parcel or contiguous Parcels under common ownership at the time of the adoption of this UDO or at the time of the Development application:
 - (a) The proposed Development will generate more than 1,000 average daily trips at full occupancy, according to most current version of the ITE Trip Generation Informational

Report or comparable research data approved by the Town Engineer; or

- (b) The proposed Development will concentrate three hundred (300) or more trips per day through a single access point.

(Ord. # 1919)

(B) Traffic Design Analysis (TDA). All Development projected to generate two hundred (200) average daily trips more than existing conditions that does not require a TIA shall be required to complete a Traffic Design Analysis (TDA). The purposes of a TDA will be to:

- (1) Ensure that the proposed street layout is consistent with adopted road design standards;
- (2) Ensure the proper design and spacing of site access points and identify where limitations on access should be established;
- (3) Ensure that potential safety problems have been properly evaluated and addressed;
- (4) Ensure that internal circulation patterns will not interfere with traffic flow on existing public streets;
- (5) Ensure that appropriate facilities for pedestrians, transit users and bicyclists have been provided in plans for the Development; and
- (6) Identify the transportation infrastructure needs and related costs created by the Development.

4.12.3. Waiver

The requirements of this section for a TIA or TDA may be waived by the Town Engineer upon determining that such report is not necessary to determine needed road improvements, that adequate capacity exists to serve the proposed Development, and that no unsafe or hazardous conditions will be created by the Development as proposed.

4.12.4. Preparation

The cost of TIA or TDA preparation shall be the responsibility of the Applicant. The Applicant shall retain the services of a qualified traffic engineer approved by the Town Engineer. A TIA shall be sealed by a licensed professional engineer.

4.12.5. Traffic Level of Service Standards

The standards for traffic service that shall be used to evaluate the findings of a TIA or TDA are:

- (A) Level of Service. Level of Service D (LOS D) or less congested shall be maintained at all arterial and collector street intersections. LOS C or less congested shall be maintained at all other street intersections. For multi-phase Developments, the applicable levels of service shall be maintained for each phase. No Development shall result in the decline in the level of service of an adjacent street by more than two (2) letters (e.g., a drop from LOS A to LOS D) unless specifically approved by the Town Council.
- (B) Number of Access Points. The spacing of access points shall comply with applicable Town, state and AASHTO standards.
- (C) Internal Circulation. On-site vehicle circulation and parking patterns shall be designed so as not to interfere with the flow of traffic on any public street and shall accommodate all anticipated types of site traffic at projected volumes.
- (D) Safety. Access points shall be designed to provide for adequate sight distance and appropriate facilities to accommodate acceleration and deceleration of site traffic pursuant to section 4.11.5.
- (E) Curb Space Use Plan. Details shall be provided on curb space use on public streets along the edge of the Development site when it is intended that such areas be used for parking, parking space access, delivery and loading zones, passenger zones, bus stops, fire zones and/or other official/emergency zones. This review shall include a description of existing conditions prior to Development, and proposed

changes resulting from the Development, including a description of any loss or gain in curb space use by the activities intended.

(Ord. #1745)

4.12.6. Traffic Analysis Contents

- (A) A TIA shall be based on peak hour traffic and shall contain information addressing the factors listed below.
 - (1) Project and Site Description. The analysis shall contain illustrations and narratives that describe the characteristics of the site and adjacent land uses as well as expected Development in the Impact area that will influence future traffic conditions. A description of the proposed Development including access plans, phasing plans and an indication of land use and intensity, shall be provided.
 - (2) Study Area. The analysis shall identify the geographic area under study and identify the critical intersections and access points to be analyzed. Unless an alternative is approved the Town Engineer, the study shall include: all intersections and driveways on or within 150 feet of the site; all intersections along collector or arterial streets within one-quarter (¼) mile of the site; and all intersections along arterial streets that the proposed Development is projected generate five (5) percent or more of the peak hour traffic.
 - (3) Existing Traffic Conditions. The analysis shall contain a summary of the data used in the analysis of existing traffic conditions, including:
 - (a) Existing Demand, including traffic count and turning movement information, including the source of and date when traffic count information was collected;
 - (b) Roadway characteristics, including the design configuration of existing roadways, existing traffic control measures

(speed limits, traffic signals, etc.) and existing driveways and turning movement conflicts in the Impact area; and

- (c) The existing LOS for roadways and intersections without project Development traffic using methods documented in the Special Report 209: Highway Capacity Manual, published by the Transportation Research Board, or comparable accepted methods of evaluation. LOS shall be calculated for the weekday am and pm peak hours and, in the case of uses generating high levels of weekend traffic, the Saturday or Sunday peak hour as determined by the Town Engineer.
- (4) Traffic Assignment. The TIA shall identify projected peak hour traffic volumes for applicable intersections and driveways in the study area. The Town Engineer shall identify applicable intersections, driveways and traffic distribution assumptions prior to completion of the study. Projected trip generation shall be based on latest data from the ITE or other studies approved in writing by the Town Engineer. This section will document all assumptions affecting the direction, volume and mode split of traffic generated by the project.
- (B) Analysis. The analysis shall be based on buildout and ten (10) year projections. The analysis shall compare existing demand plus projected demand plus proposed demand with planned capacity for the applicable projections.
- (C) Mitigation Alternatives. In situations where the LOS standards are projected to be exceeded for the buildout year for residential and the 10-year projection for commercial and mixed-use Developments, the analysis shall evaluate each of the following alternatives for achieving the traffic service standards:
 - (1) Identify additional right-of-way and street improvements needed to implement mitigation strategies;
 - (2) Identify suggested phasing of Development and transportation improvements where needed to maintain compliance with LOS standards;
 - (3) For Developments impacting constrained facilities, identify access, pedestrian, transit or other improvements required to mitigate the impacts of the proposed Development on the constrained facility.
 - (4) In the event that the proposed mitigation is not permitted by NCDOT, the Development shall provide the most effective mitigation to improve LOS allowed by NCDOT.
- (D) A TDA shall include the information required for a TIA, except as modified by the Town Engineer. The study area for a TDA shall include all street segments, intersections and driveways on or within 150 feet of the site.

(Ord. #1745)

4.12.7. Process for the Review and Preparation

The following steps provide an outline of the steps to be included in the preparation and review of a Traffic Impact Analysis:

- (A) The Applicant shall meet or correspond with the Town Engineer to determine whether a TIA needs to be prepared for a proposed Development application, and to identify study issues, assumptions, projections and time periods to be analyzed, analysis procedures, available sources of data, past and related studies, report requirements and other topics relevant to study requirements. NCDOT shall be contacted and coordinated with as appropriate when the TIA includes state or federal highways as points of access for a Development.
- (B) Following initial completion of a TIA, the report shall be submitted to the Planning Director and the Town Engineer and the applicant shall be responsible for distribution to all jurisdictions involved in the construction and maintenance of public roadways serving the

Development. If direct access is being proposed to a State Highway, the applicant shall also submit the TIA to NCDOT, if not previously submitted.

- (C) Within five (5) business days, the Town Engineer shall complete an initial review to determine the completeness of the analysis and shall provide a written summary to the Applicant outlining the need for any supplemental study or analysis to adequately address any deficiencies. A meeting to discuss the contents and findings of the report and the need for additional study may be requested by the Applicant. NCDOT approval shall be required for any traffic mitigation involving the state system.
- (D) Within thirty (30) days of submittal of a complete application, the Town Engineer shall prepare a report outlining recommendations that have been developed to address the findings and conclusions included in the analysis regarding the proposed Development's access needs and impacts on the transportation system. Depending on the type of application, the recommendations may be presented to the Planning Board and/or Town Council.
- (E) In the case of a TIA or TDA showing deficiencies requiring mitigation within the public right-of-way, negotiations based on the conclusions and finding resulting from the TIA or TDA shall be held with appropriate Town staff. The subsequent Development Approval or, at the option of the Applicant, a Subdivision Performance Guarantee or Development Agreement, shall identify the Applicant's and the Town's responsibilities for implementing identified mitigation measures.

(Ord. #1745; Ord. #1919)

4.12.8. Findings

- (A) If the proposed Development, either residential, commercial, or mixed-use, meets the applicable service level standards and the project only affects Town or private streets, the Town Engineer shall recommend acceptance of the traffic analysis and its findings.

- (B) If the proposed Development, either residential, commercial, or mixed-use, meets the applicable service level standards and the project affects any NCDOT street, the Town Engineer shall not make a recommendation to either accept or deny the traffic analysis until the Town Engineer is in receipt of an official comment from NCDOT.
- (C) If the proposed residential Development will not meet applicable service level standards at the buildout projections or if the proposed commercial or mixed-use Development will not meet applicable service level standards at the buildout or 10-year projections, the Town Engineer shall recommend denial of the traffic analysis unless the Applicant submits a mitigation plan that, in the opinion of the Town Engineer, addresses the deficiencies through one or more of the following actions:
 - (1) Reduce the size, scale, scope or density of the Development to reduce traffic generation;
 - (2) Divide the project into phases and with only one phase at a time being authorized until traffic capacity is adequate for the next phase of Development;
 - (3) Dedicate right-of-way for street improvements;
 - (4) Construct new street improvements;
 - (5) Expand the capacity of existing streets and/or intersections;
 - (6) Redesign ingress and egress to the project to reduce traffic conflicts;
 - (7) Alter the use and type of Development to reduce peak hour traffic;
 - (8) Reduce background traffic;
 - (9) Eliminate the potential for additional traffic generation from undeveloped properties in the impact area; or

- (10) Integrate non-vehicular design components (e.g., pedestrian and bicycle paths or transit improvements) to reduce trip generation.

(Ord. #1745)

4.13. FLOOD HAZARD AREAS

4.13.1. Statutory Authorization, Purpose, Objectives

- (A) The Flood Hazard Overlay District (**FHO**), as established in section 3.6.9 is designed for the purpose of protecting people and property from the hazards of flooding in accordance with the authority provided in Part 6, Article 21 of Chapter 143; Article 8 of Chapter 160A; and Articles 7, 9 and 11 of Chapter 160D of the North Carolina General Statutes. This section 4.13 shall be known as the Town of Southern Pines Flood Hazard Area Regulations of Flood Hazard Area Regulations.

(Ord. #1919)

- (B) It is the purpose of the **FHO** district regulations is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging, and all other Development that may increase erosion or flood damage; and

- (5) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

- (C) The objectives of the **FHO** district regulations are:

- (1) To protect human life and health;
- (2) To minimize Expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business losses and interruptions;
- (5) To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) To help maintain a stable tax base by providing for the sound use and Development of flood prone areas; and
- (7) To ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

4.13.2. Definitions

- (A) Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in these Flood Hazard Regulations shall have the meaning indicated when used throughout this section.

- (1) **Accessory Structure (Appurtenant Structure).** A structure located on the same Parcel of property as the Principal Structure and the use of which is incidental to the use of the Principal Structure. Garages, carports and storage sheds are common urban Accessory Structures. Pole barns, hay sheds and the like qualify as Accessory Structures on farms, and may or

may not be located on the same Parcel as the farm Dwelling or shop building.

- (2) **Addition (to an existing building).** An extension or increase in the Gross Floor Area or height of a building or structure.
- (3) **Administrator.** The individual appointed to administer and enforce the floodplain management regulations of this article.
- (4) **Appeal.** A request for a review of the Administrator's interpretation of any provision of this article.
- (5) **Area of Shallow Flooding.** A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one to three feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
- (6) **Area of Special Flood Hazard.** See "Special Flood Hazard Area (SFHA)".
- (7) **Base Flood.** The flood having a 1% chance of being equaled or exceeded in any given year.
- (8) **Base Flood Elevation (BFE).** A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a federal, state, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".
- (9) **Basement.** Any area of the building having its floor sub-grade (below ground level) on all sides.
- (10) **Building.** See "Structure".
- (11) **Chemical Storage Facility.** A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.
- (12) **Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- (13) **Disposal.** As defined in G.S. § 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.
- (14) **Elevated Building.** A non-basement building which has its lowest elevated Floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
- (15) **Encroachment.** The advance or infringement of uses, fill, excavation, buildings, structures or Development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- (16) **Existing Manufactured Home Park or Manufactured Home Subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the Lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community.
- (17) **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; and/or
 - (b) The unusual and rapid accumulation of runoff of surface waters from any source.
- (18) **Flood Boundary and Floodway Map (FBFM).** An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).
- (19) **Flood Hazard Boundary Map (FHBM).** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.
- (20) **Flood Insurance.** The insurance coverage provided under the National Flood Insurance Program.
- (21) **Flood Insurance Rata Map (FIRM).** An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.
- (22) **Flood Insurance Study (FIS).** An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study Report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.
- (23) **Flood Prone Area.** See "Floodplain".
- (24) **Flood Zone.** A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

- (25) **Floodplain.** Any land area susceptible to being inundated by water from any source.
- (26) **Floodplain Development Permit.** Any type of permit (zoning or Special Use Permit) that is required in conformance with the provisions of this article prior to the commencement of any Development activity.
- (Ord. #1919)*
- (27) **Floodplain Management.** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
- (28) **Floodplain Management Regulations.** This article and other land Development ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control Development in flood prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.
- (29) **Floodproofing.** Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.
- (30) **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- (31) **Freeboard.** The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected

size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the Watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

- (32) **Functionally Dependent Facility.** A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.
- (33) **Hazardous Waste Facility.** As defined in G.S. Ch. 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.
- (34) **Highest Adjacent Grade (HAG).** The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.
- (35) **Historic Structure.** Any structure that is:
 - (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical Significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
 - (d) Certified as contributing to the historical Significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”. Certified Local Government (CLG) Programs are approved by the U.S. Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.
- (36) **Lowest Adjacent Grade (LAG).** The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.
- (37) **Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.
- (38) **Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “Manufactured Home” does not include a “Recreational Vehicle”.
- (39) **Manufactured Home Park or Subdivision.** A Parcel (or contiguous Parcels) of land divided into two or more manufactured home Lots for rent or sale.
- (40) **Market Value.** The building value, not including the land value and that of any Accessory Structures or other improvements on the Lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of

building and quality of construction (actual cash value); or adjusted tax assessed values.

- (41) **Mean Sea Level.** For purposes of this article, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.
- (42) **New Construction.** Structures for which the “start of construction” commenced on or after the effective date of the original version of the community’s Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures.
- (43) **Non-Encroachment Area.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study Report.
- (44) **Post-FIRM.** Construction or other Development for which the “start of construction” occurred on or after the effective date of the initial Flood insurance Rate Map for the area.
- (45) **Pre-FIRM.** Construction or other Development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map for the area.
- (46) **Principally Above Ground.** At least 51% of the actual cash value of the structure is above ground.
- (47) **Public Safety and/or Nuisance.** Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs

the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

- (48) **Recreational Vehicle (RV).** A vehicle, which is:
 - (a) Built on a single chassis;
 - (b) Four hundred square feet or less when measured at the largest horizontal projection;
 - (c) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (d) Designed primarily not for use as a permanent Dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (49) **Reference Level.** The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.
- (50) **Regulatory Flood Protection Elevation.** The “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.
- (51) **Remedy a Violation.** To bring the structure or other Development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected Development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other Development.

- (52) **Riverine.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, and the like.
- (53) **Salvage Yard.** Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.
- (54) **Solid Waste Disposal Facility.** As defined in G.S. 130A-290(a)(35), any facility involved in the disposal of solid waste.
- (55) **Solid Waste Disposal Site.** As defined in G.S. 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.
- (56) **Special Flood Hazard Area (SFHA).** The land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year, as determined in [Section 4.13.3\(B\)](#) below
- (57) **Start of Construction.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of Accessory Buildings, such as garages or sheds not occupied as Dwelling Units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
- (58) **Structure.** A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.
- (59) **Substantial Damage.** Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. See definition of “Substantial Improvement”.
- (60) **Substantial Improvement.** Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not, however, include either:
- (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (61) **Variance.** A grant of relief from the requirements of these Flood Hazard Regulations.

- (62) **Violation.** The failure of a structure or other Development to be fully compliant with the community's floodplain management regulations. A structure or other Development without the elevation certificate, other certifications, or other evidence of compliance required in section 4.13.4 and sections 4.13.8 through 4.13.13 is presumed to be in violation until such time as that documentation is provided.
- (63) **Water Surface Elevation (WSE).** The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.
- (64) **Watercourse.** A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. "Watercourse" includes specifically designated areas in which substantial flood damage may occur.

4.13.3. General Provisions

- (A) **Applicability.** The provisions of this article shall apply to all Special Flood Hazard Areas within the planning and zoning jurisdiction of the Town.
- (B) **Basis for Establishing the Special Flood Hazard Areas.** The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and the most recently adopted version its accompanying Flood Insurance Rate Maps (FIRM) for Moore County, which are adopted by reference and declared to be a part of this article. In addition, upon annexation to the Town or inclusion in the Town's extraterritorial jurisdiction (ETJ), the Special Flood Hazard Areas identified by the Federal Emergency Management Agency (FEMA) and/or produced under the Cooperating Technical State agreement between the State of North Carolina and FEMA as stated above, for the Unincorporated Areas of Moore County, with accompanying maps and other supporting data are adopted by reference and declared to be a part of this article.
- (Ord. #1919)
- (C) **Establishment of Floodplain Development Permit.** A Floodplain Development Permit shall be required in conformance with the provision of these Flood Hazard Regulations prior to the commencement of any Development activities within Special Flood Hazard Areas determined in accordance with paragraph (B) of this section.
- (D) **Compliance.** No structure or land shall hereafter be located, extended, converted, offered, or developed in any way without full compliance with the terms of this article and other applicable regulations.
- (E) **Abrogation and Greater Restrictions.** The provisions of this article are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the provisions of this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (F) **Interpretation.** In the interpretation and application of the provisions of this article, all provisions shall be:
- (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- (G) **Warning and Disclaimer of Liability.** The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This article does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the Town or by any officer or employee

thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

- (H) **Penalties for Violation.** Violations of the provisions of these Flood Hazard Regulations or failure to comply with any of its requirements shall be processed in accordance with the procedures delineated in chapter 8. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation of the provisions of this article.

4.13.4. Plans, Application, and Permit Requirements

- (A) **General.** A zoning or Special Use Permit, as applicable, shall be required in conformance with the provisions of this article prior to the commencement of any Development activities within Special Flood Hazard Areas determined in accordance with section 4.13.3(B).

(Ord. #1919)

- (B) **Application Requirements.** Applications for a zoning permit or Special Use Permit which include property that is located within a Special Flood Hazard Area shall be submitted to the Administrator and shall include the following information:

- (1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain Development:
 - (a) The nature, location, dimensions, and elevations of the area of Development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other Development;
 - (b) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in section 4.13.3(B) or a statement that the entire Lot is within the Special Flood Hazard Area;

- (c) Flood zone(s) designation of the proposed Development area as determined on the FIRM or other flood map as determined in section 4.13.3(B);
 - (d) The boundary of the floodway(s) or non-encroachment area(s) as determined in section 4.13.3(B);
 - (e) The Base Flood Elevation (BFE) where provided as set forth in section 4.13.3(B); section 4.13.5(K); section 4.13.5(L); or section 4.13.10;
 - (f) The old and new location of any watercourse that will be altered or relocated as a result of proposed Development; and
 - (g) Certification of the plot plan by a registered land surveyor or professional engineer in situations where, in the Administrator's opinion, more precise data is necessary to afford an adequate review of the application.
- (2) Proposed elevation, and method thereof, of all Development within a Special Flood Hazard Area including but not limited to:
 - (a) Elevation in relation to mean sea level of the proposed reference level (inducting basement) of all structures;
 - (b) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be floodproofed; and
 - (c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
 - (3) If floodproofing, a floodproofing certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

- (4) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this article are met. These details include but are not limited to:
 - (a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - (b) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with section 4.13.9(D)(3), when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.
- (5) Usage details of any enclosed areas below the regulatory flood protection elevation.
- (6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
- (7) Copies of all other local, state and federal permits required prior to floodplain Development permit issuance (wetlands, endangered species, erosion and sedimentation control, riparian buffers, mining, and the like.)
- (8) Documentation for placement of Recreational Vehicles end/or Temporary Structures, when applicable, to ensure sections 4.13.9(F) and 4.13.9(G) are met.
- (9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(Ord. #1919)

- (C) **Permit Data Requirements.** The following information shall be provided on the approved permit to ensure compliance with the provisions of this article:
 - (1) A description of the Development to be permitted under the floodplain Development permit.
 - (2) The Special Flood Hazard Area determination for the proposed Development per available data specified in section 4.13.3(B).
 - (3) The regulatory flood protection elevation required for the reference level and all attendant utilities.
 - (4) The regulatory flood protection elevation required for the protection of all public utilities.
 - (5) All certification submittal requirements with timelines.
 - (6) A statement that no fill material or other Development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
 - (7) The flood openings requirements, if in Zones A, AO, AE or A1-30.
 - (8) Limitations of below BFE enclosure uses, if applicable (i.e., parking, building access and limited storage only).
- (D) **Certification Requirements.**
 - (1) Elevation Certificates.
 - (a) An Elevation Certificate (FEMA Form 086-0-33) may be required by the Floodplain Administrator prior to the actual start of any new construction. If required, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by

the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a building permit.

- (b) An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
- (c) A final Finished Construction Elevation Certificate (FEMA Form 086 0 33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of

Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two (2) additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

(Ord. # 1775)

- (2) Floodproofing Certificate. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a floodproofing certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the Applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain Development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.

- (3) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per 4.13.9(C)(2).
- (4) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit Applicant prior to issuance of a permit.
- (5) Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in paragraphs (D)(2) and (D)(3) of this section:
 - (a) Recreational Vehicles meeting requirements of section 4.13.9(F)(1);
 - (b) Temporary structures meeting requirements of 4.13.9(G); and
 - (c) Accessory Structures less than 150 square feet meeting requirements of section 4.13.9(H).

4.13.5. Duties and Responsibilities of the Administrator

The duties of the Administrator as they relate to the administration and enforcement of the provisions of this article shall include, but not be limited to:

- (A) Review all floodplain Development applications and issue permits for all proposed Development within Special Flood Hazard Areas to assure that the requirements of this article have been satisfied.
- (B) Advise Applicant that additional federal or state permits (wetlands, endangered species, erosion and sedimentation control, riparian buffers, mining, and the like) may be required, and require that copies of such permits be provided and maintained on file with the permit.
- (C) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (D) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (E) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of section 4.13.11 are met.
- (F) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with section 4.13.4(B).
- (G) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with section 4.13.4(D).
- (H) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with section 4.13.4(D).
- (I) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with section 4.13.4(D) and section 4.13.9(B).
- (J) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears

to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

- (K) When Base Flood Elevation (BFE) data has not been provided in accordance with 4.13.3(B), obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to section 4.13.10(B)(2), in order to administer the provisions of these Flood Hazard Area regulations.
- (L) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with 4.13.3(B), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this article.
- (M) When the lowest ground elevation of a Parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA and maintain a copy issued by FEMA in the floodplain Development permit file.
- (N) Permanently maintain all records that pertain to the administration of this article and make these records available for public inspection.
- (O) Make on-site inspections of work in progress. As the work pursuant to a permit progresses, the Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action; provided, however, that the appropriate consent has been given for inspection

of areas not open to the public or that an appropriate inspection warrant has been secured.

- (P) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this article, the Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed.
(Ord. #1959)
- (Q) Revoke floodplain Development permits as required. The Administrator may revoke and require the return of the permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- (R) Make periodic inspections throughout all Special Flood Hazard Areas within the jurisdiction of the community. The Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (S) Follow through with corrective procedures of section 4.13.3(H).
- (T) Review, provide input, and make recommendations for variance requests.
- (U) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in

accordance with 4.13.3(B), including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

- (V) Coordinate revisions to FIS Reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

4.13.6. Corrective Procedures

- (A) Violations to be Corrected: When the Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (B) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (1) that the building or property is in violation of the floodplain management regulations;
 - (2) that a hearing will be held before the Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (3) that following the hearing, the Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (C) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Administrator shall find that the building or Development is in violation of these Flood Hazard

Regulations, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred eighty (180) calendar days. Where the Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

- (D) Appeal: Any owner who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (E) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the Board of Adjustment following an appeal, the owner shall be subject to a civil penalty in the amount of fifty (50) dollars per day.

(Ord. #1959)

4.13.7. Variance Procedures

- (A) The Board of Adjustment shall hear and decide requests for variances from the requirements of these Flood Hazard Area Regulations. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision in accordance with the provisions of section 2.22.
- (B) Variances may be issued by the Board of Adjustment for:
 - (1) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

- (2) Functionally dependent facilities if determined to meet the definition as stated in section 4.13.2, provided the provisions of paragraphs (H)(2), (3), and (5) of this section have been satisfied, and such facilities are protected by methods that minimize flood damages.
 - (3) Any other type of Development provided it meets the requirements stated in this section.
- (C) In passing upon variances, the Board of Adjustment shall consider all technical valuations, all relevant factors, all standards specified in other sections of this article, and:
- (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location as defined under section 4.13.2 as a functionally dependent facility, where applicable;
 - (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (7) The compatibility of the proposed use with existing and anticipated Development;
 - (8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (D) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (E) Upon consideration of the factors listed above and the purposes of this article, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
- (F) Any Applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25.00 per \$100.00 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (G) The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (H) Conditions for Variances:

- (1) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
- (2) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Variances shall only be issued prior to Development permit approval.
- (5) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (I) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met:
 - (1) The use serves a critical need in the community.
 - (2) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (3) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.

- (4) The use complies with all other applicable federal, state and local laws.
- (5) The Town has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

4.13.8. General Standards for Flood Hazard Reduction

In all Special Flood Hazard Areas the following provisions are required:

- (A) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (C) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (D) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, duct work, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, and the like), hot water heaters, and electric outlets/switches.
- (E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

- (G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (H) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this article, shall meet the requirements of “new construction” as contained in this article.
- (I) Nothing in this article shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this article and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this article.
- (J) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in section 4.13.7(I). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to section 4.13.4(D).
- (K) All subdivision proposals and other Development proposals shall be consistent with the need to minimize flood damage.
- (L) All subdivision proposals and other Development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (M) All subdivision proposals and other Development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

- (N) All subdivision proposals and other Development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

4.13.9. Specific Standards for Flood Hazard Reduction

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in section 4.13.3(B) or sections 4.13.5(K) and 4.13.5(L), the following provisions, in addition to section 4.13.8, are required:

- (A) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in section 4.13.2.
- (B) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in section 4.13.2. Structures located in A, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with section 4.13.13. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Administrator as set forth in section 4.13.4(D) along with the operational and maintenance plans.

(C) Manufactured Homes.

- (1) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in section 4.13.2.
- (2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to G.S. § 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.
- (3) All enclosures or skirting below the lowest floor shall meet the requirements of section 4.13.9(D).
- (4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Administrator and the local Emergency Management Coordinator.

(D) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- (1) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior

door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

- (2) Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation; and
- (3) Shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (a) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (b) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
 - (c) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (d) The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;
 - (e) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - (f) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(E) Additions/Improvements.

- (1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - (b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (2) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (3) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (a) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (4) Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(F) Recreational Vehicles. Recreational vehicles shall either:

- (1) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
 - (2) Meet all the requirements for new construction.
- (G) Temporary Non-Residential Structures. Prior to the issuance of a permit for a temporary structure, the Applicant must submit to the Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Administrator for review and written approval:
- (1) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
 - (2) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - (3) The time frame prior to the event at which a structure will be removed (i.e., minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification);
 - (4) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - (5) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (H) Accessory Structures. When Accessory Structures (sheds, detached garages, and the like) are to be placed within a Special Flood Hazard Area, the following criteria in this section shall be met. An Accessory Structure with a footprint less than one hundred fifty (150) square feet that satisfies the criteria outlined below does not require an elevation

or floodproofing certificate. Elevation or floodproofing certifications are required for all other Accessory Structures in accordance with section 4.13.4(D).

- (1) Accessory Structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- (2) Accessory Structures shall not be temperature-controlled;
- (3) Accessory Structures shall be designed to have low flood damage potential;
- (4) Accessory Structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (5) Accessory Structures shall be firmly anchored in accordance with section 4.13.8(A);
- (6) All service facilities, such as electrical, shall be installed in accordance with section 4.13.8(D); and
- (7) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with section 4.13.9(D)(3).

4.13.10. Standards for Floodplains without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in section 4.13.3(B), where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to sections 4.13.8 and 4.13.9, shall apply:

- (A) No encroachments, including fill, new construction, substantial improvements or new Development shall be permitted within a distance of twenty (20) feet each side from top of bank or five (5) times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered

professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- (B) The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:
 - (1) If BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this article and shall be elevated or floodproofed in accordance with standards in sections 4.13.5(K) and 4.13.5(L).
 - (2) All subdivision, Manufactured Home Park and other Development proposals shall provide BFE data if Development is greater than five acres or has more than fifty (50) Lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per section 4.13.3(B) to be utilized in implementing this article.
 - (3) When Base Flood Elevation (BFE) data is not available from a federal, state, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in section 4.13.12.

4.13.11. Standards for Riverine Floodplains with BFE but without Established Floodways or Non-Encroachment Areas

Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS Report, the following requirements shall apply to all Development within such areas:

- (A) Standards outlined in sections 4.13.5(K) and 4.13.5(L); and
- (B) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial

improvements, or other Development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed Development, when combined with all other existing and anticipated Development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

4.13.12. Standards for Floodways and Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in section 4.13.3(B). The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in sections 4.13.5(K) and 4.13.5(L), shall apply to all Development within such areas:

- (A) No encroachments, including fill, new construction, substantial improvements and other Developments shall be permitted unless it has been demonstrated that:
 - (1) The proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Administrator prior to issuance of a permit; or
 - (2) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- (B) If section 4.13.12(A) is satisfied, all Development shall comply with all applicable flood hazard reduction provisions of this article.
- (C) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

- (1) The anchoring and the elevation standards of section 4.13.9(C); and
- (2) The no encroachment standard of section 4.13.12(A).

4.13.13. Standards for Areas of Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas established in section 4.13.3(B), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to section 4.13.8, all new construction and substantial improvements shall meet the following requirements:

- (A) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade plus a freeboard of two feet if no depth number is specified.
- (B) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Sub-section (1) above so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per section 4.13.4(D) and section 4.13.9(B).
- (C) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

4.13.14. Effect upon Outstanding Permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any Development or any part thereof for which a permit has been granted by the administrator or his or

her authorized agents before the time of passage of this article; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this article.

4.14. DRAINAGE, EROSION CONTROL, STORM WATER MANAGEMENT

4.14.1. Natural Drainage System Utilized to Extent Feasible:

- (A) To the extent practicable, all Development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed.
- (B) To the extent practicable, Lot boundaries shall be made to coincide with natural and preexisting man-made drainage ways within subdivisions to avoid the creation of Lots that can be built upon only by altering such drainage ways.

4.14.2. Developments Must Drain Properly

- (A) All Developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the Development site. Surface water shall not be regarded as unduly retained if:
 - (1) The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or
 - (2) The retention is not substantially different in location or degree than that experienced by the Development site in its pre-Development stage, unless such retention presents a danger to health or safety.
- (B) No surface water may be channeled or directed into a sanitary sewer.

- (C) Whenever practicable, the drainage system of a Development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.
- (D) Use of drainage swales rather than curb and gutter and storm sewers in subdivisions is provided for in section 4.11.10. Private Streets and access ways shall provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.

- (E) Construction specifications for drainage swales, curbs and gutters and storm drains are contained in Appendix B.

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

4.14.3. Storm Water Management

- (A) All Developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such Developments. More specifically:
 - (1) No Development may be constructed or maintained so that such Development unreasonably impedes the natural flow of water from higher adjacent properties across such Development, thereby unreasonably causing substantial damage to such higher adjacent properties;
 - (2) No Development may be constructed or maintained so that surface waters from such Development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties; and
 - (3) The post-Development runoff rate shall be equal to or less than the pre-Development rate from the design storm or a ten (10) year storm event.

- (a) Exemption: Existing single family residential lots built in accordance with the Watershed Protection Overlay requirements.

(Ord. #2040)

- (B) All Developments shall contain an adequate drainage system for the proper drainage of all surface water. No new construction and no substantial improvements of a structure may take place unless the design of a drainage system is reviewed by the administrator to assure that:

- (1) No surface water shall be channeled or directed into a sanitary sewer.
- (2) Where feasible, the subdivider shall connect to an existing storm drainage system.
- (3) Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed Development from water damage.
- (4) Surface drainage courses shall have side slopes of not less than the natural angle of repose for the soil but not steeper than a three (3) to one (1) slope in which the course is constructed and courses shall be of sufficient size to accommodate the drainage area without flooding the adjacent properties.

(Ord. #1890)

4.14.4. Sedimentation and Erosion Control

- (A) No zoning or Special Use Permit may be issued and Final Plat approval for subdivisions may not be given with respect to any Development that would cause land disturbing activity requiring prior approval of an erosion and sedimentation control plan by the Town of Southern Pines under authorization of the N. C. Sedimentation Control Commission unless the Town of Southern Pines has certified either that:

- (1) An erosion control plan has been submitted to and approved by the Town; or
- (2) The Town has examined the preliminary plans the Development and it reasonably appears that an erosion control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the Development may not begin (and no building permits may be issued) until the Town approves the erosion control plan.

(Ord. #1919)

- (B) For purposes of this section, "land disturbing activity" means any use of the land by any person in residential, industrial, educational, institutional or commercial Development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation except activities that are exempt under Town of Southern Pines Code of Ordinances §154.04. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity or ice from the site of its origin.

(Ord. #1919)

- (C) All Developments shall maintain a twenty-five (25) foot wide vegetated buffer along each side of a perennial stream or natural drainage way. The distance shall be measured from the top edge of the stream bank or drainage way. If no drainage way bank exists, the centerline of the drainage way swale shall be used for measurement purposes. The vegetated buffer shall remain undisturbed except as may be necessary to accommodate roads (provided they cross at a horizontal angle of at least sixty degrees), utilities and their easements, pedestrian paths and their easements and approved water-dependent uses such as marinas, docks, piers, boat ramps and bridges. In cases in which a twenty-five (25) foot buffer may not be practical or desirable, the Town may consider a request for a Special Use Permit if it finds that the proposed use can provide an acceptable

alternative means of handling storm water without maintaining a twenty-five (25) foot vegetated buffer.

(Ord. #1919)

4.15. UTILITIES

4.15.1. Utility Ownership and Easement Rights

In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, natural gas or cable television facilities and intends that such facilities shall be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities. In addition, the developer, in accordance with section 4.15.6, shall dedicate sufficient easement rights to accommodate the extension of utility facilities which will serve adjacent or nearby Developments. Easement rights transferred to the Town under this section shall include provisions for the optional use of hiking, bicycling and pedestrian activities within the easement.

4.15.2. Public Lighting Requirements

See section 4.8.7.

4.15.3. Electric Power

Every Principal Use and every Lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every Lot within such subdivision. Compliance with this requirement shall be determined as follows:

- (A) If the use is not a subdivision and is located on a Lot that is served by an existing power line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or Shopping Center), then no further certification is needed.

- (B) If the use is a subdivision or is not located on a Lot served by an existing power line or a substantial internal distribution system will be necessary, then the electric utility service provider must review the proposed plans and certify to the Town that it can provide service that is adequate to meet the needs of the proposed use and every Lot within the proposed subdivision.

4.15.4. Telecommunications Service

Every Principal Use and every Lot within a subdivision must have available to it a telecommunications service cable adequate to accommodate the reasonable needs of such use and every Lot within such subdivision. For purposes of this section, telecommunications services include telephone and cable services for telephone, television and internet access. Compliance with this requirement shall be determined as follows:

- (A) If the use is not a subdivision and is located on a Lot that is served by an existing telecommunications line and the use can be served by a simple connection to such telecommunications lines (as opposed to a more complex distribution system, such as would be required in an apartment complex or Shopping Center), then no further certification is necessary.
- (B) If the use is a subdivision or is not located on a Lot served by an existing telecommunications lines or a substantial internal distribution system will be necessary, then the applicable telecommunications utility providers must review the proposed plans and certify to the Town that it can provide service that is adequate to meet the needs of the proposed use and every Lot within the proposed subdivision.

4.15.5. Underground Utilities

- (A) All new electric power lines (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters or capacitors which may be pad mounted), telephone, gas distribution and cable television lines in subdivisions constructed after the effective date of this ordinance shall be placed underground in

accordance with the specifications and policies of the respective utility service providers and located in accordance with Appendix B.

(Ord. #1871, 8-24-20; Ord. #1890, 1-6-21)

- (B) Whenever an un-subdivided Development is hereafter constructed on a Lot that is undeveloped on the effective date of this chapter, then all electric power, telephone, gas distribution and cable television lines installed to serve the Development that are located on the Development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility companies.

4.15.6. Utilities to Be Consistent with Internal and External Development

- (A) Whenever it can reasonably be anticipated that utility facilities constructed in one Development will be extended to serve other adjacent or nearby Developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service as determined by the Town of Southern Pines. The dedication of requisite utility easements and/or the construction of utility facilities may be required, as determined necessary by the Town of Southern Pines, to accommodate utility service to adjacent or nearby properties.
- (B) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the Development.

4.15.7. As-Built Drawings Required

Whenever a developer installs or causes to be installed any utility line in any public right of way, the developer shall, as soon as practicable after installation is complete and before acceptance of any water or sewer line, furnish the Town with a mylar reproducible copy and one print copy of a

drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility service provider. Manholes, valves and other utility system features shall be located using GPS and the data shall be provided in digital form pursuant to the requirements for Engineering Plan applications. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such Development.

4.15.8. Fire Hydrants

- (A) Every Development (subdivided or un-subdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such Development.
- (B) The presumption established by this ordinance is that to satisfy the standard set forth in Subsection (a), fire hydrants must be located so that all parts of every building within the Development may be served by a hydrant by laying not more than five-hundred (500) feet of hose connected to such hydrant. However, the fire chief may authorize or require a deviation from this standard if, in his professional opinion, another arrangement more satisfactorily complies with the standard set forth in paragraph (A).
- (C) The fire chief shall determine the color and precise location of all fire hydrants, subject to the other provisions of this section. In general, fire hydrants shall be placed six (6) feet behind the curb line of publicly dedicated streets that have curb and gutter.
- (D) The fire chief shall determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified by the fire chief, all hydrants shall have two 2-½ inch hose connections and one 4-½ inch hose connection. The 2-½ inch hose connections shall be located at least 21-¾ inches from the ground level. All hydrant threads shall be national standard threads.

- (E) Clear Space around Hydrants. A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.
- (F) Water lines that serve hydrants shall be at least six (6) inch lines and unless no other practicable alternative is available, no such lines shall be dead-end lines.

4.15.9. Sites for and Screening of Dumpsters

- (A) Every Development that, under the Town's solid waste collection policies, is or will be required to provide one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:
 - (1) Located so as to facilitate collection and minimize any negative impact on persons occupying the Development site, neighboring properties, or public rights-of-way; and
 - (2) Constructed according to specifications established by the Town Engineer to allow for collection without damage to the Development site or the collection vehicle.
- (B) All such dumpsters shall be screened in accordance with section 4.3.5 from view from:
 - (1) Persons located within any Dwelling Unit on residential property other than that where the dumpster is located.
 - (2) Occupants, customers or other invitees located within any building on non-residential property other than that where the dumpster is located, unless such other property is used primarily for purposes permitted exclusively in an I zoning district.
 - (3) Persons traveling on any public street, sidewalk or other public way.

- (C) When dumpster screening is required under this section, such screening shall be constructed, installed and located to prevent or remedy the conditions requiring the screening.

4.15.10. Water and Sewer Use Ordinance Requirements

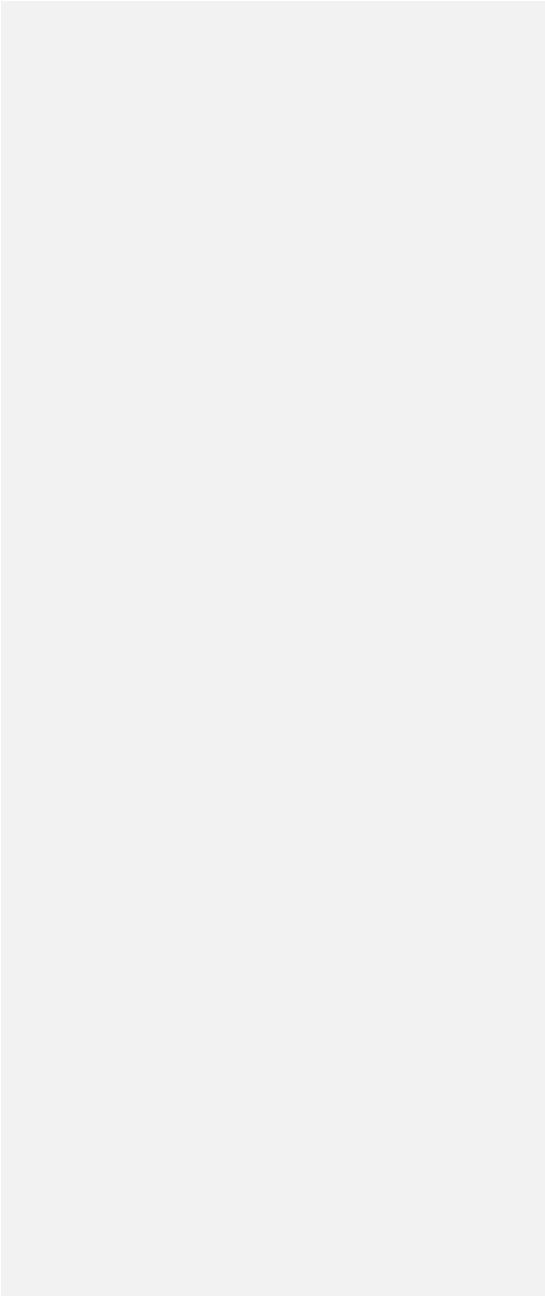
Every Principal Use and every Lot within a subdivision shall connect to a municipal water or sewer line in accordance with the provisions of the Water and Sewer Use Ordinance, Town of Southern Pines, adopted March 13, 1984, as amended.

4.15.11. Sewage Disposal Facilities Required

Every Principal Use and every Lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision Lot and that complies with all applicable health regulations.

4.15.12. Determining Compliance with section 4.15.11

- (A) Primary responsibility for determining whether a proposed Development will comply with the standard set forth in section 4.15.11 often lies with an agency other than the Town and the developer must comply with the detailed standards and specifications of such other agency. Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system, the authority issuing a permit or Development Approval under this UDO may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance with section 4.15.11. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.
- (B) In Exhibit 4-21, the column on the left described the type of Development and the column on the right indicates the agency that must certify to the Town whether the proposed sewage disposal system complies with the standard set forth in section 4.15.11



Amended

11-15-22

4-115

Exhibit 4-21: Determining Compliance with section 4.15.11

IF	THEN
(1) The use is located on a Lot that is served by the Town sewer system or a previously approved, privately-owned package treatment plant and the use can be served by a simple connection to the system (as in the case of a Single-Family residence) rather than the construction of an internal collection system (as in the case of a Shopping Center or apartment complex):	No further certification is necessary.
(2) The use (other than a subdivision) is located on a Lot that is served by the Town sewer system but service to the use necessitates construction of an internal collection system (as in the case of a Shopping Center or apartment complex); and	
a. The internal collection system is to be transferred to and maintained by the Town:	The DENR Division of Water Quality must certify to the Town that the proposed internal collection system meets the State regulations. (A "Permit to Construct" must be obtained from the Division of Water Quality.) The Town Engineer shall certify that the system complies with the Town's specifications.
b. The internal collection system is to be privately maintained:	The Town Engineer must certify that the proposed collection system is adequate. NCDENR DWQ approval is required for all sewer extensions.
(3) The use (other than a subdivision) is not served by the Town system but is to be served by a privately operated sewage treatment system (that has not previously been approved) with 3000 gallons or less design capacity, the effluent from which does not discharge to surface water:	The County Health Department (CHD) must certify to the Town that the proposed system complies with all applicable state and local health regulations. If the proposed use is a single Dwelling other than a manufactured home, the developer must obtain an improvements permit from the CHD. If the proposed use is a Single-Family manufactured home, the developer must present to the Town a certificate of completion from the CHD.
(4) The use (other than a subdivision) is to be served by a privately operated sewage system (not previously approved) that has a design capacity of more than 3000 gallons or that discharges effluent into surface waters:	The DENR Division of Water Quality or other appropriate State treatment agency must certify to the Town that the proposed system complies with all applicable state regulations. (A "Permit to Construct" and a "Permit to Discharge" must be obtained from Division of Water Quality.)

IF	THEN
(5) The proposed use is a subdivision; and	
a. Lots within the subdivision are to be served by simple connection to existing Town lines or lines of a previously approved private system:	No further certification is necessary.
b. Lots within the subdivision are to be served by the Town system but the developer will be responsible for installing the necessary additions to the Town system:	The Town Engineer must certify to the Town that the proposed system meets the Town's specifications and will be accepted by the Town. (A "Permit to Construct" must be obtained from the DENR Division of Water Quality.)
c. Lots within the subdivision are to be served by a sewage treatment system that has not been approved, that has a design capacity of 3000 gallons or less and that does not discharge into surface waters:	The County Health Department must certify that the proposed system complies with all applicable state and local health regulations. If each Lot within the subdivision is to be served by a separate onsite disposal system, the CHD must certify that each Lot shown on a major division Preliminary Plat can probably be served and each Lot on a major or minor subdivision Final Plat can be served by an on-site disposal system.
d. Lots within the subdivision are to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity in excess of 3000 gallons or that discharges effluent into surface waters:	The DENR Division of Water Quality or other appropriate State agency must certify that the proposed system complies with all applicable state regulations. (A "Permit to Construct" and a "Permit to Discharge" must be obtained from Division of Water Quality.)

4.15.13. Water Supply System Required

Every Principal Use and every Lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision Lot and that complies with all applicable health regulations.

4.15.14. Determining Compliance with section 4.15.13

- (A) Primary responsibility for determining whether a proposed Development will comply with the standard set forth in Section 4.15.13 often lies with an agency other than the Town and the Applicant must comply with the detailed standards and specifications

of such other agency. Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed water supply system, the authority issuing a permit under this ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed water supply system to determine compliance with Section 4.15.13. However, specifications have been reviewed and any appropriate permits issued by such agency.

- (B) In Exhibit 4-22, the column on the left describes the type of Development and the column on the right indicates the agency that must certify to the Town whether the proposed water supply system complies with the standard set forth herein.

Exhibit 4-22: Determining Compliance with section 4.15.13

IF	THEN
(1) The use is located on a Lot that is served by the Town water system or a previously approved, privately owned public water supply system and the use can be served by a simple connection to the system (as in the case of a Single-Family residence) rather than the construction of an internal distribution system (as in the case of a Shopping Center or apartment complex):	No further certification is necessary.
(2) The use (other than a subdivision) is located on a Lot that is served by the Town water system but service to the use necessitates construction of an internal distribution system (as in the case of a Shopping Center or apartment complex): and	
a. The internal distribution system is to be transferred to and maintained by the Town:	The Public Water Supply Section of the DENR Division of Water Resources must certify to the Town that the proposed internal distribution system meets State requirements and shall issue a "Permit to Construct" prior to construction. The Town Engineer shall certify that the improvements comply with the Town's specifications and will be accepted by the Town.
b. The internal distribution system is to be privately maintained:	The Public Water Supply Section of the DENR Division of Water Resources must certify to the Town that the proposed internal distribution system meets State requirements and shall issue a "Permit to Construct" prior to construction. The Town Engineer must certify that the proposed collection system is adequate.
(3) The use (other than a subdivision) is located on a Lot not served by the Town system or a previously approved, privately owned public water supply system; and	
a. The use is to be served by a privately owned public water supply system that has not previously been approved:	The Public Water Supply Section of the DENR Division of Water Quality must certify that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" must be obtained) The Division of Water Quality must also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day or is located in certain areas designated by Division of Water Quality. The Town Engineer must also approve the distribution lines for possible future addition to the Town system.
b. The use is to be served by some other source (such as an individual well):	The County Health Department must certify that the proposed system meets all applicable state and local regulations.

IF	THEN
(4) The proposed use is a sub-division; and	
a. Lots within the subdivision are to be served by simple connection to existing Town lines or lines of a previously approved public water supply system:	No further certification is necessary.
b. Lots within the subdivision are to be served by the Town system but the developer will be responsible for installing the necessary additions to such system:	The Town Engineer must certify to the Town that the proposed system meets Town specifications and will be accepted by the Town. (A "Permit to Construct" must be obtained from the Public Water Supply Section.)
c. Lots within the subdivision are to be served by a privately owned public water supply system that has not previously been approved:	The Public Water Supply Section of the DENR Division of Water Quality must certify that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" must be obtained) The Division of Water Quality must also approve the plans if the water source is a well and the system has a design capacity of 100,000 per day or is located within certain areas designated by Division of Water Quality. The Town Engineer must also approve the distribution lines for possible future addition to the Town system.
d. Lots within the subdivision are to be served by individual wells:	The County Health Department must certify to the Town that each Lot intended to be served by a well can be served in accordance with applicable health regulations.

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Chapter 5. Supplementary Conditions for Specific Uses

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(E) If the Accessory Dwelling is attached to the primary residence, then access is limited to the side or rear of the Accessory Dwelling or to an existing door.

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5.1. GENERALLY

5.2. ACCESSORY DWELLINGS

- (A) One (1) Accessory Dwelling Unit is permitted as an accessory to a residential use subject to compliance with the conditions of this section. The Dwelling Unit may be attached or detached, located on the side or rear of the property.
- (B) Unless otherwise specified in the Development Conditions approved as part of the PD, the maximum size of Accessory Dwellings is the lesser of fifty (50) percent of the living area of the Principal Structure or one thousand two hundred (1,200) square feet.
- (C) For the purposes of this section, living area means Gross Floor Area exclusive of garages, carports, porches, patios, decks, basements, and attics. Gross Floor Area is further defined as the area within the inside perimeter of the exterior wall with no deduction for the corridors, stairs, closets, thickness of wall, columns or other features. The meanings of the terms 'garage', 'carport', 'basement' and 'attic' shall be as defined in the North Carolina state Building Code.
- (D) Accessory Dwellings shall meet the setback requirements for the Principal Structure for the zoning district in which the Dwelling is located.
- (F) Attached or detached Accessory Dwellings must have the same architectural appearance of the primary residence such as same type

and color of siding, trim, windows, roof covering, roof pitch, and the like.

- (G) At least one (1) off-street parking space is required for each Accessory Dwelling

5.3. ACCESSORY USES AND ACCESSORY STRUCTURES

Accessory Uses and Accessory Structures shall comply with the standards of this section in addition to the zoning district standards in chapter 3 and the Development standards established in chapter 4 of this UDO.

5.3.1. Accessory Uses

- (A) Accessory Uses may be conducted under the permit issued for the primary use on a Lot when the use occurs in conjunction with, is secondary to an authorized use in the applicable zoning district and;
- (1) Constitutes only an incidental or insubstantial part of the total activity on the Lot and will not be disruptive to other uses permitted in the district, or
 - (2) Is commonly associated in Southern Pines with uses permitted in the zoning district and is integrally related to the primary use.
- (B) The following activities are specifically regarded as accessory to a primary residential use to the extent indicated:
- (1) Offices or studios that are within an enclosed building and that are used by an occupant of a residence located on the same Lot as such building to carry on administrative or artistic activities, even if of a commercial nature, so long as such activities do not fall within the definition of a home occupation.
 - (2) Yard sales or garage sales, so long as such sales are not conducted on the same Lot for more than three (3) days (whether consecutive or not) during any six (6) month period.
 - (3) Hobbies or recreational activities of a non-commercial and non-disruptive nature.

- (4) Temporary Family Health Care Structures located in any single-family residential zoning district, per G.S. 160D-915.

(Ord. #1919)

- (C) The following activities shall not be regarded as accessory to a residential Principal Use and are prohibited in residential districts.

- (1) Storage outside of a substantially enclosed structure of any motor Vehicle that is neither licensed nor operational.
- (2) Storage outside of a substantially enclosed structure of more than four (4) motor vehicles between the front building line of the Principal Building and the street on any Lot used for Single-Family, Duplex or Special Services Homes.

5.3.2. Accessory Structures

- (A) An Accessory Structure may be established subject to the issuance of a zoning permit if it is secondary and incidental to a Principal Structure on the same Lot or Parcel that is authorized in the applicable zoning district and:
- (1) Complies with the setback requirements applicable within the district (see Exhibit 4-1);
 - (2) Is proportionate to and compatible with the Principal Structure; and
 - (3) Not more than two (2) Accessory Structures are established in an RS or RM district, excluding fences and unenclosed pools.
- (B) Gaming Operations that use more than four (4) machines may not be regarded as accessory to any other use.
- (C) Fuel pumps and canopies shall be considered Accessory Structures when established in association with convenience stores or automobile service stations in all applicable zoning districts.

Amended

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(D) Recreational amenities, such as pools, clubhouses and tennis courts that serve residential subdivisions or Multi-Family Developments shall be considered accessory to the Development and need not be located on the same Lot as the Principal Use, but shall comply with minimum setback requirements applicable to Principal Structures on the Lot on which they are located.

(E) Portable storage containers shall comply with the following standards:

- (1) If associated with a project that requires a building permit, the temporary use shall be noted on the building permit application along with an acknowledgement that the container shall be removed within ten (10) days of issuance of the final inspection or certificate of occupancy, if applicable.
- (2) If not associated with a building permit, the owner or occupant of the site shall apply for a Zoning Compliance Permit and sign an acknowledgement that the container shall be removed no more than thirty (30) days after its placement on the site.
- (3) Containers shall not be placed within the minimum side and rear setbacks for the applicable zoning district or be located closer than ten (10) feet from the front property line.
- (4) A property owner may receive a one-time extension for an additional thirty (30) calendar days at the discretion of the Planning Director. Each property may only receive one (1) Portable Moving Container permit and one (1) extension in a calendar year.

(Ord. #1716; Ord. #1696)

5.4. AUTOMOBILE SERVICE STATIONS/GAS SALES OPERATIONS

The following standards shall apply to uses that service automobiles or other vehicles, or sell gasoline or diesel fuel.

- (A) Fuel pump canopies shall adhere to the same requirements for building materials that apply to the primary building serving the

fuel station set forth in Section 4.10 *Development Design Standards* and shall also be consistent with Section 5.3.2 *Accessory Structures*.

- (B) Signs shall be regulated per Section 4.6. *Signs*, except: Signs located on the canopy or the primary structure shall be considered wall signs as defined in the UDO. The maximum number of wall signs shall not exceed more than one (1) wall sign per street frontage.
- (C) Air compressors, hydraulic hoists, pits, repair equipment, greasing and lubrication equipment, auto- washing equipment and similar equipment shall be entirely enclosed within a building.
- (D) All garbage and refuse shall be stored in mechanical loading containers located near the rear of the lot or building, but not less than twenty (20) feet from any adjacent property lines.
- (E) All accessory retail features including, but not limited to: vending machines, newspaper machines, ice machines, and the like shall be placed underneath the canopy or properly screened per the standards set forth in Section 5.12 *Outside Storage* and shall be located twenty (20) feet or more from any property line.
- (F) Certification by a registered engineer shall be required to ensure the prevention of petroleum and petroleum related product runoffs into the existing municipal storm drainage system.

(Ord. #1696)

5.4.1. Fuel Sales in the HCO or DTO Districts

Fuel sales operations within any Highway Corridor Overlay (HCO) or the Downtown Overlay (DTO) and where permitted by zoning shall meet the following standards:

- (A) Fuel pumps shall not be located between the building and a public street or in any required building setback or buffer area. For corner lots, the fuel pumps may be located in the side yard if a landscape screen is provided per Section 4.3.5 *Landscape Screens*.

- (B) Fuel pump canopies shall not exceed the height of the roof of the primary building it serves.
- (C) Fuel sales operations with a gross floor area of the primary structure not exceeding five hundred (500) square feet shall not be permitted in any Highway Corridor Overlay (HCO) or the Downtown Overlay (DTO).
(Ord. #1696)

5.4.2. Fuel Sales outside the HCO or DTO Districts

Fuel sales operations outside of any Highway Corridor Overlay (HCO) or the Downtown Overlay (DTO) and where permitted by zoning shall meet the following standards:

- (A) Fuel pumps may be located between the building and a public street, but not in any required building setback or buffer area, if a landscape screen is provided per Section 4.3.5 *Landscape Screens*. For corner lots, the fuel pumps may be located in the side yard if a landscape screen is provided per Section 4.3.5 *Landscape Screens*.
- (B) Fuel pump canopies shall not exceed sixteen (16) feet in clearance height and twenty-one (21) feet in total height unless otherwise approved by the Town Council as part of a PD, SUP, or Architectural Compliance Permit. The clearance height shall be measured from the mean elevation of the parking area directly underneath the perimeter of the canopy to the bottom of the canopy. The total height shall be measured from the mean elevation of the parking area directly underneath the perimeter of the canopy to the highest point on the canopy.
(Ord. #1696)

5.5. BED AND BREAKFAST ESTABLISHMENTS

Bed & Breakfast establishments, where allowed, are subject to the following standards:

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

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

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

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

5.5.1. Maximum Number of Guests

- (A) The maximum number of guest rooms in a Bed & Breakfast Home shall be four (4) with not more than one (1) guestroom permitted in an existing detached structure on the same property.
- (B) The maximum number of guest rooms in a Bed & Breakfast Inn shall be more than four (4) but not more than twelve (12) with not more than one (1) guestroom permitted in an existing detached structure on the same property.

5.5.2. Performance Standards

- (A) The following standards shall apply to Bed & Breakfast Homes and Bed & Breakfast Inns:

- (1) A Bed and Breakfast establishment shall be permitted only in a residential structure with a minimum gross living area of three thousand (3,000) square feet.
- (2) In any residential zoning district, establishment must be located that is located on a Lot with a minimum area of forty thousand (40,000) square feet.
- (3) Food service shall be limited to the breakfast meal and shall be available only to guests and not to the general public in any residential district.
- (4) Signage shall be limited to a nameplate not to exceed two (2) square feet.
- (5) To avoid a concentration of Bed and Breakfast establishments in any residential district, no new Bed and Breakfast shall be located within one thousand three hundred twenty (1,320) feet of another pre-existing Bed and Breakfast establishment, measured along a straight line from property line to property line.
- (6) A Bed and Breakfast establishment shall have vehicular access to a collector or arterial street.
- (7) One off street parking space shall be provided for each guest room.

(Ord.#1717)

5.6. CEMETERIES

- (A) A cemetery shall contain not less than five (5) acres of land in contiguous ownership.
- (B) Chapels, mortuaries, columbaria, mausoleums and sales and administrative offices may be developed within the cemetery provided that:

- (1) Not more than two (2) such buildings shall be permitted in any cemetery.
- (2) Access to the buildings shall be from within the cemetery.
- (3) No building permitted by these requirements shall be located closer than one hundred fifty (150) feet to any residential Dwelling on land adjoining the cemetery.
- (C) No monuments, grave markers or other such structures within the cemetery shall be allowed to extend above ground level unless the structures are located in a private cemetery that is not located adjacent to a highway corridor, collector or arterial street.
- (D) Access to the cemetery shall be provided by private drives extending from a public street and shall be at least eighteen (18) feet wide to accommodate two-way traffic.
- (E) Parking shall be provided entirely on private internal roads or Lots.
- (F) A ten (10) foot wide buffer shall be maintained around the entire cemetery in accordance with section 4.3.4. There shall be no burial sites, buildings or other structures located within the buffer strip.

5.7. DAY CARE CENTERS

Day care centers shall comply with all applicable standards of the North Carolina Department of Human Resources and the following standards.

- (A) Facilities located in residential districts shall maintain the residential characteristic of the surrounding neighborhood.
- (B) There shall be a minimum of twenty-five (25) square feet of indoor space, exclusive of closets, passageways, kitchens and bathrooms per client.
- (C) There shall be a minimum of seventy-five (75) square feet of outdoor recreational space for each client. The outdoor recreational area shall

be located in a side or rear yard and shall be enclosed by a fence of at least four (4) feet in height.

(D) For care of six (6) or more individuals, on premises pick-up and drop-off areas shall be provided and curb cuts shall be approved by the Town Engineer and the NCDOT, when applicable.

(E) The hours of operation of a day care center in a residential district shall be limited to 6:00 am to 10:00 pm for facilities located in residential zoning districts.

(F) Short-term, drop-in child care facilities must register with the State and are required to post a notice that they are not regulated by the State. If no outdoor play area is provided the facility may choose to provide thirty-five (35) square feet per child of indoor space in lieu of the outdoor play area as long as no child remains in care for more than a four (4) hour period per day.

(G) All day care facilities shall comply with applicable Fire and Building Code requirements.

5.8. DRIVE-THROUGH FACILITIES

Drive-through uses may be allowed in a **GB** or **DTO** district subject to the following standards:

- (A) Traffic queues will not interfere with pedestrian movement along public sidewalks or create a traffic hazard; and
- (B) Use of the drive-through service will not interfere with the use, enjoyment or operations of adjacent properties.
- (C) Drive-through lanes or loading spaces shall not be located any closer than thirty-five (35) feet to a residential zoning district.
- (D) If a speaker box faces a residential zoning district, there shall be a fifty (50) foot wide buffer or sound wall between the speaker box and the residential district.

Amended

11-15-22

(E) Stacking Lane Requirements

- (1) All uses and facilities providing drive-up or drive-through service shall provide the at least the minimum required vehicle stacking spaces established in Exhibit 5-1.
 - (2) Stacking spaces shall be a minimum of eight (8) feet wide by twenty (20) feet long.
 - (3) Stacking spaces shall not impede on-site or off-site traffic movements, including access to parking spaces.
- (F) A solid faced brick, masonry or wooden wall or fence shall be provided along a property line abutting Lots or Parcels zoned residential purposes to block lights from vehicles in the stacking lanes or drive-through facility.

Exhibit 5-1: Minimum Stacking Space Requirements

Activity	Minimum Required Stacking Spaces	Measured From
Bank teller lane	4	Teller or Window
Restaurant, drive-through	6	Order Box to Beginning of Drive Through Lane
Restaurant, drive-through	3	Order Box to Pick-up Window
Car wash stall, automatic	6	Stall Entrance
Car wash stall, self-service	3	Stall Entrance
Gasoline Pump Island	2	Pump Island

5.9. MOBILE FOOD SERVICES – FOOD TRUCKS, TRAILERS AND CARTS

Except as specifically provided in this section or authorized as part of a Special Event Permit, Variance, Planned Development District, or Special Use Permit approval, all mobile retail sales of food, including but not

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limited to food trucks, food trailers or food carts, shall comply with the regulations of this section.

5.9.1. Food Trucks, Trailers, Carts

(A) Districts Where Allowed

- (1) Food Trucks and Food Trailers for retail sales of food shall be limited to the GB and I districts.
- (2) Food Carts for retail sales of food shall be limited to the NB, GB and I districts.

(B) Location Requirements

- (1) Food trucks, trailers or carts shall not be located on any public right-of-way.
- (2) Food trucks, trailers or carts shall be located on an improved surface, to include, but not limited to, asphalt, concrete, stone or similar surface.
- (3) A maximum of one (1) food truck, trailer or cart on a Lot or Parcel at any given time. Multiple food trucks, trailers or carts may be authorized to operate on a single parcel but no more than one food truck or food trailer shall operate at any given time.
- (4) Food trucks, trailers or carts shall be located a minimum of one hundred (100) feet from the main entrance to any eating establishment or similar food service business, and one hundred (100) feet from any outdoor dining area, as measured from the designated location on the Lot or Parcel accommodating the food truck or trailer.
- (5) Food trucks, trailers or carts shall be located a minimum distance of fifteen (15) feet from the edge of any driveway or public sidewalk, utility box or vaults, handicapped ramp,

building entrance, exit or emergency access/exit, emergency call box or fire hydrant.

- (6) Food trucks, trailers or carts shall not be located within any area of the Lot or Parcel that impedes, endangers, or interferes with pedestrian or vehicular traffic.
- (7) Food trucks, trailers or carts shall not occupy any parking spaces required to fulfill the minimum requirements of the principal use of any Lot or Parcel, unless the principal use's hours of operation do not coincide with those of the food truck, trailer or cart business. Nor shall any food truck, trailer or cart occupy parking spaces that may be leased to another business and used to fulfill its minimum parking requirements.
- (8) Food trucks, trailers or carts shall not occupy any handicap accessible parking space as specified in G.S. 20-37.6.

(C) Operational Requirements

- (1) No freestanding signage or audio amplification shall be permitted as part of the food truck, trailer or cart operation.
- (2) Hours of operation of food trucks, trailers or carts shall be limited to the hours between 6:00 a.m. and 8:00 p.m., unless the designated location on the Lot accommodating the use is located within one hundred (100) feet of the property line of a single-family or duplex dwelling, in which case the hours of operation shall be limited to the hours between 7:00 a.m. and 7:00 p.m.
- (3) When open for business, the food truck, trailer or cart operator, or his or her designee, must be present at all times, except in cases of an emergency.
- (4) Food trucks, trailers and carts and any associated features of the operation including but not limited to trash receptacles and seating shall be removed from the Lot or Parcel each day.

- (5) The food truck, trailer or cart operator is responsible for the proper disposal of waste and trash associated with the operation. Town trash receptacles are not to be used for this purpose. Operators shall remove all waste and trash from their approved location at the end of each day or more frequently to maintain the health and safety of the public.
- (6) The operator shall keep all areas of the permitted lot free and clean of grease, trash, paper, cups, cans or other materials associated with the operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the Town's sanitary sewer system.
- (7) All equipment required for the operation shall be contained within, attached to or within twenty (20) feet of the food truck, trailer or cart. All food preparation, storage, and sales-distribution shall comply with all applicable Town, County, State and Federal Health Department sanitary and safety regulations.

5.9.2. Food Truck Campuses

- (A) **Districts Where Allowed.** Food Truck Campuses shall be limited to the GB district and shall require an approval of a Special Use Permit subject Section 2.21 and the performance standards listed below.
(Ord. #1919)

(B) Location Requirements

- (1) Food trucks, trailers or carts operating within a Food Truck Campus shall not be located on any public right-of-way.
- (2) Food trucks, trailers or carts operating within a Food Truck Campus shall be located on an improved surface to include but not limited to asphalt, concrete, stone or similar surface.

- (3) A maximum of six (6) food trucks, trailers or carts may operate concurrently on a Lot or Parcel. Additional food trucks, trailers or carts may be authorized to operate within a Food Campus, but no more than six (6) shall operate at any given time.
- (4) Food trucks, trailers or carts operating within a Food Truck Campus shall be located a minimum of one hundred (100) feet from the main entrance to any eating establishment or similar food service business, and one hundred (100) feet from any outdoor dining area, as measured from the designated location on the Lot or Parcel accommodating the food truck or trailer.
- (5) Food trucks, trailers or carts operating within a Food Truck Campus shall be located a minimum distance of fifteen (15) feet from the edge of any driveway or public sidewalk, utility box or vaults, handicapped ramp, building entrance, exit or emergency access/exit, emergency call box or fire hydrant.
- (6) Food trucks, trailers or carts operating within a Food Truck Campus shall not be located within any area of the Lot or Parcel that impedes, endangers, or interferes with pedestrian or vehicular traffic.
- (7) Food trucks, trailers or carts operating within a Food Truck Campus shall not occupy any parking spaces required to fulfill the minimum requirements of the principal use of any Lot or Parcel, unless the principal use's hours of operation do not coincide with those of the food truck, trailer or cart business. Nor shall any retail sales - food truck, trailer or cart occupy parking spaces that may be leased to another business and used to fulfill its minimum parking requirements.
- (8) Food trucks, trailers or carts operating within a Food Truck Campus shall not occupy any handicap accessible parking space as specified in G.S. 20-37.6.

(C) Operational Requirements

- (1) Restroom facilities open to the public shall be provided.
- (2) When open for business, the food truck, trailer or cart operator, or his or her designee, must be present at all times, except in cases of an emergency.
- (3) Electrical, water and sewer utility services shall be run to a central structure and shall be used by the individual operators instead of generators.
- (4) Food Truck Campus shall provide trash receptacles for consumer use and shall provide a dumpster on site for use by the operators. Dumpsters shall be screened pursuant to the standards of Section 4.3.5. The food truck, trailer or cart operator is responsible for the proper disposal of waste and trash associated with the operation. Town trash receptacles are not to be used for this purpose. Operators shall remove all waste and trash from the consumer trash receptacles and into the Food Truck Campus dumpster at the end of each day or more frequently to maintain the health and safety of the public.
- (5) The operator shall keep all areas of the permitted lot free and clean of grease, trash, paper, cups, cans or other materials associated with the operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the Town's sanitary sewer system.
- (6) All food preparation, storage, and sales-distribution shall comply with all applicable Town, County, State and Federal Health Department sanitary and safety regulations.

(D) Design Requirements

- (1) Permanent structures on the Lot or Parcel associated with the Food Truck Campus shall be subject to the commercial design requirements set forth in Section 4.10.
- (2) Signs associated with a Food Truck Campus shall be subject to regulations of Section 4.6. Food Truck Campus signage shall be consistent with GB district requirements. Freestanding signs, wall signs and logo emblem signs may be permitted. One sandwich board sign not exceeding six (6) square feet in size and located within twenty (20) feet of the food truck may be allowed with each food truck, trailer or cart.
- (3) A minimum of five (5) parking spaces per food truck, trailer or cart shall be provided.
- (4) Landscaping for the property including buffers, screening and vehicle use area landscaping shall be consistent with the standards of Section 4.3.
- (5) With exception to property located within the Watershed Protection Overlay, which is subject to the standards set forth in Section 3.6.8, impervious surfaces shall not exceed 70%.
- (6) Food Truck Campus shall provide 30% open space, of which 75% of the required open space shall be usable as defined in Section 4.9. Areas for seating may be counted towards the usable open space requirements.
- (7) Electrical, water and sewer utility services shall be run to a central structure for use by the individual operators.
- (8) Outdoor lighting shall be consistent with the commercial district standards included in Section 4.8.

5.9.3. Authorization

(A) A Town zoning permit shall be obtained by the property owner (as listed in the Moore County, North Carolina property tax records) for any Lot or Parcel proposed to accommodate a food truck, trailer or cart with exception to those with an approved Food Truck Campus. If at any time evidence is provided that the permitted Lot or Parcel is being used other than in compliance with these regulations, the zoning permit shall be rendered null and void, and the owner may be subject to penalties as set forth in Section

(B) This zoning permit shall be renewed annually.

(C) The operator, ~~including~~ excluding those operating within an approved Food Truck Campus, shall obtain a Town food truck, trailer or cart permit annually. Prior to the issuance of the permit, the operator shall provide evidence of the property owner having obtained a Town zoning permit ~~or Special-Use Permit for the lot or parcel proposed to accommodate a food truck~~ (as described in paragraph (A) of this subsection), a food vending permit from the Moore County Environmental Health Department, a North Carolina Sales and Use Certificate for collecting and paying the proper sales taxes, and a means for the disposal of grease within an approved grease disposal facility.

(Ord. #1919)

(D) If at any time evidence of the improper disposal of liquid waste or grease is discovered, the food truck permit for the operator shall be rendered null and void and the food truck, trailer or cart shall be required to cease operation immediately. The operator may be to penalties as set forth in Section 5.9.5.

(E) Copies of the zoning permit and food-vending permit shall be kept in the food truck, trailer or cart at all times and be available upon request.

(F) If at any time, the Moore County Environmental Health Department revokes or suspends the issued food-vending permit, the Town permit for the food truck, trailer or cart business shall be revoked or suspended simultaneously.

5.9.4. Penalties

(A) This section shall be enforced as provided in Chapter 8 of this code.
(Ord. #1820; Ord. #1919; Ord. #1959)

5.10. HOME OCCUPATIONS**5.10.1. Purpose**

The purpose of these regulations is to

- (A) To permit the conduct of home occupations as a secondary use to a Dwelling Unit, whether owner or renter occupied;
- (B) To ensure that such home occupations are compatible with, and do not have a harmful effect on nearby residential properties and uses;
- (C) To adequately protect existing residential neighborhoods from dust, odors, noise, traffic and/or other potentially adverse effects of home occupations;
- (D) To allow residents of the community to use their homes as a work place and a source of livelihood, under certain specified standards, conditions and criteria;
- (E) To enable the fair and consistent enforcement of these home occupation regulations; and
- (F) To promote and protect the public health, safety and general welfare.

5.10.2. Performance Standards

Except as otherwise authorized in the WSPO district, Home Occupations may be permitted subject to the requirements of this section.

(A) The following standards shall apply in all zoning districts:

- (1) Retail sales are prohibited and goods, stock in trade or other commodities shall not be displayed.
- (2) There will be no associated outdoor activities or outdoor storage of materials or equipment related to the home occupation on the premises.
- (3) There shall be no entrance or exit way specifically provided in the Dwelling or on the premises for the conduct of a home occupation.
- (4) The use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, or unhealthy or unsightly conditions. In addition, any equipment or process shall not create audible or visual interference in any radio or television receivers on any adjacent properties.
- (5) Delivery and distribution of goods from commercial suppliers will be limited to between the hours of 7 a.m. and 6 p.m.
- (6) Customer hours are limited to the hours between 7 a.m. and 9 p.m.
- (7) The use shall not be visibly evident from outside the Dwelling except for a Sign, as provided by standards contained herein.
- (8) Home occupations shall comply with applicable Fire and Building Code standards.
- (9) Shipping deliveries and pick-ups (excluding U.S. Postal Service) are limited to two (2) per day.
- (10) The Applicant for a home occupation shall demonstrate that public facilities and utilities are adequate to safely accommodate any equipment used in conjunction with the home occupation.

(Ord. #1714, Ord. #1703)

(B) In the **RE** and **RR** zoning districts, the following Home Occupation criteria shall apply on Lots of five (5) acres or larger.

- (1) Operations must be located in a residence or Accessory Structure.
- (2) Not more than three (3) client vehicles may park on the site at one time.
- (3) The maximum area for a home occupation is two thousand five hundred (2,500) square feet unless otherwise authorized by a Special use Permit.
- (4) Up to three (3) non-resident on-site employees are allowed.
- (5) Noise levels from the home occupation, shall not exceed a level generally excepted by that area.
- (6) Off-street parking spaces shall be provided as required for the residential use, plus one (1) space for each employee.
- (7) Storage of dangerous, combustible or volatile materials used in conjunction with the home occupation shall not be permitted in residential Dwellings.
- (8) Home occupations may include the grooming, boarding, medical treatment of animals, training or breeding.
- (9) Agricultural equipment repair and maintenance is authorized within an enclosed structure.
- (10) Storage or on-site operations involving tractor trailers is prohibited.

(Ord. #1919)

(C) In all other residential districts, the following home occupation criteria shall apply:

- (1) Except as authorized above in the RE and RR districts, uses shall be conducted entirely within the principal Dwelling and shall

not exceed the lesser of five hundred (500) square feet or twenty-five (25) percent of the living area.

- (2) Not more than two (2) client vehicles may park on the site at one time.
- (3) Up to one (1) non-resident on-site employee is allowed.
- (4) Construction vehicles, heavy equipment or vehicles requiring a commercial driver's license to operate may not be stored on the site.
- (5) Noise levels from the home occupation, shall not exceed a level generated in a typical Single-Family home.
- (6) Off-street parking spaces shall be provided as required for the residential use.
- (7) Storage or use of dangerous, combustible or volatile materials shall not be permitted.
- (8) Home occupations shall not involve animal grooming, boarding, medical treatment, training or breeding.

5.10.3. Exempt Home Occupations

The following home occupations shall be subject to all applicable home occupation regulations and standards of this section, if all persons engaged in such activities live on the property and the following conditions are met:

- (A) Artists, sculptors, composers not selling their artistic product to the public on the premises;
- (B) Craft work, such as jewelry-making and pottery with no sales permitted on the premises;
- (C) Home offices with no client visits to the home;
- (D) Telephone answering and message services without non-resident employees; and

- (E) Day care for fewer than six (6) children, including the occupants' own children.

(Ord. #1703)

5.10.4. Unsafe Home Occupations

- (A) If, in the opinion of the Planning Director, any home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians or motorists, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Planning Director shall issue an order to the Dwelling owner and/or tenant on the property on which the home occupation is being undertaken directing that the home occupation be immediately made safe or be terminated.
- (B) The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Planning Director may take any action to make the home occupation and Dwelling safe. Costs incurred by the Planning Director, if forced to take enforcement actions, shall be borne by the property owner and, shall be treated as a zoning violation pursuant to this UDO.

5.10.5. Prohibited Home Occupations

Except as specifically authorized above, the following home occupations are prohibited:

- (A) Animal hospitals;
- (B) Physicians, dentists and chiropractors;
- (C) Dance studios;
- (D) Exercise studios
- (E) Mortuaries;

- (F) Nursery schools or day care;
- (G) Public or private clubs;
- (H) Motorized equipment and appliance repair shops;
- (I) Restaurants;
- (J) Stables and kennels;
- (K) Automobile repair and paint shops.
- (L) Barber shops and beauty parlors;
- (M) Body piercing services;
- (N) Hotels or motels;
- (O) Massage services, except those provided by a Licensed Massage Therapist
- (P) Palm reading and fortune telling;
- (Q) Tattoo and body art studios;
- (R) Any use that would constitute a nuisance as defined by the Town's code of ordinances.

5.11. INSTITUTIONAL CARE FACILITIES

5.11.1. Applicability

Institutional care facilities include:

- (A) Hospitals, clinics and other medical treatment facilities in excess of 10,000 square feet;
- (B) Nursing Care Institutions, Intermediate Care Institutions, Handicapped, Aged or Infirm Institutions and Child Care Institutions;
- (C) Continuing Care Retirement Communities that provide assisted or graduated care for seniors;

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- (D) Institutions for the confinement of the mentally ill; and.
- (E) Single-Family and Multi-Family Dwellings.

5.11.2. Generally

The following standards apply to all institutional care facilities

- (A) Dwellings may be allowed in accordance with the minimum Lot area standards of the RM-1 zoning district.
- (B) Residential building setbacks may be reduced between individual buildings on the interior portion of the facility to meet minimum Fire Code standards.
- (C) Setbacks on the perimeter of the Development shall be the same as that for the zoning district in which located or the abutting district, whichever is greater.
- (D) The minimum spacing between non-residential buildings shall be at least twenty (20) feet.
- (E) The minimum room sizes in a special services home shall be one hundred fifty (150) square feet for a living or principal room, one hundred (100) square feet for a kitchen and dining room combination, one hundred (100) square feet for the first bedroom and seventy (70) square feet for each additional bedroom.
- (F) The issuance of a Special Use Permit for an institutional care facility shall be conditioned upon the Applicant obtaining any required state license within ninety (90) days after approval of the permit.
(Ord. #1919)
- (G) To prevent a concentration of institutional care facilities in residential neighborhoods, no such facility shall be located within one thousand three hundred twenty (1,320) feet of another such facility, measured along a straight line from property line to property line.

5-13

5.11.3. Continuing Care Retirement Communities

The following standards shall apply to Continuing Care Retirement Communities:

- (A) Existing Continuing Care Retirement Communities that are not authorized by zoning classification shall be considered conforming uses for purposes of reconstruction or expansion, subject to the provisions of this section. All new or expanded structures for principal or accessory uses shall be located on the existing site. Any expansion to adjacent or contiguous sites outside of the existing property boundaries will require approval through the PD zoning process.

(Ord. # 1716)

- (B) PD zoning is required and all facilities shall be approved through the PD approval process established in section 2.18.
- (C) In addition to the PD approval criteria, the Town Council shall find that the proposed Development will:
 - (1) Create a more desirable environment than would otherwise be possible under existing zoning and provide a compatible mix of housing types;
 - (2) Make efficient use of land that results in smaller networks of utilities and streets and thereby lowering construction and maintenance costs.
 - (3) Enhance the appearance of neighborhood through the preservation of natural features, the provision of underground utilities and the retention of at least twenty (20) percent of the site for open-space areas.
 - (4) Be compatible with and will contribute to the stability and vitality of surrounding residential areas and businesses.
 - (5) Not create an undue fiscal burden on existing taxpayers for the provision and maintenance of public facilities and services.

- (D) Where more than one (1) Special Services Home for the handicapped, aged or infirm is located on the campus of a Continuing Care Retirement Community (CCRC) regulated by the North Carolina Department of Insurance, the homes on the campus are exempt minimum separation requirement from each other, but the campus is subject to the separation requirement from existing off-site special services home.
- (E) The continuing care retirement community shall be for the sole residency of persons aged sixty-two (62) years or older.
- (F) The number of nursing care beds shall not be more than 50 percent of the total number of permitted dwelling units.
- (G) Conveniently located indoor common areas for recreation, social, and dining shall be provided for the residents.

5.12. OUTSIDE STORAGE

Outdoor storage, where allowed, is subject to the following standards:

- (A) No articles, goods, materials fixed machinery or equipment, vehicles, trash, animals or similar items shall be stored, kept in the open or exposed view from adjacent sites, streets or sidewalks.
- (B) Storage areas shall be fully enclosed by a brick, masonry, wooden or solid face fence or wall not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.
- (C) Storage abutting properties zoned for residential use shall provide the required buffer between the fence and the property line.
- (D) The buffer that is otherwise required shall be increased in width by twenty (20) percent between outside storage areas and the property line and comply with the landscape screening standards of section 4.3.5.

5.13. OUTSIDE OPERATIONS**5.13.1. In the CB District**

The occupant of premises in the **CB** district may display goods or merchandise outdoors if:

- (A) The display or displays are within twelve (12) feet of the premises and do not interfere with pedestrian or vehicular movement;
- (B) The display or displays do not occupy more than twenty (20) square feet and are no greater than four (4) feet in height;
- (C) The display or displays are removed when the premises are not open for business.

5.13.2. In the NB District

Outdoor dining is authorized in the NB district subject to the following standards:

- (A) Outdoor dining operations shall not be allowed between the hours of 10:00 pm and 7:00 am; all displays and stands shall be moved indoors nightly;
- (B) The Use is contained on the property and will not interfere with pedestrian movement along public sidewalks;
- (C) The Use will not create a traffic hazard;
- (D) The Use will not interfere with the use, enjoyment or operations of adjacent properties.

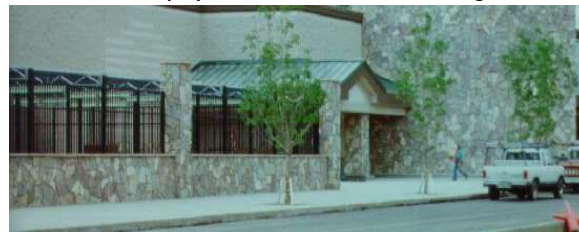
5.13.3. In the GB District

Except as provided above, outdoor display of goods for sale shall be limited to the **GB** district and shall comply with the following standards:

- (A) Outdoor display of automobiles and other large vehicles shall be allowed subject to compliance with the landscaping standards for

Vehicle Use Areas in section 4.3.6 and applicable **HCO** district standards.

- (B) Temporary sales shall be allowed subject to the provisions of section 5.22.
- (C) All other outdoor displays shall be limited to the displays within areas that are enclosed by walls or fences and located behind the front building line.

Outdoor Display Screened Behind Front Building Line**5.14. OUTSIDE KENNELS**

Outside kennels, where allowed, are subject to the following standards:

- (A) No portion of an outside kennel shall be located within two thousand (2,000) feet of a **RS-1**, **RS-2**, **RS-3**, **RM-1**, or **RM-2** zoning district, or of an existing residential structure not owned by the owner of the outside kennel except as provided in the following paragraph.
- (B) An outside kennel may be no closer than one thousand two hundred (1,200) feet to a **RS-1**, **RS-2**, **RS-3**, **RM-1**, or **RM-2** zoning district or to an existing residential structure not owned by the owner of the outside kennel if the kennel is constructed with sound-deflecting walls that separate the kennel from said district or use.

5.15. RELIGIOUS INSTITUTIONS

5.15.1. Authorized Locations

- (A) Religious institutions, including, but not limited to churches, synagogues, temples, mosques and other places of religious worship, along with their accessory uses, are permitted in subject to the following Development approvals based upon size limitations:

Type of Religious Institution	Maximum Seating in the Largest Place of Assembly	Districts Where Authorized
Small Religious Institutions	up to 250	Allowed in RR, NB and GB districts
Other Religious Institutions	251 or more	Allowed in RR and GB districts

- (B) Religious institutions shall only be permitted on a lot that fronts onto, a collector or arterial street.

5.15.2. Special Requirements for Existing Religious Institutions in Certain Districts

- (A) Existing religious institutions that are not authorized shall be considered conforming uses for purposes of reconstruction or expansion, subject to the provisions of this section.
- (B) All new or expanded structures for principal or accessory uses shall be located on a contiguous site.
- (C) Parking for all new or expanded structures for principal or accessory uses shall be located on a contiguous site except that required parking cannot be accommodated on the site may be satisfied by:
- (1) Parking on an existing parking lot that complies with the UDO requirements for shared or satellite parking. For purposes of

this paragraph, existing parking lots include parking lots established prior to adoption of the UDO; or

- (2) Parking on a site in a GB district located within 600 feet of the entry to the religious institution; or
- (3) Parking on a site further than 600 feet from the entry to the religious institution and the institution establishes and agrees to maintain a shuttle service from the remote parking area.

5.15.3. Requirements for Institutions in the NB Districts

- (A) The principal building, accessory uses and parking must be on a contiguous site.
- (B) Offices associated with the activities or business of the religious institution shall occupy no more than twenty-five (25) percent of the total floor area of buildings on the lot. In cases where the total floor area developed on the site is less than 4,000 square feet, office activities may occupy as much as 1,200 square feet.
- (C) All buildings, outdoor recreational facilities, and off-street parking and service areas shall be separated by a twenty (20) foot wide buffer from abutting property located in a residential district.
- (D) Outdoor recreation facilities shall not be illuminated for nighttime use.

5.15.4. General Requirements for Accessory Uses

- (A) Accessory uses shall meet the following requirements:
- (B) Accessory structures and uses shall meet the setback and buffer requirements that apply to the principal structure(s).
- (C) Accessory uses shall be governed by other provisions of these regulations for the underlying district. Where accessory uses such as television stations, radio stations, printing presses, or sports complexes are forbidden in association with nonreligious uses, they shall also be forbidden in association with religious uses. This provision

shall in no way restrict accessory use family life centers and multipurpose facilities, a part of whose function may include recreation and sports activities.

- (D) The accessory use shall be owned and operated only by the owner of the primary use.
- (E) The facility housing the accessory use shall meet all local, State or federal standards.
- (F) The owner of the primary use shall obtain any licenses required to conduct the accessory use. Any approval of the accessory use shall be contingent upon receipt of all licenses.
- (G) Outdoor play or activity areas shall be no closer than fifty (50) feet from a residential zoning district.
- (H) Except in the **RR** and **GB** districts, the following activities shall be prohibited in association with religious institutions: retreat centers; overnight lodging facilities or other temporary sleeping quarters; and any use not specifically identified as an allowable accessory use. Notwithstanding the prohibition of overnight lodging, one (1) residential dwelling unit may be provided as a parsonage pursuant to paragraph J.
- (I) Child day care, adult day care, preschool or child nursery uses are allowable accessory use subject to the following standards:
 - (1) The total floor area allocated to the child day care, adult day care, preschool or nursery Uses shall not exceed ten (10) percent of the total floor area on the site. The calculation of total floor area allocated to the uses shall be cumulative and shall include all child day care, adult day care, preschool, nursery facilities and related mechanical and support facilities.
 - (2) An off-street drop-off area for persons served by the facility shall be provided. The entrance and vehicle drop off points shall not be located on a street providing primary access to

residences, unless such street is classified as a collector or arterial.

- (J) A fellowship hall is an allowable accessory use subject to the following standards:
- (K) Dining, including dining open to the public as a “soup kitchen,” is permitted between the hours of 8:00 a.m. and 10:00 p.m., provided:
 - (1) The owner of the religious use ensures that meal recipients remain on the site except during travel to and from the fellowship hall; and
 - (2) No consideration or value of any kind is given, directly or indirectly, in exchange for the meal.
- (L) The total floor area allocated to the fellowship hall, including related mechanical and support facilities, shall not exceed twenty (20) percent of the total floor area on the site.
- (M) The entrance to the fellowship hall shall not be located on a Street providing primary Access to residences, unless such Street is classified as a collector or arterial.
- (N) One (1) residential Dwelling Unit is allowable to serve as a parsonage, subject to the following standards:
- (O) A minimum Lot area for the Dwelling Unit (“parsonage lot”) shall be 6,000 square feet. The parsonage lot shall be used exclusively for the Dwelling Unit and shall not include any primary or other accessory use allowable on the site. the parsonage lot shall not be used for any support activity to the primary or accessory uses, such as outdoor play areas, storage or parking, other than as specifically provided below.
 - (1) Two (2) parking spaces shall be provided within the parsonage lot.
 - (2) The maximum building height on the parsonage lot shall be thirty-five (35) feet.

- (3) The parsonage lot may contain children's outdoor play equipment, in a size and quantity typical of a single family residential use.

5.15.5. Parking

- (A) A specific parking plan shall be provided prior to the establishment or expansion of a primary or accessory use at a Religious Institution.
- (B) The parking plan shall identify:
 - (1) The primary use and each accessory use proposed on the site;
 - (2) The hours of operation and peak times of use (parking demand) for the primary use and each accessory use on the site;
 - (3) The parking standards for the primary use and each accessory use shall be identified based upon section 4.5;
 - (4) Areas designated for overflow parking during times of extraordinary use (such as festival or holiday periods).
- (C) The parking plan may include reduced or shared parking. If reduced or shared parking is proposed, the parking plan and supporting data shall clearly indicate that differing peak uses and associated parking requirements shall not result in a parking deficiency on the site.

5.15.6. Setbacks for Large Religious Institutions

For religious institutions that exceed 7,000 square feet in total floor area, excluding the parsonage, if any, the minimum setback and buffer from any residential property line that is otherwise required shall increase five (5) feet for each 1,000 square feet or portion thereof, over 7,000 square feet.

5.16. SATELLITE DISH ANTENNAS

- (A) The provisions of this section shall apply to satellite dish antennas that are greater than twenty-four (24) inches in diameter.

- (B) Only one satellite dish antenna shall be allowed per premises, except for display models as provided in this section.
- (C) In **RE** and **RR** zoning districts, a ground-mounted satellite dish antenna may be installed only in a side or rear yard and shall not be located within any required building setback.
- (D) In all nonresidential zoning districts:
 - (1) A satellite dish antenna may be installed at any location on the Lot except within ten (10) feet of either a public street right-of-way or a side or rear yard Lot line that abuts a residentially zoned district.
 - (2) A satellite dish antenna may be installed on the roof of the Principal Structure provided it is anchored to a rafter, girder or other superstructure member of the building so as to be structurally secure.
- (E) A dish antenna shall be permanently ground or roof mounted (where permitted) and no antenna shall be installed on a portable or moveable structure except to transport an antenna to a permanent site or to provide a temporary on-site antenna for testing purposes not to exceed seven (7) days in duration.
- (F) A dish antenna shall be painted with a dull, non-glossy finish. No lettering, numerals or pattern shall be permitted on the dish surface other than the name of the manufacturer in letters not to exceed six (6) inches in height.
- (G) No antenna shall exceed an overall diameter of twelve (12) feet or an overall height of seventeen (17) feet above existing grade when located on the ground.
- (H) When located on the roof of a building in a non-residential district, no antenna shall exceed the building height limitation for the district in which it is located by more than ten (10) feet.

- (l) Inoperative satellite dish antennas, not to exceed two (2) in number, may be stored outside of commercial establishments in districts in which satellite dish retail sales are permitted. Such display models shall comply with the outside display regulations of section 5.13.

(1)

5.17. SPECIAL ENTERTAINMENT USES

5.17.1. Findings

The Town Council finds that

- (A) Some special entertainment uses because of their very nature can have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances can produce deleterious secondary effects on adjacent areas and the community at large, including increased transients, increased crime, disruptive conduct, financial instability and negative influences on children and the surrounding populace.
- (B) Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood due to the deleterious secondary effects listed above.
- (C) Avoiding concentration of these uses, separating these uses from other uses and screening these uses can reduce the deleterious secondary effects listed above.
- (D) These special regulations are itemized in this section. The primary control or regulation is the purpose of preventing a concentration of these uses in any one area (i.e., not more than one (1) such use within one thousand (1,000) feet of each other which would create such adverse effects).

(1) Adult Bookstores;

- (2) Adult Motion Picture Theaters housed in a permanent indoor structure;
- (3) Clubs and other places of entertainment operated as a commercial enterprise providing nude or semi-nude entertainment such as "topless" dancing;
- (4) Eating and drinking establishments including drive-in curb service providing nude or semi-nude entertainment such as "topless" dancing;
- (5) Any Physical Culture establishment, masseur, massage parlor, health salon or club not otherwise defined in this UDO.
- (6) Adult Motels and Hotels.

(E) Location of uses.

- (1) No use regulated under this section may be located within one thousand (1,000) feet of another use permitted under this section which will be measured from the exterior walls of the building(s) containing such regulated use.
- (2) No use permitted under this section may be located within seven hundred and fifty (750) feet of any area zoned for residential use or from the property line of any residential Dwelling, religious institutions, nursery schools, day care center (child/adult) or public or private schools, in any zoning districts. This distance shall be measured as the shortest line between the property lines of The uses.
- (3) No use regulated under this section may be located in any designated **HCO** district or within two hundred (200) feet of Old U.S. Highway #1 measured from the nearest right-of-way boundary to the exterior wall of the building containing such use.

- (F) **Parking.** Parking requirements shall meet the parking requirements of this UDO and provide parking spaces in accordance with Exhibit 5-2:

Exhibit 5-2: Parking Space Requirements for Special Entertainment Uses

Land Uses	Minimum Vehicle Parking Spaces
Adult Bookstores	One space per 100 sq. ft. of Gross Floor Area
Adult Motels and Hotels	1 space per room to be rented
Adult Motion Picture Theaters	1 space per 2 seats
Nude or Semi-Nude Clubs	1 space per 100 sq. ft. of Gross Floor Area plus 1 space per 2 seats at bar or tables
Physical Culture Establishments	1 space per employees, 1 space for every person that the facilities are designed to accommodate when fully used plus 1 space per 100 sq. ft. not included in above calculation

- (G) **Landscaping.**

Landscaping shall meet the screening requirements set forth in 4.3.5. Specifically, a buffer of fifteen (15) feet in width shall be required to encompass all Lots developed or proposed for Development, including Shopping Centers containing such uses but excluding driveways. Plantings shall comply with the requirements of sections 4.3.4. and 4.3.5.

- (H) **Signs.**

- (1) Signage is limited to one (1) Wall Sign per premise.
- (2) The maximum Sign area shall be 10 square feet.

(Ord. passed 12-12-1989; Am. Ord. 1272, passed 10-15-2007; Am. Ord. 1381)

5.18. SPECIAL EVENTS

- (A) Special events may be conducted in those districts as authorized in chapter 2 of this UDO if the event has been granted a permit under the guidelines promulgated by a Permit Issuing Authority designated by the Town Manager

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- (B) The guidelines shall ensure that the special event will not materially endanger the public health and safety, will be in harmony with the area in which it is located and will not unreasonably disrupt or interfere with the flow of traffic or the rights of adjacent or surrounding property owners.
- (C) The permit may impose conditions limiting the hours and duration of the event, preventing disruption of adjacent uses, and assuring removal of litter caused by the event at no expense to the Town.
- (D) If the event includes the consumption of any alcoholic beverages, the permit may be issued only if the Applicant demonstrates that any selling or distributing the beverages on public property is not for profit and has secured all applicable permits and approvals required by the State of North Carolina at the time of submittal of the Special Use Permit application.
- (Ord. # 1716)*
- (E) In cases where it is deemed necessary, the Permit Issuing Authority may require the Applicant to post a bond to ensure compliance with the conditions of the Special Use Permit.
- (Ord. #1919)*
- (F) If the permit Applicant requests the Town to provide extraordinary services or equipment or if the Town Manager otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the Applicant shall be required to pay to the Town a fee sufficient to reimburse the Town for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

5.19. SPECIAL HOME EVENTS

For any for-profit business in which weddings, parties, gatherings, and the like take place on privately owned property. Such special home events shall be conducted under the following restrictions:

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- (A) Maximum number of guests is eighty (80).
- (B) No amplified music to be located outside.
- (C) The number of events permitted per year shall be a maximum of twenty (20).
- (D) Hours of operation shall be from 10:00 a.m. to 10:00 p.m.
- (E) All parking shall be located on the property where the special home event is to take place.
- (F) Property shall be a minimum of two and nine-tenths (2.90) acres in size for the special home event.
- (G) Minimum house size to hold special home events is three thousand (3,000) square feet.
- (H) Each special home event shall be registered at the Planning Department with a letter outlining the event activities.
- (I) A Special Use Permit is required for any Applicant wanting to hold special home events.
(Ord. #1919)

5.20. SPECIAL SERVICES HOMES

- (A) Special services homes include:
 - (1) Homes for the Handicapped, aged or infirm;
 - (2) Intermediate Care Homes;
 - (3) Child Care Homes; and
 - (4) Halfway Houses.
- (B) Halfway Homes shall be limited to a maximum of four (4) residents and a minimum Lot size of 35,000 square feet.
(Ord. #1714)

- (C) The issuance of a zoning permit for a special services home shall be conditioned upon the Applicant obtaining any required state license within ninety (90) days after approval of the permit.
- (D) To prevent a concentration of special services homes in residential neighborhoods, no such home shall be located within one thousand three hundred twenty (1,320) feet of another such facility, measured along a straight line from property line to property line. Halfway Houses shall not be located within five thousand (5,000) feet of another such facility, measured along a straight line from property line to property line.
- (E) No special services home shall house mentally ill persons who are determined to be dangerous to others as defined in G.S. 122C-3(11)b.
- (F) Signage shall be limited to a nameplate not to exceed two square feet in area.
- (G) The Applicant shall submit to the Permit Issuing Authority a statement addressing
 - (1) The number of staff personnel to reside in the facility and their backgrounds and qualifications;
 - (2) The number of individuals to be housed in the facility;
 - (3) The purpose of the facility and the nature of the handicap of the individuals who will reside there; and
 - (4) The intake criteria that have been or will be used in screening the persons who will live in and benefit from the facility.
- (H) A special services home located outside of a CCRC campus may not be located within one thousand three hundred twenty (1,320) feet of a CCRC campus property line.

5.21. TEMPORARY EMERGENCY, CONSTRUCTION OR REPAIR RESIDENCES

- (A) Temporary emergency residences may be established on a Lot during the repair or reconstruction of residences destroyed or made uninhabitable by fire, wind water or other catastrophic event.
- (B) Temporary residences used on construction sites of non-residential premises shall be removed immediately upon the completion of the project.
- (C) Permits for temporary residences to be occupied pending the construction, repair or renovation of the permanent residential building on a site shall expire within six months after the date of issuance. The Planning Director may renew such permit for one additional period not to exceed three months after determining that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation or restoration work necessary to make such building habitable.

5.22. TEMPORARY USES

- (A) A Zoning Permit may be authorized by the administrator for Christmas Tree, pumpkin and related ornamental sales, collective retail merchant sales and shows provided that:
 - (1) All applicable Town and state permits and/or licenses have been obtained.
 - (2) No more than one ground or Wall Sign, not to exceed six square feet in area is located on the premises and no banners, pennants, streamers, strings of twirlers or propellers and similar devices are erected.

- (3) The temporary use is operated only during the hours of 7 a.m. and midnight and is conducted for a period not to exceed thirty consecutive days.
 - (4) No more than two (2) Zoning Permits are issued to the same person, household, site, firm or organization in any one calendar year.
- (B) Other temporary uses of land must be approved as special events in accordance with section 5.18.

5.23. TOWERS AND RELATED STRUCTURES

Towers and related structures that are fifty (50) feet or taller in Height shall require a Special Use Permit prior to construction or installation and are subject to the following standards:

- (A) Towers cannot be located in the **HCO, CB, NB** or **OS** districts.
- (B) Towers cannot be located within one thousand (1,000) feet of any **RE, RS** or **RM** zoning district or any residential Development in a **PD** zoning district.
- (C) Towers taller than fifty (50) are allowed by Special Use Permit in the **RR, GB** and **FRR** districts.
- (D) The Special Use Permit application shall provide information that:
 - (1) Demonstrates the antenna's compliance with State and Federal radio frequency emission standards.
 - (2) Specifies the tower height and design and include a cross-section of the structure.
 - (3) Details any technical, engineering, economic and other pertinent factors governing the selection of the proposed design.
 - (4) Demonstrates the tower's compliance with applicable structural standards, which may include certification that the tower will

withstand sustained winds in accordance with local building codes or nationally recognized standards.

- (5) Describes the failure characteristics of the tower and demonstrates that the site and setbacks are of adequate size to contain debris.
- (6) Describes the tower's maximum capacity, including the number of antennas that it can accommodate for collection, taking into consideration radio frequency interference, mass, height and other characteristics, as well as options to overcome any problems that these considerations may pose to service delivery.
- (7) Assesses the environmental impact of the facility siting, including the impact on adjacent structures and districts as well as on historic sites and streetscapes.
- (8) Determines whether the construction of the tower and its reception and transmission functions will interfere with the usual and customary transmission or reception of radio, television and other services on adjoining properties.
- (9) Documents the due diligence in seeking and subsequent failure to find space on an existing tower to collocate their antenna(s) (if permission for tower construction is being sought).
- (10) Documents compliance with or exemption from FCC, FAA, MEPA and any other federal or state regulations applicable to the siting; statements must be issued from the FCC, FAA or the state attesting to the proposed facility's compliance.
- (11) Includes an agreement between the Town and the tower owners and their successors to allow shared use of the tower if:
 - (a) Capacity exists based on existing and planned use;
 - (b) A future Applicant for space on the tower agrees in writing to pay any reasonable change for shared use; and

(c) The potential use is technically compatible.

- (12) Documents anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and traffic, noise or safety impacts of such maintenance.
- (13) Documents liability insurance or bonding where applicable.
- (14) Includes approval of the site owner, if different from the tower owner, to apply for a permit.

(Ord. #1919)

5.24. HOMELESS SHELTERS

Homeless Shelters and related establishments shall require a Special Use Permit prior to construction or establishment of the subject use.

- (A) Homeless Shelters are defined as housing with minimal supportive services for homeless persons that are limited to occupancy of six months or less by a homeless person.
- (B) Homeless Shelters are only permitted in the GB (General Business) zoning classification.
- (C) To prevent a concentration of Homeless Shelters, no Homeless Shelter shall be located within one thousand three hundred twenty (1,320) linear feet of another such facility. The distance shall be measured along a straight line from property line to property line.
- (D) No Homeless Shelter shall be located within seven hundred fifty (750) feet of any area zoned for residential use or from the property line of any residential dwelling unit. The distance shall be measured along a straight line from property line to property line.
- (E) Signage shall be limited to a nameplate not to exceed two (2) square feet in area.
- (F) The Special Use Permit for a Homeless Shelter shall expire three (3) years from the effective date of the permit approval. A Homeless Shelter may continue in operation after expiration of the permit only if

Southern Pines Unified Development Ordinance

Chapter 5: Supplementary Conditions for Specific uses

the Town has granted a new Special Use Permit in response to an application submitted no earlier than six (6) months before the expiration of the previous permit approval. The procedures and requirements in effect at the date of the application shall apply in determining whether the new permit shall be granted.

(G) The applicant shall provide to the Permit Issuing Authority during the Special Use Permit application a statement addressing the following:

- (1) The number of staff personal to reside in the facility along with their backgrounds and qualifications.
- (2) The maximum number of individuals to be housed in the facility.
- (3) The intake criteria that have been or will be used in screening the persons who will benefit from the facility.
- (4) The operation schedule for the homeless shelter, seasonal or permanent.

- (5) The hours of operation for the homeless shelter.
- (6) The length of stay for an individual and the period of time required in between stays for an individual.
- (7) A list of supportive services to be provided to individuals to be housed in the facility; including but not limited to the following: meals, showers, education, job and/or skill training, clothing or other (please list).
- (8) The proposed impact on neighboring properties and businesses.
- (9) Any other information that may be pertinent to the operation of the homeless shelter.

(Ord. #1718; Ord. #1919)

Amended

11-15-22

5-24

Chapter 6. Development Patterns

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6.1. CLUSTER SUBDIVISION

(A) In any Single-Family residential subdivision in the zones indicated below, a developer may create Lots that are smaller than those required by in the RS zoning districts if such developer complies with the provisions of this section and if the Lots so created are not smaller than the minimums set forth in Exhibit 6-1: Minimum Lot Size for Cluster Subdivisions:

Exhibit 6-1: Minimum Lot Size for Cluster Subdivisions

Zoning District	Minimum Lot Size
RS-1	7,500 sq. ft.
RS-2	15,000 sq. ft.
RS-3	22,500 sq. ft.

(B) The intent of this section is to authorize the developer to decrease Lot sizes and leave the land "saved" by so doing as usable open space, thereby lowering Development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of Lots required by each applicable zoning district.

- (C) The amount of usable open space that must be set aside shall be determined by:
- (1) Multiplying the number of Lots that are smaller than the minimum area for Lots in the applicable district by the minimum area required per Lot in that district;
 - (2) Totaling the square footage of all Lots that are smaller than that standard specified for the applicable zoning district;
 - (3) Subtracting the result in paragraph (1) from the result in paragraph (2).

Example for a 100 Lot subdivision in an RS-1 District	
Number of Lots smaller than the minimum Lot size for the district	100 Lots
Minimum area per Lot required	10,000 sq. ft./lot
Product (number of Lots times the minimum area per Lot)	1,000,000 sq. ft.
Total area of Lots that are smaller than the minimum. Assume that the Lots average 8,000 sq. ft. (100 x 8,000)	800,000 sq. ft.
Total amount of Usable Open Space required (1,000,000 – 8,000,000)	200,000 sq. ft

- (D) The provisions of this section may only be used if the Usable Open Space set aside in a subdivision comprises at least ten thousand (10,000) square feet of space that complies with section 4.9.
- (E) The setback requirements for the applicable zoning districts shall apply in cluster subdivisions.

6.2. CONSERVATION SUBDIVISION

6.2.1. Title

These regulations shall officially be known, cited, and referred to as the Southern Pines Conservation Subdivision regulations or Conservation Subdivision regulations.

6.2.2. Intent

Conservation subdivisions provide a voluntary option for property owners to allow smaller Lots than can be achieved through conventional Development in the **RE** and **RR** districts, while retaining Significant open areas that may be used for agriculture, forestry or environmental purposes. While this choice will not be desired by all property owners, these regulations enable conservation subdivision Development that reduces infrastructure costs and increases the value of Lots that front on the open space areas.

6.2.3. Purposes

This section is adopted for the following purposes:

- (A) To guide the future growth and Development consistently with the Comprehensive Plan;
- (B) To guide site analysis to plan appropriate areas for Development and conservation;
- (C) To preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources;
- (D) To preserve scenic views by minimizing views of new Development from existing roads;
- (E) To preserve prime agricultural land by concentrating housing on land that has low agricultural potential;

- (F) To provide commonly-owned open space areas for passive and/or active recreational use by residents of the Development and, where specified, the larger community;
- (G) To provide for a diversity of Lot sizes, housing choices and building densities to accommodate a variety of age and income groups;
- (H) To provide buffering between residential Development and non-residential uses;
- (I) To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors;
- (J) To preserve significant archaeological sites, historic buildings and their settings; and
- (K) To meet demand for housing in rural settings.

6.2.4. Applicability

The conservation subdivision standards may be applied to any divisions of a Parcel of twenty (20) acres or more in the **RE** or **RR** zoning district, where the subdivision creates at least three (3) new Parcels and at least forty (40) percent of the gross acreage of the site is reserved as open space in a primary or secondary conservation area. A conservation subdivision may be created through the Special Use Permit process or the PD Development process.
(Ord. #1919)

6.2.5. Procedure

Conservation subdivisions shall be approved through the following general process, which is more fully described below:

Step 1: *Meet with Planning Director
(may be combined with site visit)*

Step 2: *Inventory and mapping of
existing resources for the site, including*

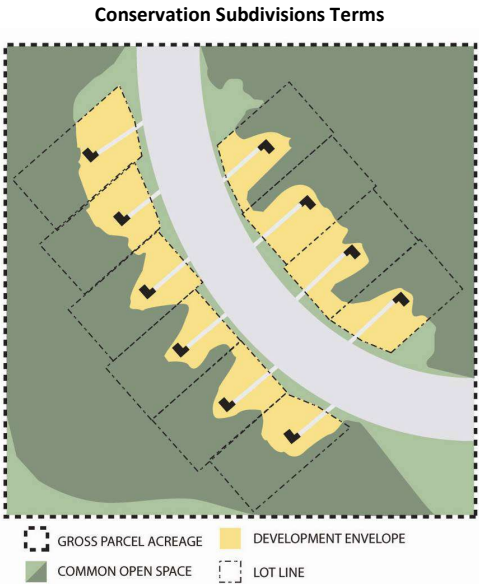
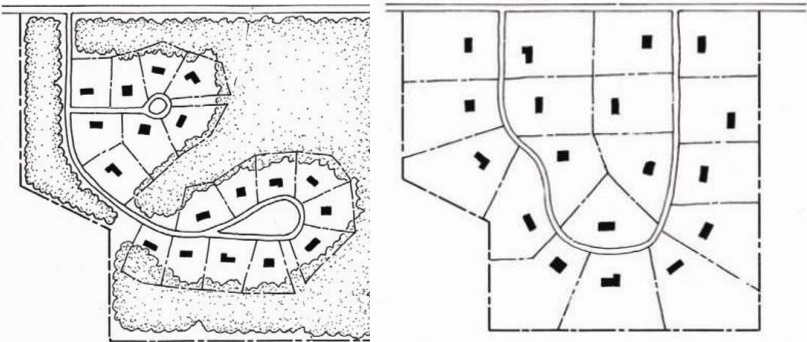
the identification of primary and secondary conservation areas.

Step 3: Calculate Development potential.

Step 4: Prepare a concept map of the conservation subdivision for staff review and recommendations

Step 5: Submit the concept plan and Preliminary Plat for review through the conventional subdivision process.

Conservation Subdivisions versus Conventional Design



(A) Initial Conference

Before submitting an application for a conservation subdivision, the Applicant shall schedule an appointment and meet with the Planning Director to discuss the procedure for approval of a conservation subdivision, including submittal requirements and design standards. The initial conference may be conducted in coordination with a site visit.

(B) Inventory and Mapping of Existing Resources

After the initial conference, the Applicant shall submit the following information to the Planning Director, which shall be mapped at a scale of no less than one (1) inch to fifty (50) feet:

- (1) Topographic contours at two (2) foot intervals;
- (2) United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems;
- (3) Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways, and steep slopes;
- (4) Land cover on the site, according to general cover type (pasture, woodland, etc.), and stand-alone trees with a caliper of more than twenty-four (24) inches measured four and one-half (4.5) feet off the ground. The inventory shall include comments on the health and condition of the vegetation;
- (5) Current and past land use, including all buildings and structures on the land, cultivated areas, brownfields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances, such as easements or covenants;
- (6) Known critical habitat areas for rare, threatened or endangered species;
- (7) Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location where the photographs were taken;
- (8) Unique geological resources, such as rock outcrops and glacial features; and
- (9) Cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological features. This includes a review of existing local, state and national inventories for historic buildings, archaeological sites, and burial sites.

(C) Site analysis and concept plan.

Using the inventory described in the previous paragraph and applying the design standards specified in the following section, the Applicant shall submit a concept plan and site analysis on one or more sheets that shall include at least the following information at a scale of no less than one inch to 50 feet:

- (1) Open space areas indicating which areas are to remain undeveloped and trail location;
- (2) Boundaries of areas to be developed and proposed general street and Lot layout;
- (3) Number and type (e.g., Single-Family detached, town home, etc) of Dwelling Units proposed;
- (4) Proposed methods for and location of water supply, stormwater management (e.g., Best Management Practices), and sewage treatment;
- (5) Inventory of preserved and disturbed natural features and prominent views;
- (6) Preliminary building envelopes showing areas for lawns, pavement, buildings;

- (7) Proposed methods for ownership and management of open space;
 - (8) General location map showing the general outlines of existing buildings, land use, and natural features such as water bodies or Wooded Areas, roads and property boundaries within five hundred (500) feet of the Tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch: 400 feet;
 - (9) Boundary line of the proposed site and all property to be subdivided, including all contiguous land owned or controlled by the Applicant;
 - (10) Location, width, and names of all existing platted streets and rights-of-way to a distance of one hundred (100) feet beyond the site;
 - (11) The type, width and condition of street improvements; railroad or major utility rights-of-way; parks and other public open spaces; location and widths of existing trails; and permanent buildings and structures on the site and within one hundred (100) feet of the site;
 - (12) Location, widths, and names of all existing public and private easements on the site and within one hundred (100) feet of the site;
 - (13) Name and ownership boundary lines of all adjoining lands within one hundred (100) feet of the site;
 - (14) Topographic data including contours at vertical intervals of not more than two (2) feet;
 - (15) Identification of primary and secondary conservation areas;
 - (16) Existing soil classifications, including hydric soils;
 - (17) Legal description of the property;
 - (18) Existing zoning classifications for land in and abutting the subdivision;
 - (19) Total acreage of the proposed site; and
 - (20) Graphic scale, north arrow, and date.
- (D) Subdivision Design Features
In addition to the information required for a Preliminary Plat for a conventional subdivision, the following information shall be included:
- (1) Development Envelopes showing areas for grading, lawns, pavement and buildings.
 - (2) Open space areas, other than pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres. Provide information on the conditions, if any, of the dedication or reservation.
 - (3) Management plan for restoration and long-term management of the open space areas.

6.2.6. Requirements for Design and Improvements

(A) Primary Conservation Areas

The following are considered Primary Conservation Areas and shall be included in the retained open space unless the Applicant demonstrates that this provision would constitute an unusual hardship or be counter to the purposes of this section:

- (1) The 100-year floodplain
- (2) Buffer zones of at least 75 feet along all perennial and intermittent streams, ponds and lakes
- (3) Slopes above 25 percent of at least 5,000 square feet contiguous area
- (4) Wetlands

- (5) Habitats of endangered or threatened species
- (6) Archaeological sites, cemeteries and burial grounds

(B) Secondary Conservation Areas

The following are considered Secondary Conservation Areas and shall be included in the retained open space to the maximum extent feasible.

- (1) Important historic sites, structures or features
- (2) Healthy native forests of at least one contiguous acre
- (3) Individual existing healthy trees greater than eight (8) inches caliper
- (4) Significant natural features and scenic viewsheds such as ridgelines, peaks and rock outcroppings and scenic pastures, meadows and hedgerows
- (5) Prime agricultural lands of at least five contiguous acres
- (6) Existing trails that connect to adjacent areas

6.2.7. Performance Standards**(A) Residential Lot Requirements**

- (1) The number of new Parcels that can be created shall be consistent with the density established in the applicable zoning district unless bonus densities are sought.
- (2) Lot sizes shall be determined based on DNER requirements and applicable bonus densities.
- (3) Setbacks and building heights shall be consistent with the applicable zoning district regulations, except as modified through the subdivision approval process.
- (4) Lots shall be configured to minimize the amount of impervious surfaces -- maximum lot coverage shall not exceed thirty-five

(35) percent of the Lot area, including buildings and other impervious surfaces.

- (5) All Lots shall take access from interior streets. Existing farmsteads to be preserved may have a driveway as part of the historic landscape that does not access a local street.
- (6) Lots shall be configured to minimize the amount of road length required for the subdivision.
- (7) Building Lots shall be configured to minimize loss of woodlands.
- (8) If agricultural uses are being maintained, Lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
- (9) All Lots within a neighborhood shall abut open space on at least one side. A local street may separate Lots from the open space.
- (10) Building Lots should not be located on ridges, hilltops, along peripheral public roads or in other visually prominent areas.
- (11) Residential structures shall be oriented to maximize solar gain in the winter months.
- (12) A native vegetation buffer not less than thirty (30) feet in width shall be maintained around ponds and lakes, unless a specific common beach or grassed area is identified.

(B) Bonus Densities in the RE and RR Zoning Districts

To promote the retention of open space, the density ranges established in the Exhibit 6-2 shall apply to Development within the **RE** zoning district that retains open space in accordance with section 4.9 **or** agricultural land. Agricultural land shall be limited to limited to pasture or crop production, with the exception that a single homestead may be retained on any agricultural tract encompassing twenty (20) or more acres. Land retained as open space or limited to agricultural uses shall be designated as a separate parcel or parcels on the subdivision plat and shall be protected by

conservation easement. If an existing homestead is retained on an agricultural tract, it shall not be counted when calculating the gross density of the conservation subdivision.

Exhibit 6-2: Density Bonuses

Maximum Gross Density		Minimum Percentage of Gross Acreage Retained for Open Space ⁽¹⁾ Pasture or Crop Production
RE District	RR District	
1 dwelling per 5 acres	1 dwelling per 30,000 sq. ft.	40%
1 dwelling per 4.5 acres	1 dwelling per 27,500 sq.ft.	45%
1 dwelling per 4 acres	1 dwelling per 25,000 sq. ft.	50%
1 dwelling per 3.5 acres	1 dwelling per 22,500 sq. ft.	60%
1 dwelling per 3 acres	1 dwelling per 20,000 sq.ft.	70%

(C) Stormwater Management Requirements (see Exhibit 6-3)

- (1) Minimize the use of curb and gutter and maximize the use of open swales.
- (2) Roof down spouts should drain to porous surfaces.
- (3) Peak discharges during the 10-year, 24-hour storm event shall be no more than pre-Development conditions.
- (4) The Development should capture eighty (80) percent of the total suspended solids from the ten (10) year, twenty-four (24) hour storm event.
- (5) Landscape plantings should be used to increase infiltration and decrease runoff.
- (6) Natural open drainage systems shall be preserved.

Exhibit 6-3: Examples of Stormwater Management Techniques

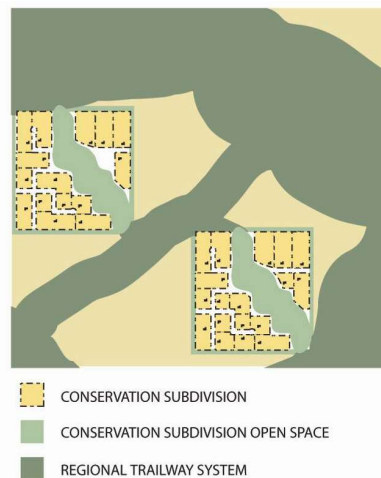


(D) Residential Cluster Siting Standards

Residential clusters shall be located to:

- (1) Minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses;
- (2) Avoid encroaching on rare, threatened or endangered species habitats;
- (3) Enable open spaces to connect with existing or potential open space lands on adjoining Parcels and with greenways (see Exhibit 6-4);

- (4) Minimize impacts to prime farmland soils and large Tracts of land in agricultural use, and avoid interference with normal agricultural practices;
- (5) Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.
- (6) Prevent downstream impacts due to runoff through adequate on-site storm water management practices.
- (7) Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
- (8) Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
- (9) Enable the use of landscaping around the cluster to reduce off site views of residences.

Exhibit 6-4: Open Space Connectivity**(E) Sewage and Water Facilities**

- (1) Water for a conservation subdivision may be provided by municipal system, individual onsite wells, by one or more community wells meeting State requirements or by other centralized service. Plans for shared or community wells should include a wellhead protection plan with separation distances for the zone of influence and sources of pollution.
- (2) All conservation subdivisions shall be provided with adequate sewage treatment facilities meeting DENR standards. Where sewage treatment is not provided by a publicly owned wastewater treatment works, a common sewage treatment and disposal unit located on the common open space lands is encouraged.

6.2.8. Ownership and Maintenance of Open Space and Common Facilities

The designated common open space and common facilities may be owned and managed by one or a combination of the following:

- (1) A homeowners' association
- (2) A non-profit conservation organization
- (3) An individual who will use the land for open space or agricultural purposes allowed by the Conservation Easement
- (4) Public ownership

(B) Homeowners' Association

A homeowners association shall be established if the common open space is proposed to be owned by a homeowners association. Membership in the association shall mandatory for all purchasers of homes in the Development and their successors. The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval to the Town as part of the information required for the Preliminary Plat. The homeowners' association bylaws or the declaration of covenants, conditions and restrictions of the homeowners association shall contain the following information:

- (1) The legal description of the common land;
- (2) A description of common facilities;
- (3) The restrictions placed upon the use and enjoyment of the lands or facilities;
- (4) Persons or entities entitled to enforce the restrictions;
- (5) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums;

- (6) A mechanism for resolving disputes among the owners or association members;
- (7) The conditions and timing of the transfer of ownership and control of land facilities to the association;
- (8) Any other matter the developer deems appropriate.

(C) Nonprofit Conservation Organization

If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the Town. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.

(D) Individual Ownership

An individual may hold fee title to the land while a nonprofit or other qualified organization holds a Conservation Easement uses for the common open space.

(E) Public Dedication of Open Space

The Town may, at its sole discretion accept the dedication of fee title or dedication of a Conservation Easement to the common open space provided that:

- (1) The common open space is accessible to the public and is part of the Town's Greenway Plan; and
- (2) The Town agrees to and has access to maintain the common open space.

(F) Streets

Streets that have been designated on a duly adopted official map or element of the Comprehensive Plan shall be dedicated to the Town, County or State as applicable. The streets and right-of-way shall comply with the applicable design standards of the responsible entity.

6.2.9. Conservation Subdivision Management Plan

Every conservation subdivision shall include a plan that documents the means to properly manage the common open space and facilities in perpetuity, including any stormwater facilities. A management plan shall not be required for land that is retained for agricultural use. The plan shall be approved by the Town prior to Final Plat approval and shall:

- (A) Designate the ownership of the open space and common facilities.
- (B) Establish necessary regular and periodic operation and maintenance responsibilities.
- (C) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
- (D) Include a land stewardship plan specifically focusing on the long-term management of common open space lands, and describing:
 - (1) Existing conditions including all natural, cultural, historic, and scenic elements in the landscape;
 - (2) The proposed end state for each common open space area; and the measures proposed for achieving the end state;
 - (3) Proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring historic features and habitats or ecosystems; and
 - (4) The operations needed for maintaining the stability of the resources, including: stormwater management facilities; mowing schedules; weed control; planting schedules; clearing and cleanup; at the Town's discretion, the Applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.
- (E) Document the method for amendment of the plan by the owner with the approval of the Town.

Amended

11-15-22

6.2.10. Failure to Manage Open Space and Common Areas

In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition, the Town may send notice setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation this UDO, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The Town may enter the premises and take corrective action and assess the costs to the management entity.

6.3. SMALL SINGLE-FAMILY LOT PATTERNS**6.3.1. Purpose and Applicability**

The purposes of this section are to enable the Development of existing small Lots and to provide guidance for the creation of smaller Lots as part of Planned Developments.

6.3.2. Existing Single Lot Development

For single Lots that do not meet the minimum Lot width standards, Development shall comply with existing setbacks to the greatest extent practical. However, the Planning Director may grant a reduction of side setbacks by up to two (2) feet upon finding that the following conditions apply:

- (A) The proposed home is not more than two (2) stories in height;
- (B) The home has an entry facing the street that includes a front porch measuring at least six (6) feet in depth and a width not less than the greater of sixteen (16) feet or seventy (70) percent of the front façade width;

6-10

- (C) The roof is either a hip or gable style with a pitch of not less than four (4) feet of rise for every twelve (12) feet of width.
- (D) Parking shall be located at least five (5) feet behind the front building line. Attached or detached garages may be located to the rear of the home. If an attached garage is located to the side of a home, it must be located at least five (5) feet behind the front building line and shall not be greater than thirty (30) percent of the total width of the home.

6.3.3. Existing Multiple Lot Development

Where at least four (4) abutting Lots share a common street frontage:

- (A) The side setbacks may be reduced to zero (0), provided that the minimum distance between buildings is not less than ten (10) feet and the minimum side setback for Lots abutting Existing Development or a street are not more than two (2) feet less than the minimum setback required for the applicable district. Where setbacks are less than four (4) feet from an internal property line, a maintenance easement measuring at least five (5) feet in width shall be required to provide adequate access for home maintenance.
- (B) All other standards for existing single Lot Development in the previous section shall apply.

6.3.4. New Narrow Lot Development

Within a Planned Development, the Applicant may establish any Single-Family Lot pattern that:

- (A) Satisfies the purposes of the district;
- (B) Does not exceed eight (8) Dwelling Units per gross acre;
- (C) Satisfies the requirements established in section 6.3.2; and
- (D) The Applicant demonstrates that the homes will provide adequate housing and a stable neighborhood.

6.4. TRADITIONAL NEIGHBORHOOD DEVELOPMENT

6.4.1. Required Elements

While design flexibility is encouraged within a Traditional Neighborhood Development (TND), the following design elements are mandatory:

- (A) **Land Use Diversity.** A TND shall include a mix of residential, civic and non-residential land uses.
- (B) **Residential Density.** Residential density shall be calculated by dividing the number of Dwelling Units by the residential acreage (excluding street rights-of-way). Densities shall be consistent with the Comprehensive Plan. For mixed use areas, the density shall be based on the following standards:
 - (1) Detached, Single-Family residential Development shall not exceed eight (8) Dwelling Units per acre, excluding street rights-of-way.
 - (2) Attached residential Development shall not exceed twenty-four (24) Dwellings per acre, excluding street rights-of-way.
 - (3) Mixed use buildings shall not exceed sixteen (16) Dwellings per acre.
 - (4) The minimum density of all residential properties shall be at least four (4) Dwellings per acre, excluding street rights-of-way.
 - (5) Housing Diversity. The Development shall include a mix of residential Dwelling Unit types and residential Lot sizes.
- (C) **Connectivity.** To promote walkability and emergency access, streets shall be designed in accordance with section 4.11 with sidewalks and be highly interconnected.
 - (1) Local street blocks shall not exceed 800 feet in length except where a physical feature (e.g., water, wetlands, or Existing Development) limits potential connectivity.

- (2) Collector street blocks shall not exceed 1,000 feet in length except where a physical feature (e.g., water, wetlands, or Existing Development) limits potential connectivity.
 - (3) Arterial street blocks shall not exceed 2,000 feet in length except where a physical feature (e.g., water, wetlands, or Existing Development) limits potential connectivity.
 - (4) When approving a block that exceeds the minimum block length, a pedestrian cross-walk may be required as a condition of plat approval.
- (D) **Setbacks.** The plats for the TND shall establish minimum and maximum setbacks that promote pedestrian access to non-residential and civic uses.
- (E) **Parking.** Parking shall comply with the provisions of chapter 4 except as modified by section 6.4.4.
- (F) **Common Space.** Common space shall comply with the standards established in section 6.4.5.

6.4.2. Optional Elements

Optional design elements that are encouraged, but not required include:

- (A) **Alleys.** Private alleys are encouraged to provide access to both residential and non-residential uses.
- (B) **Mixed Use Buildings.** Buildings with vertically mixed uses (e.g., residential over retail) and live-work units are encouraged.

6.4.3. Circulation

- (A) **General Circulation Standards.** The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links within the residential areas, mixed use area, and common space of the traditional neighborhood Development and shall be connected to existing and proposed external Development.

The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off street bicycle or multi-use paths or bicycle lanes on the streets), control through traffic, limit Lot access to streets of lower traffic volumes, and promote safe and efficient mobility through the traditional neighborhood Development.

- (B) **Pedestrian Circulation.** Pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the TND. All streets, except for alleys, shall be bordered by sidewalks. The following provisions also apply:
 - (1) Sidewalks in residential areas. Clear and well-lighted sidewalks, at least five (5) feet in width shall be provided along all streets and walkways shall connect all Dwelling entrances to the adjacent public sidewalk.
 - (2) Sidewalks in mixed use areas. Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be a minimum of six (6) feet in width.
 - (3) Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
 - (4) Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.
- (C) **Bicycle Circulation.** Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths.
- (D) **Motor Vehicle Circulation.** Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as curb extensions, traffic circles, and medians may be used to calm traffic speeds.
- (E) **Street Layout.** The TND should maintain the existing street grid, where present, restore any disrupted street grid where feasible and establish

a new internal grid, if not contiguous with other Development. In addition:

- (1) Intersections shall be at right angles whenever possible, but in no case less than seventy-five (75) degrees. Where more than two streets intersect or two streets intersect at angles less than seventy-five (75) degrees, traffic circles shall be used. Traffic circles are encouraged.
- (2) Corner radii. The roadway edge at street intersections shall be rounded by a tangential arc with a maximum radius of fifteen (15) feet, except that maximum corner radii for parkways and boulevards shall be twenty (20) feet. The Town Engineer may require the installation of rollover curbs at intersections to facilitate emergency service provision.
- (3) Curb cuts for driveways to individual residential Lots shall be prohibited along arterial streets. Curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic or Multi-Family Residential uses.
- (4) The orientation of streets should enhance the visibility of common spaces and prominent buildings. All streets shall terminate at other streets, civic uses or other public land, except those that terminate at stub streets when such streets act as connections to future phases of the Development.

6.4.4. Parking

(A) **General Parking Requirements.** The following provisions supplement the parking standards established in section 4.5. Where there is a conflict between the following standards and other standards the following standards shall prevail:

- (1) In residential areas, garage doors which face the front of a Lot shall be placed a minimum of twenty (20) feet behind the setback of the Principal Structure. However, the Board may modify this requirement for no more than twenty (20) percent

of the Dwelling Units if warranted by topography or other environmental conditions.

- (2) In the mixed-use area, parking lots shall be located at the rear or side of buildings. If located at the side, a wall or hedge not less than thirty (30) nor more than forty-two (42) inches shall be installed to screen the parking Lot.
- (3) In non-residential areas, parking spaces in most instances should be located in parking lots located behind the buildings, internal to the block and to the rear or side of buildings. Side parking lots shall account for no more than twenty-five (25) percent of parking per site, and shall be screened from sidewalks by a wall or hedge not less than thirty (30) nor more than forty-two (42) inches.
- (4) In the case of commercial or office uses which have shop or store fronts adjacent to sidewalks and streets, parking along the street directly in front of the Lot shall count toward fulfilling the parking requirements.
- (5) Required parking must be provided within a five (5) minute (one-quarter (1/4) mile) radius of the site which it serves.
- (6) Parking lots or garages should not be adjacent to or opposite a street or intersection.
- (7) Parking shall be accessed by alley or rear lane, when available. However, there shall be no parking in an alley or lane.
- (8) The location of permitted on-street parking should be coordinated to allow access to mail boxes. A central mail delivery location for all or a portion of the Lots may be provided as opposed to individual deliveries to Lots.
- (9) On-street parking shall be prohibited within thirty (30) feet of intersections to enable public service and emergency vehicles adequate turning radii, and in mid-block sections such that

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emergency vehicles can park and operate within one hundred twenty-five (125) feet of all buildings on the block.

- (10) If a developer desires to exceed minimum requirements for parking for non-residential uses, it shall be provided on grassy, pervious surfaces (of reinforced/plastic grid, reinforced block or similar material) which are adequate to sustain parked vehicles.
 - (11) Parking lots or garages must provide not less than one (1) bicycle parking space for every ten (10) motor vehicle parking spaces.
 - (12) Parking structures may have adjacent commercial uses.
- (B) **Parking in Mixed Use Areas.** In a mixed-use area, a commercial use must provide one (1) parking space for every four hundred (400) feet of Gross Floor Area. The Director may reduce this required number of spaces for commercial and office uses when the Applicant demonstrates reduced demands due to the following shared parking provisions:
- (1) If an office use and a retail use share parking, the parking requirement for the retail use may be reduced by twenty (20) percent, provided that the reduction shall not exceed the minimum parking requirement for the office use.
 - (2) If a residential use shares parking with a retail use other than lodging uses, eating and drinking establishments or entertainment uses, the parking requirement for the non-residential use may be reduced by thirty (30) percent, provided that the reduction does not exceed fifty (50) percent of the minimum parking requirement for the retail and service use.
 - (3) If an office and a residential use share off-street parking, the parking requirement for the office use may be reduced by fifty (50) percent, provided that the reduction shall not exceed fifty (50) percent of the minimum parking requirement for the office use.

6.4.5. Common Space and Natural Areas.

- (A) The following uses may account for common space with the stated limitations:
- (1) Parks, open greenbelt areas, and other recreational space which are readily accessible must account for not less than twenty-five (25) percent of the common space.
 - (2) Greenbelts along roadways and medians that measure at least twenty (20) feet in width may constitute twenty-five (25) percent of the required common space.
 - (3) Lakes, ponds, bayous, streams, or creeks, including stormwater retention basins may constitute up to fifty (50) percent of common space provided that they are designed so that a minimum of twenty (20) percent, but not less than three hundred (300) feet, of frontage of the abutting shoreline is made accessible for the common use.
 - (4) Golf courses may account for up to fifty (50) percent of the common space provided that the course is open to the public. If a golf course is proposed as part of the TND it shall be designed to adhere to the concepts stated herein with regards to the street network to the extent practical.

- (5) Natural wetlands may account for up to fifty (50) percent of common space if reasonably visible from interpretive walkways provided in and through the wetland.
- (6) Hard surface recreation areas such as recreational courts and pedestrian plazas may account for up to twenty (20) percent of required common space.
- (7) The grounds of school sites, library sites, and other civic sites, excluding the area devoted to buildings and parking, may account for up to twenty (20) percent of required common space.



(B) Common space shall not include:

- (1) Required elements such as:
 - (a) Yards which are not accessible for the common use;
 - (b) Parking areas, unless constructed of pervious surface treatment;
 - (c) Drainage ditches or paved stormwater conveyances.



- (2) Structures (unless a part of the common space such as gazebos);
- (3) Areas reserved for the exclusive use and benefit of an individual tenant or owner.

6.4.6. Architectural Standards

A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

- (A) **Height.** New Single-Family residential structures within a TND shall comply with R-1 zoning district standards. Commercial, Multi-Family Residential or mixed use structures in the village center shall not exceed sixty-five (65) feet in height, or forty (40) feet in height if located within two hundred (200) feet of a Single-Family residence located outside the project TND boundaries.
- (B) **Entries and Facades**
 - (1) The architectural features, materials, and the articulation of a facade of a building shall be continued on all building sides visible from a public street.

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- (2) The front facade of the Principal Building on any Lot in a TND shall face onto a public street or square.
 - (3) The front facade shall not be oriented to face directly toward a parking Lot.
 - (4) Porches no less than five (5) feet in depth, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.
 - (5) For commercial buildings, a minimum of fifty (50) percent of the front facade wall area on the ground Floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
 - (6) New structures on opposite sides of the same street should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.
- (C) **Requirements for garages and secondary Dwelling Units.** Garages and secondary Dwelling Units may be placed on a Single-Family detached residential Lot within the Principal Building or an Accessory Building provided that:
- (1) The secondary Dwelling Unit shall not exceed eight hundred (800) square feet;
 - (2) The garage doors may not be located closer than twenty-five (25) feet to any street except an alley; and
 - (3) Detached structures shall be located in rear yard.
- (D) **Requirements for Exterior Signage.** A comprehensive Sign program is required for the entire TND. This program shall establish a uniform Sign theme, with Signs sharing a common style (e.g., size, shape, material). In the mixed use area, all Signs shall be Wall Signs or cantilever Signs. All street and traffic control Signs shall comply with the Manual for Uniform Control Devices.

(E) Landscaping Standards**Amended**

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- (1) Unless otherwise provided in this section, landscaping shall meet or exceed the standards in section 5.03.00 of this UDO.
- (2) A minimum of one large tree per forty (40) feet of street frontage, or fraction thereof, shall be required. Trees can be clustered and do not need to be evenly spaced. Subject to approval of the Town Engineer, trees may be planted within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees shall be planted within the front yard setback adjacent to the sidewalk.

**6.5. EMPLOYMENT CENTER PATTERNS****6.5.1. Purpose**

These Development Patterns provide opportunities for Development Patterns that support high-wage jobs while maintaining compatibility with existing and planned Development.

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6.5.2. Development Patterns Established

Development may occur in any of the Development Patterns established in this section in accordance with the use standards, site design standards, building design standards and other applicable provisions of this UDO.

- (A) Corporate Campus/Business Park - A master-planned Development under unified ownership or control that includes offices and flex spaces for target industries with retail, restaurants and lodging as secondary support uses that are permitted by right. Retail and restaurants shall be located within office buildings or clustered in nodes at the entries of the Development.
- (B) Industrial Park – A master planned Development unified ownership or control that provides locations for production, ancillary distribution and office uses.

6.5.3. Uses Permitted

Unless otherwise approved through the Planned Development, Special Use Permit, or Conditional Zoning processes, no building, structure or land shall be used for any purpose except the following:

- (A) Residential Development may be allowed within a mixed-use building that is located in a Development complying with standards established for corporate campus Development subject to Town Council of a Planned Development District.
- (B) Professional offices.
- (C) Manufacturing, processing or product assembly where all operations are contained within a structure. Warehousing and distribution facilities are allowed as an accessory to these uses.
- (D) Scientific laboratories and research enterprises.
- (E) Secondary support uses, including hotels, motels and restaurants, provided that no such use may be established unless included in a

phasing plan and that the square footage of such uses shall not exceed ten (10) percent of the Gross Floor Area of the Development.
(Ord. #1714; Ord. #1919)

6.5.4. Development Intensity/Density

- (A) Exhibit 6-5 establishes the maximum potential density and the maximum floor area ratio allowable for each Development Pattern.
- (B) For buildings with Dwelling Units or lodging units above non-residential Floor area, maximum Dwelling Unit or lodging accommodation unit density and the floor area ratio shall be calculated using the total Lot area.

Exhibit 6-5: Intensity/Density Standards

Development Pattern	Maximum Floor Area Ratio and Guest Rooms per Acre	Maximum Density (Dwellings Units per acre)
Corporate Campus/Business Park	0.5/24	12
Industrial Park	0.5	NA

6.5.5. Site Design Standards

(A) Building Setbacks.
Exhibit 6-6 establishes the minimum setbacks from property lines. Greater setbacks may be required where Development is adjacent to residential districts or where other site constraints exist.

Building Setback	Development Pattern	
	Corporate Campus/Business Park	Industrial Park
Front	15 feet	35 feet
Side, Street	25 feet	35 feet
Side, Internal ¹	25 feet	10 feet ²
Rear	25 feet	25 feet ²
Notes: 1 Common walls between buildings are allowed subject to building code compliance. 2 Minimum building setback is 50 feet if adjacent to a residential zoning district (see buffer requirements in section 102-875(b)(6).		

(Ord. #1714)

(B) Landscaping Minimum front yard landscaping requirements are established in Exhibit 6-7.

Exhibit 6-7: Front Yard Landscaping

Corporate Campus/Business Park	Industrial Park
1. A minimum 10 feet wide planting strip shall be provided along the building perimeter. 2. Planting strips shall include the following: a. Minimum 1 small or large tree for every 15 feet of building façade facing a street, excluding walkways, driveways and loading areas. The trees may be clustered or extended along the building façade; and b. Minimum 1 shrub is required for 2 linear feet of building façade (excluding walkways, driveways and loading areas). The shrubs may be clustered or extended along the building façade.	1. Minimum 5 feet wide planting strip shall be provided along the front and street side building facades. 2. Planting strips shall include the following: a. Minimum 1 small tree for every 15 feet of building façade facing a street, excluding walkways, driveways and loading areas. The palms and /or understory trees may be clustered or extended along the building façade; and b. Minimum 1 shrub is required for every 3 linear feet of building façade (excluding walkways and loading areas). The shrubs may be clustered or extended along the building façade.

(C) Open Areas. Minimum requirements for open areas are established in Exhibit 6-8. Open areas include landscape areas and other outdoor common areas, such as courtyards and plazas.

Exhibit 6-8: Open Areas/Landscaping

Corporate Campus/Business Park	Industrial Park
At least 20 percent of the total project area shall be devoted to open areas. Retention Ponds with walkways and seating areas shall be counted towards the required open areas.	At least 20 percent of the total project area shall be devoted to open areas. Retention Ponds with walkways and seating areas shall be counted towards the required open areas.
At least one small tree shall be planted for every 200 square feet of open area.	
At least one large tree shall be planted for every 800 square feet of open area.	



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(D) **Parking Lot Landscaping.** Parking Lot landscaping shall comply with the section 4.3.6 except that portions of parking lots that are adjacent to public streets shall include one shade tree per forty (40) feet and be screened by:

- (a) Continuous dense evergreen shrubs at least 3 feet in height adjacent to the parking area, within a minimum 5 feet planting area;
- (b) Low walls made of concrete, masonry, or other similar material and not exceeding a height of 3 feet. Groundcover and trees must still be provided in the required 5 feet planting area; or
- (c) Raised planter walls planted with minimum 80 percent evergreen shrubs not to exceed 3 feet in height.

(E) **Outdoor Storage and Operations.** Outdoor storage and operations are prohibited in the Corporate Campus/Business Park Development Patterns. Screening for Industrial Parks shall comply with the provisions of section 5.12

(F) **Buffers Between Residential and Non-Residential Districts.** Where an employment center Development Pattern abuts a residential district, a landscape buffer or opaque brick or masonry wall complying with the standards in Exhibit 6-9 is required on any rear or side Lot line abutting the residential district. For buffers with walls, the wall shall be located on the side of the buffer located closest to the building on the site providing the buffer.

Parking Lot Landscaping Illustrations



Exhibit 6-9: Minimum Buffers Abutting Residential Districts

Corporate Campus/Business Park	Industrial Park
1. Landscape buffer complying with fifty (50) foot wide buffer per section 4.3.4. OR 2. Brick or masonry wall complying with the following standards: a. Minimum 6 feet high and a maximum 8 feet high wall with offsets or columns at every 50 linear feet; and b. Minimum twenty (20) foot wide buffer per section 4.3.4 on the side of the wall facing the residential district.	1. Landscape buffer complying with eighty (80) foot wide buffer per section 4.3.4 OR 2. Brick or masonry wall complying with the following standards: a. Minimum 6 feet high and a maximum 8 feet high wall with offsets or columns at every 50 linear feet; and b. Minimum thirty (30) foot wide buffer per section 4.3.4 on the side of the wall facing the residential district.

(G) Fences and Walls. No fence or wall shall be established in any front or street side yard except as established in these district regulations. Exhibit 6-10 establishes the general standards for fences and walls for

the employment center Development patterns district. Where used, brick or masonry walls shall have graffiti-resistant paint or finishes.

Exhibit 6-10: Fence and Wall Standards

Corporate Campus/Business Park	Industrial Park
1. Wrought-iron or metal picket fencing with a maximum height of 3 feet may be used to delineate outdoor patios/eating areas in any location on a Lot. 2. Brick or masonry walls shall be limited to buffer requirements adjacent to residential zoning districts and parking lots. 3. Brick or masonry walls finishes shall match the Principal Building material, decorative wall cap and offsets or columns shall be provided every 50 linear feet.	1. Fences within front or street side yards shall be wrought-iron or metal picket with a maximum height of 8 feet. The fence may be installed on top of a knee wall in that is not less than one-third nor more than one-half the total fence height. 2. Fences along the rear and interior side yards adjacent to industrial zoning districts may be black vinyl coated chain-link with a maximum height of 8 feet. 3. Brick or masonry walls shall not exceed 8 feet in height. 4. Masonry walls shall have similar exterior finish as the Principal Building, decorative wall cap and offsets or columns at every 50 linear feet.



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(H) Parking

- (1) Parking location. Parking spaces shall be provided and located as required in section 4.5 except as modified by the following provisions.
 - (a) Parking lots which accommodate more than fifty (50) vehicles shall be divided into a series of connected smaller Lots and separated by roads, open areas, structures or landscape strips measuring at least ten (10) feet in width

and having at least one shade tree planted every 40 linear feet.

- (b) Visitor parking shall be located convenient to administration and office areas.
- (c) Truck access and parking areas shall be separate from car parking areas and located in the rear yard
- (d) Parking shall be located in compliance with Exhibit 6-11.

Exhibit 6-11: Parking Location

Corporate Campus/Business Park	Industrial Park
1. Parking spaces shall not be located between buildings and a front or side street. 2. Parking structures shall be located behind the Principal Structure.	1. Parking may be located in the front, street side, side and rear yards, except that: a. No parking space may be located within 50 feet of a street intersection. b. Not more than 50 percent of required parking shall be located in the front or side street yards.



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(I) Loading. Loading standards shall comply with section 4.5.13 and the following standards.

- (1) Loading and service dock areas shall be located to the rear or sides of a building, away from the main building entrance or related high visibility areas.
- (2) No loading docks shall be located between a building and a residential zoning district unless there is a minimum one hundred (100) feet setback between the loading dock and the residential district and that the setback includes a landscape buffer and masonry wall (see screening requirements in section 4.3.5).
- (3) Loading spaces, their access drives and maneuvering areas shall be located and designed so that their use does not impede the normal use of parking spaces and access drives.
- (4) Loading and service docks shall be screened by a brick or masonry wall measuring not less than six (6) feet in height and not more than eight (8) feet in height or a landscape screen consisting of evergreen hedge that will measure at least five (5) feet in height within one (1) year of planting.

Loading Design Illustrations



(J) Bicycle and pedestrian access.

- (1) Internal bicycle circulation systems and easements shall be integrated into site design and connect to existing and future bicycle routes and trails. Multi-use trails are encouraged.
- (2) Where bicycle lanes are required, they shall be at least four (4) feet in width if there is no on-street parking. Where on-street parking is allowed, bicycle lanes shall be at least five (5) feet in width.
- (3) At least one (1) bicycle space shall be provided for every twenty-five (25) vehicular parking spaces.
- (4) Bicycle racks shall be provided within fifty (50) feet of each main building entrance.

Bicycle Rack Illustration



(K) Mechanical equipment and dumpsters shall be located and screened in accordance with the standards of Exhibit 6-12.

Exhibit 6-12: Mechanical Equipment and Dumpster Standards

Corporate Campus/Business Park Industrial Park		
1. Ground-fixed mechanical equipment shall not be located between the front of a building and the street. If located between the building and a street, the equipment shall be screened from view with masonry wall <i>OR</i> evergreen shrubs. 2. Rooftop mechanical equipment shall be screened from adjacent properties and from street view by a parapet or architecturally compatible rooftop screen		
		
1. Trash dumpsters shall not be located between the front building façade and the public or internal street. 2. No trash dumpsters shall be located between a building and a residential district unless set back from the residential district at least minimum 50 feet. If set back less than 75 feet, then no dumpster service shall be allowed between the hours of 8:00 pm and 7:00 am. 3. Dumpsters shall be separated from adjacent parking stalls by a minimum 3 feet wide (interior clear dimension) planting strip. Dumpsters shall be enclosed with a masonry wall constructed of the same materials as the Principal Structure. The wall enclosure shall be at least 6 feet and no more than 8 feet in height		
		

6.5.6. Building Design Standards**(A) Height**

- (1) Maximum building height shall not exceed:
 - (a) Corporate village -50 feet
 - (b) Corporate campus/business park – 50 feet
 - (c) Industrial Park – 40 feet
- (2) Height transitions abutting residential districts. Where a Lot abuts a residential zoning district or a mixed-use project, the maximum building height shall be no taller than the maximum height of the abutting district within fifty (50) feet of property line. The building height may be increased by one (1) foot for each additional two (2) feet for that the applicable portion of the building is separated from the property line.

(B) Building orientation and entries. In Corporate Villages and Campus Developments entrances shall be located on the front of the building. In industrial parks, entrances may face the front of the building or side parking areas. All buildings shall have clearly defined, visible entrances, featuring no less than three of the following:

- a. Canopies or porticos
- b. Awnings
- c. Overhangs
- d. Recesses/projections
- e. Arcades
- f. Raised corniced parapets over the door
- g. Peaked roof forms or arches
- h. Outdoor patios
- i. Display windows

(C) Building materials

- (1) Predominant wall materials shall have the appearance of brick, stucco or textured masonry. Predominant wall materials shall cover at least eighty (80) percent of walls, exclusive of windows and doors. Materials with the appearance of concrete block, smooth concrete, corrugated or standing seam metal are prohibited.
- (2) Within an industrial park, interior side and rear walls that are twenty-five (25) feet or less in height and do not face a street may be constructed of any material that complies with Building Code requirements.
- (3) The color of all building elevations (front façade, side, and rear) shall be low reflectance, subtle, neutral or earth tones. The use of high-intensity, saturated colors (such as one or more of the "primary" and/or "secondary" colors), metallic colors, florescent colors, or black, is limited to trim or accent features comprising no more than five (5) percent of the total area of any building façade.

(D) Glazing. Windows shall comply with the standards in Exhibit 6-13.

Exhibit 6-13: Minimum Glazing Standards

Corporate Campus/Business Park	Industrial Park
1. First Floor windows facing a front or street-side shall have a minimum of 30 percent window coverage. 2. Windows may be clear, tinted or reflective glass. 3. Each upper story Floor facing a street shall have at least 15 percent window coverage.	1. First Floor windows facing a front or side street shall have a at least 10 percent window coverage.

(E) Building articulation. The sides of buildings facing streets shall be articulated in accordance with Exhibit 6-14.

Exhibit 6-14: Building Articulation Standards

Corporate Campus/Business Park	Industrial Park
1. Front and street-facing side facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the façade and extending at least 20 percent of the length of the façade. 2. Facades greater than 100 feet in length, measured horizontally, shall have a change in at least three of the following elements every 100 feet along all walls facing a public street or internal street: a. Color change b. Texture change c. Material change d. Architectural feature, such as an offset, projection, columns, canopies, arcades, or reveal with at least 12 inches in depth.	1. Front and street-facing side facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 1 percent of the length of the façade and extending at least 20 percent of the length of the façade. 2. Facades facing a public street or internal street shall have at least one color, texture or material change along all street facing walls.

(F) Rooflines

- (1) Rooflines shall be varied in height, or at least every one hundred (100) linear feet. Hips, gables or changes in parapet elevation shall be used to provide relief in height.
- (2) Gable and hip roofs, and parapets with cornices shall be used to conceal flat roofs and rooftop mechanical equipment from public view.
- (3) The parapet design shall be a minimum of three (3) feet in height and shall incorporate a three-dimensional cornice treatment.



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Chapter 7. Non-Conformities

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7.1. GENERALLY

7.1.1. Purpose and Findings

The purpose of this chapter is to protect the rights of property owners who have lawfully established, and continuously maintained in a lawful manner, a use prior to the adoption of this chapter or prior to any amendment to this chapter that otherwise renders such use unlawful. A non-conforming use or structure that was recognized prior to the adoption of this chapter shall continue to operate under the provision of law under which the non-conforming structure or use was recognized so long as the non-conforming use or structure is not in violation of such provision of law, the adoption of this chapter notwithstanding. Nothing in this chapter prohibits the voluntary compliance with any future ordinance, regulation, or incentive. Modifications to non-conforming situations, whether in a by-right, special use, or conditional zoning district shall be required to comply with standards of this UDO in effect at the time of the modification unless specifically exempted in this chapter or otherwise approved by the Town. (Ord. #1919)

7.1.2. Applicability

This division applies to any non-conformity. There are three categories of non-conformities established within this chapter, defined as the following:

- (A) Non-Conforming Use - A use that was lawfully established but no longer complies with the use regulations applicable to the use or the zoning district established in this UDO.
- (B) Non-Conforming Lot or Site - A Lot, Parcel or Development site that was lawfully created but no longer complies with the Development standards established in this UDO.
- (C) Non-Conforming Structure - A structure that was lawfully erected but no longer complies with the use or Development standards established in this UDO.

7.1.3. Continuation

- (A) On or after the effective date of this UDO, a non-conformity that was lawfully operated, established, or commenced in accordance with the provisions of all ordinances, statutes, or regulations in effect at that time may continue subject to this division.
- (B) Any non-conformity that legally existed on the date of adoption of this UDO, together with all amendments thereto; or that becomes non-conforming upon the adoption of any amendment to this UDO, may be continued in accordance with the provisions of this chapter.

7.1.4. Repairs and Maintenance

- (A) Incidental repairs and normal maintenance of non-conforming structures or land shall be permitted unless such repairs increase the extent of non-conformity or are otherwise expressly prohibited by this UDO.
- (B) Nothing in this chapter shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.
- (C) Any repair that exceeds twenty-five (25) percent of the replacement value of the structure being repaired is deemed to be a major repair and shall require issuance of a Special Use Permit for the entire lot or

parcel on which the structure is located prior to the repair. Public education and medical institutions are not subject to this limitation on major repairs.

(Ord. #1714)

7.1.5. Costs

- (A) Costs in this chapter are the fair market value of the materials and services necessary to accomplish the work.
- (B) Costs shall include the total cost of the work, including incremental work that is conducted under one or more permits or Development Approvals within any twenty-four (24) month period.
- (C) Appraised value shall mean either the appraised value of the improvement for property tax purposes or the valuation determined by a professionally recognized appraiser.

7.1.6. Tenancy and Ownership

The status of a non-conformity is not affected by changes of tenancy, ownership or management.

7.1.7. Conditions

The right of non-conformities to expand is subject to such regulations as to the maintenance of the premises and Lot or site and conditions of operation as may, in the judgment of the Town Council, be reasonably required for the protection of adjacent property.

(Ord. #1714)

7.1.8. Expansion of Non-Conformity

- (A) **Expansion Limited.** No non-conformity may expand unless a Special Use Permit has been granted, as provided in this UDO.

(Ord. #1919)

- (B) **Criteria for Special Use Permit, Generally.** In addition to the criteria required to be met for a Special Use Permit, the following criteria shall

apply to the issuance of a Special Use Permit for the expansion of a non-conformity:

- (1) The termination of such non-conformity will result in unnecessary hardship;
- (2) The continuation of the non-conformity will not be contrary to the 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;
- (4) The use will be in harmony with the spirit and purpose of these regulations and the Comprehensive Plan goals, objectives, and policies;
- (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;
- (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;
- (7) The continuation of the non-conformity will not adversely affect the public health, safety, and welfare; and
- (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.

(Ord. #1919)

- (C) **Criteria for Special Use Permit for Non-Residential Use.** In addition, the following criteria shall apply to the issuance of a Special Use Permit for the expansion of a non-residential non-conformity:

- (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;

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- (2) All Non-Conforming Signs shall be brought into compliance with the requirements of this UDO;
- (3) Unsightly or unsafe conditions on the site have been or will be mitigated pursuant to the Special Use Permit;
- (4) Outdoor storage, displays or operations shall comply with the terms of this UDO;
- (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.

(Ord. #1919)

- (D) **Conditions Applicable.** Any conditions attached to any rezoning, Special Use Permit, variance, or zoning permit or any other or Development Approval issued under any previously enacted zoning regulations, subdivision, or any other provision of this UDO shall continue to apply to the proposed use and shall be enforceable. Such conditions may be waived if an application is approved pursuant to this chapter whereby the Applicant agrees to waive and abandon all rights secured under the regulations formerly in effect.

(Ord. #1919)

7.1.9. Determination of Non-conformity Status

The burden of establishing the non-conformity status of a use, structure or land shall be upon the owner of the claimed non-conformity and not upon the Town.

7.1.10. Certificate of Non-conforming Use

- (A) **Generally.** The owner of a non-conformity shall register such non-conformity by filing with the Planning Director a registration statement. Registration is voluntary unless the owner applies for a Development Approval.

(Ord. #1714)

- (B) **Exemptions.** Registration is not required for:

- (1) Any use or structure that is made non-conforming by any governmental action other than annexation or rezoning;
 - (2) Any fence of legal height and construction that does not constitute a non-conforming use and does not require registration; and
 - (3) Any non-conforming Lot or site.
- (C) **Contents.** Registration shall be made on behalf of the owner by any person, firm, corporation, or other entity that has a legal or equitable interest in the non-conformity. Registration statements shall require a disclosure of the complete ownership of the land and/or structure, and shall be in such form and require the furnishing of such information, photographs, and documentation as are needed to show that:
- (1) The use was lawfully established prior to the effective date of the applicable regulations;
 - (2) The use has been continuously maintained since it was established; and
 - (3) The use has not been abandoned.
- (D) **Denial of Registration.** The Planning Director shall deny any registration if it appears that the documents relied thereon are not valid, or that the documents produced do not show the existence of a lawful non-conformity in accordance with the criteria set forth as an exemption. The Applicant may appeal this determination to the Board of Adjustment.
- (E) **Amendment.** At any time after registration, upon application to the Planning Director and with the written consent of the owner affected thereby, a registration statement may be amended to indicate changes in ownership. A copy of each registration statement shall be returned to the owner and a copy filed among the records of the department. The Planning Director shall accept and file all tendered

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registration statements within the permitted time period, but the acceptance of such statements shall not constitute an authorization to operate an unlawful use. The filing of a false registration statement with the department shall constitute a violation of this chapter.

7.1.11. Termination of Non-conformities

- (A) **Violation of Chapter.** The violation of this chapter shall immediately terminate a non-conformity.
- (B) **Specific Acts of Termination.** Any of the following specific acts of termination shall immediately terminate a non-conformity:
 - (1) Changing a non-conformity to conform to this type of termination applies only to the non-conforming use existing prior to any change;
 - (2) Abandonment of a non-conformity for a period of one hundred eighty days (180) or more; or
 - (3) Failure to register a non-conformity within six (6) months of notification of the non-conformity by the Town.
- (C) **Partial Vacancy Excluded.** For purposes of determining whether a right to continue a non-conforming situation is lost pursuant to this section, all of the buildings, activities and operations maintained on a Lot are generally to be considered as a whole. For example, the failure to rent one apartment in a non-conforming apartment building for one hundred and eighty (180) days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained.
- (D) **Notice.** Termination of non-conforming rights under this section shall provide for thirty (30) days notice and hearing before the Board of Adjustment.
- (E) **Action of the Board of Adjustment.** The Board of Adjustment may inquire into the existence of a non-conformity, fire or health hazards,

and any other danger or nuisance to the public due to or created by any condition or use existing on the property. Upon written findings, the Board may require the discontinuance of such use. The owner of the use under inquiry shall have at least thirty (30) days written notice prior to the day of the public hearing. Time allowed for discontinuance of such use shall be prescribed by the Board at a subsequent public hearing, after having heard from the affected parties, based on the Board's ruling as to a reasonable amortization period for the non-conforming use. In prescribing said time period, the Board shall consider the following factors:

- (1) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became non-conforming;
 - (2) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages;
 - (3) Any return on investment since inception of the use, including net income and depreciation; and
 - (4) The anticipated annual recovery of investment, including net income and depreciation.
- (F) **Accessory Uses.** No use that is accessory to a principal non-conforming use shall continue after such Principal Use has ceased or terminated.

7.1.12. Abandonment

- (A) If a non-conformity is abandoned for one hundred eighty (180) days, any future use of such premises shall be in conformity with the provisions of this UDO.
- (B) Abandonment of a non-conformity shall terminate the right to continue the non-conformity.

- (C) The Planning Board may grant a one-time, ninety (90) day extension period for the purpose of bringing the site into conformance with this chapter. Extension applications shall be filed in accordance with the procedures for variance review in the UDO.
- (D) For purposes of this ordinance, rental payments or lease payments and taxes shall not be considered as a continued use, and the disconnection of utilities shall constitute a means of establishing the commencement of the abandonment of the use of the Development site.

7.2. NON-CONFORMING USE

7.2.1. Applicability

This section applies to the continuation, enlargement, or expansion of a non-conforming use.

7.2.2. Continuance and Expansion

- (A) A use may be continued and extended throughout the structure, provided that no structural alterations or additions to the structure, except those made in conformance with law or ordinance.
- (B) This section shall not be construed as prohibiting additions to or reconstruction of any Single-Family Dwelling regardless of the zoning district in which such Dwelling is located, nor shall any provision of this chapter be construed as prohibiting the construction of any use that is accessory to a Dwelling Unit regardless of the zoning district in which the Dwelling is located.

7.2.3. Change of Use

- (A) Changes to Conforming Uses. Any non-conforming use may be changed to a use conforming with these regulations established for the district in which the non-conforming use is located, provided,

however, that a non-conforming use so changed shall not in the future be changed back to a non-conforming use.

- (B) Changes to Other Non-Conforming Uses. A non-conforming use may be changed to another non-conforming use by order of the Planning Director, provided that the new use is determined to be more consistent with the spirit of the UDO, the neighborhood, and the Comprehensive Plan. A non-conforming use that is changed to another non-conforming use shall not be changed back to the former non-conforming use.
- (C) Limitations on Changing Non-Conforming Uses. All changes of non-conforming uses shall conform to all Development standards established in this UDO. A non-conforming use shall not be changed to another non-conforming use unless the original non-conforming use was registered in conformance with this chapter.

7.2.4. Non-Conforming Signs

Regulations addressing non-conforming signs are located in section 4.6.21 of this UDO.

7.2.5. Non-conforming Lighting

Non-conforming lighting shall comply with the provisions of section 4.8.3(B).

7.3. NON-CONFORMING LOT OR SITE

7.3.1. Applicability

This section applies to the continuation, enlargement or expansion of a non-conforming Lot or site.

7.3.2. Generally

A substandard Lot shall comply with the buffer, setback, and bulk regulations of the zoning district that makes the Lot conforming to the area of the Lot. This section does not require the replatting or combination of

platted Lots under same ownership that is protected by state vested rights law.

7.3.3. Relocations

No structure shall be relocated to a non-conforming site until the site is brought into conformance with the provisions of this ordinance.

7.3.4. Change in Use

- (A) No existing structure located on a non-conforming Lot or site shall be changed from one use classification to another use classification unless:
- (1) The Lot or site is brought into conformance with the provisions of this UDO;
 - (2) The Planning Director determines that the use is substantially similar or less intensive in its operational characteristics, including, but not limited to the intensity of activity, traffic generation or parking demand; or
 - (3) A non-conforming site variance has been approved by the Board of Adjustment.
- (B) Single-Family residential structures that are located on a legally non-conforming site may be structurally altered or enlarged, providing the portion of the structure that is altered or enlarged conforms to the provisions of this UDO.

7.3.5. Temporary Use

No Temporary Use Permit shall be issued for a non-conforming Lot or site or for site containing a non-conforming use, if the proposed temporary use or event has the potential to generate additional traffic, noise or other adverse impacts upon the surrounding area.

7.3.6. Uses for Non-conforming Lots

- (A) **Single-Family Dwellings.** Vacant non-conforming Lots may be developed with one Single-Family Dwelling and Accessory Structures, provided that such Development complies with all applicable requirements of this UDO or a variance is obtained from the Board of Adjustment.
- (B) **Other Uses.** Vacant non-conforming Lots may be developed with uses other than Single-Family Dwellings as may be allowed in the underlying zoning district, provided that such Development complies with all requirements of this UDO and the Board of Adjustment approves any variances required for the Development.
- (C) **Prohibition on Reduction of Size.** A non-conforming Lot may not be further reduced in size.

7.4. NON-CONFORMING STRUCTURES

7.4.1. Applicability

This section applies to the continuation, enlargement, or expansion of a non-conforming structure.

7.4.2. Continuance and Expansion

- (A) Subject to all limitations in this chapter, any non-conforming structure may be occupied, operated, and maintained in a state of good repair, but no non-conforming structure shall be enlarged or extended.
- (B) A non-conforming structure in which only permitted uses are operated may be enlarged or extended if the enlargement or extension can be made in compliance with all of the provisions of this chapter established for structures in the district in which the non-conforming structure is located. Such enlargement shall also be subject to all other applicable Town ordinances and provisions of this UDO.

- (C) A conforming structure in which a non-conforming use is operated shall not be enlarged or extended except as required by law or ordinance.

7.4.3. Termination of Non-Conforming Structures

- (A) **Damage to Structures.** The right to operate and maintain any non-conforming structure shall terminate and shall cease to exist whenever the non-conforming structure is damaged in any manner and from any cause whatsoever, and the cost of repairing such damage exceeds fifty (50) percent of the replacement cost of such structure on the date of such damage.
- (B) **Obsolescence of Structure.** The right to operate and maintain any non-conforming structure shall terminate and shall cease to exist whenever the non-conforming structure becomes obsolete or substandard under any applicable ordinance of the Town, and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the replacement cost of such structure on the date that the proper official of the Town determines that such structure is obsolete or substandard.
- (C) **Determination of Replacement Cost.** In determining the replacement cost of any non-conforming structure, the cost of land or any factors other than the non-conforming structure itself shall not be included.

7.4.4. Exception for Repairs Pursuant to Public Order

Nothing in this section shall be deemed to prevent the strengthening or restoration to a safe condition of a building or structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this section prohibiting the repair or restoration of partially damaged or destroyed buildings or structures.

7.4.5. Destruction or Damage of Structure

The right to operate and maintain any non-conformity, except for a Single-Family Dwelling Unit, shall terminate and shall cease to exist whenever the structure or structures in which the non-conforming use is operated and maintained is damaged or destroyed from any cause whatsoever, and the cost of repairing such damage or destruction exceeds fifty (50) percent of the replacement cost of such building or structure on the date of such damage or destruction. A non-conforming Single-Family Dwelling Unit that is destroyed or damaged more than fifty (50) percent of the replacement cost may be rebuilt, provided that a Development approval is issued within one year of the date of such damage or destruction. The Planning Director shall require the submission of sufficient evidence to verify the date of damage or destruction.

7.4.6. Incomplete Construction

Construction may be completed on any structure legally under construction upon adoption of this UDO, annexation or extension of the Towns extra-territorial jurisdiction, provided that:

- (A) The owner or his/her designated representative applies to the Planning Director for a Development approval to authorize further work on the structure, stating the proposed use of the structure and attaching the plans and specifications relating to the construction; and
- (B) The construction is completed within two (2) years of the effective date of the event that lead to the non-conformity. Action on such Development approvals shall be taken by the Planning Director within thirty (30) days from the date of application. The Planning Director shall deny the Development approval upon a finding that the construction will not meet the requirements of the building, fire protection or minimum housing codes of the Town. If the Development approval is refused, the construction work shall cease until necessary corrections are made.

7.4.7. Proposed Construction

(A) Proposed construction may be completed upon a finding by the Planning Director that:

- (1) Sufficient evidence exists that a valid Development Approval or permit was obtained from the Town and was validly in place on the date of the event causing the non-conformity.
- (2) Construction was begun at least one hundred eighty (180) days before the effective date of this chapter.
- (3) The non-conforming project is at least ten (10) percent completed in terms of the total expected cost of the project on the effective date of this chapter.
- (4) The permits were validly issued and remain unrevoked and unexpired.
- (5) If a Development is designed to be completed in stages, this section shall apply only to the particular phase under construction.
- (6) As provided in G.S. 160D-108, neither this ordinance nor any amendment to it shall, without the consent of the property owner, affect any Lot with respect to which a building permit has been issued pursuant to G.S. 160D-1110 prior to the enactment of the ordinance making the change so long as the building permit remains valid, unexpired and unrevoked.

(Ord. #1919)

(B) For any project that doesn't comply with paragraph (A) of this section, all work on any non-conforming project shall cease on the effective date of this chapter and all permits previously issued for work on nonconforming projects may begin or may be continued only pursuant to a Zoning, Special Use or Sign permit issued in accordance with this section by the individual or board authorized by this UDO to issue permits for the type of Development proposed. The Permit Issuing Authority shall issue such a permit if it finds that the Applicant has in

good faith made substantial Expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on the land use law as it existed before the effective date of this UDO and thereby would be unreasonably prejudiced if not allowed to complete the project as proposed. In considering whether these findings may be made, the Permit Issuing Authority shall be guided by the following, as well as other relevant considerations:

- (1) All Expenditures made to obtain or pursuant to a validly issued and unrevoked Building, Zoning, Sign or Special Use Permit shall be considered as evidence of reasonable reliance on the land use law that existed before this chapter became effective.
- (2) Except as otherwise provided, no Expenditures made more than one hundred eighty (180) days before the effective date of this chapter may be considered as evidence of reasonable reliance on the land use law that existed before this UDO became effective. An Expenditure is made at the time a party incurs a binding obligation to make that Expenditure.
- (3) To the extent that Expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those Expenditures. For example, a party shall not be considered prejudiced by having made some Expenditure to acquire a potential Development site if the property obtained is approximately as valuable under the new classification as it was under the old, for the Expenditure can be recovered by a resale of the property.
- (4) To the extent that a non-conforming project can be made conforming and that Expenditures made or obligations incurred can be effectively used in the completion of a conforming project, a party shall not be considered prejudiced by having made such Expenditures.

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- (5) An Expenditure shall be considered substantial if it is significant both in dollar amount and in terms of the total estimated cost of the proposed project and the ordinary business practices of the developer.
- (6) A person shall be considered to have acted in good faith if actual knowledge of a proposed change in the land use law affecting the proposed Development site could not be attributed to him.
- (7) Even though a person had actual knowledge of a proposed change in the land use law affecting a Development site, the Permit Issuing Authority may still find that that the person acted in good faith if there is no evidence of a deliberate attempt to circumvent the effects of the proposed ordinance. The Permit Issuing Authority may find that the developer did not proceed in an attempt to undermine the proposed ordinance if it determines that:
 - (a) At the time the Expenditures were made, either there was considerable doubt about whether any ordinance would ultimately be passed or it was not clear that the proposed ordinance would prohibit the intended Development and
 - (b) The developer had legitimate business reasons for making Expenditures.
- (8) In deciding whether a permit should be issued under this section, the Permit Issuing Authority shall not be limited to either denying a permit altogether or issuing a permit to complete the project (or phases, sections or stages thereof) as originally proposed or approved. Upon proper submission of plans by the Applicant, the Permit Issuing Authority may also issue a permit authorizing a Development that is less non-conforming than the project as originally proposed or approved but that still does not comply with all the provisions of the ordinance making the project non-conforming.
- (9) When it appears from the developer's plans or otherwise that a project was intended to be or reasonably could be completed in phases, the developer shall be allowed to complete only those phases or segments with respect to which the developer can make show substantial compliance with the preceding requirements. In determining whether a developer would be unreasonably prejudiced if not allowed to complete phases or segments of a Non-Conforming Project, the Permit Issuing Authority shall consider the following in addition to other relevant factors:
 - (a) Whether any plans prepared or approved regarding uncompleted phases constitute conceptual plans only or construction drawings based upon detailed surveying, architectural or engineering work.
 - (b) Whether any improvements such as streets or utilities have been installed in phases not yet complete.
 - (c) Whether utilities and other facilities installed in completed phases have been constructed in such a manner or location or such a scale, in anticipation of connection to or interrelationship with approved but uncompleted phases, that the investment in such utilities or other facilities cannot be recouped if such approved but uncompleted phases are constructed in conformity with existing regulations.

(Ord. #1919)

- (C) The Permit Issuing Authority shall not consider any application for the permit authorized by paragraph (B) that is submitted more than sixty (60) days after the effective date of this UDO. The Permit Issuing Authority may waive this requirement for good cause shown, but in no case may it extend the application deadline beyond one (1) year.
- (D) The Planning Director shall send copies of this section to the persons listed as owners for tax purposes (and developers, if different from the

owners) of all properties in regard to which permits have been issued for non-conforming projects or in regard to which a nonconforming project is otherwise known to be in some stage of Development. This notice shall be sent by certified mail not less than fifteen days before the effective date of this chapter.

- (E) The Permit Issuing Authority shall establish expedited procedures for hearing applications for permits under this section. These applications shall be heard, whenever possible before the effective date of this chapter so that construction work is not needlessly interrupted.

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PART I - ADMINISTRATION, GENERALLY

8.1. AUTHORITY

This UDO is adopted pursuant to the authority contained in Chapter 160D and Chapter 160A Article 8 of the North Carolina General Statutes. Whenever any

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provision of this UDO refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the UDO shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.
(Ord. #1919)

8.2. ENACTMENT AND REPEAL OF EXISTING DEVELOPMENT REGULATIONS

The Town of Southern Pines UDO hereby adopted, shall replace and repeal the existing Town Unified Development Regulations and shall supersede all provisions of any other Town ordinances in conflict herewith.

8.3. EFFECTIVE DATE

The provisions in this UDO were adopted and became effective on October 8, 2013, and shall be published and recorded in the Southern Pines Code of Ordinances.

8.4. JURISDICTION

This UDO shall be effective throughout the Town's Planning Jurisdiction. The Town's Planning Jurisdiction comprises the area within the corporate boundaries of the Town as well as the area described in that Ordinance adopted by the Town Council on December 12, 1989 entitled an *Ordinance Establishing Extraterritorial Jurisdiction*, and as amended. Such Planning Jurisdiction may be modified from time to time in accordance with Article 2 of Chapter 160D of the North Carolina General Statutes. In addition to other location required by law, a copy of a map showing the boundaries of the Town's Planning Jurisdiction shall be available for public inspection in the planning department.
(Ord. #1919)

8.5. EXEMPTIONS

8.5.1. Application of Regulations During Local Emergency

The Town Council shall have the authority to waive standards within this UDO during local emergencies declared by federal, state or local officials.

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8.5.2. Specific Exemptions

The Town Council shall have the authority to waive standards within this UDO if the following apply:

- (A) Exemptions granted by State law;
- (B) The acquisition of land by the Town for right-of-way;
- ~~(C) Leaseholds for space within a multi-occupant building or a commercial building site, provided the property is a part of an approved subdivision;~~
- ~~(D) Leaseholds for agricultural uses provided the uses do not include a residence or other purpose not directly related to agricultural use.~~
- ~~(E)(C)~~ The conveyance of Parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities which does not involve new streets or off-site easements.
- ~~(F) Conveyances relating to the dedication of land for a public use.~~
- ~~(G) A conveyance made to correct a description in a plat, such as:
 - ~~(1) To correct an error in the description of property in a plat; or~~
 - ~~(2) To show the proper location or character of any monument which has been changed in location or character or which was shown incorrectly on the prior plat.~~~~
- ~~(H) Town Initiated Requests. The Town Manager, Mayor, Chair of the Planning Board or Town Council may initiate a request for any Development Approval or permit on behalf of the Town. Such requests shall not be subject to fees but shall otherwise follow the same procedures established herein.~~
- ~~(I) If an Applicant is prevented from completing and having accepted such required site improvements within the prescribed time by reason of strikes, riots, acts of God, acts of a public enemy, injunction, or other cause similar to those enumerated beyond the Applicant's reasonable control. The Applicant shall be entitled to an extension of time equal to the time of such delay that shall be fixed by written certificate made by the Town Engineer. It is expressly declared that no such allowance of time will be~~

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~~made unless claimed by the Applicant and allowed and certified in writing by the Town Engineer at the end of each period of such delay.~~

8.6. INTERPRETATION

8.6.1. Generally

This UDO shall be interpreted to promote the safety, health, convenience, comfort, prosperity, and general welfare of the public. The UDO shall be liberally interpreted in order to further its underlying purposes. The meaning of any and all words, terms, or phrases in the UDO shall be construed in accordance with 0 – Definitions.

8.6.2. Rules of Language

Words and phrases used in this UDO shall be interpreted as follows:

- (A) The UDO shall be interpreted by considering, among others:
 - (1) The intent of the Mayor and Town Council when adopting this UDO; the occasion and necessity for the provision; the circumstances under which it was enacted;
 - (2) The threat to the public health, safety and welfare to be remedied;
 - (3) The former provision, if any, including other provisions upon the same or similar subjects;
 - (4) The consequences of a particular interpretation;
 - (5) Any contemporaneous legislative history; and
 - (6) Legislative, administrative, and Town Attorney interpretations of the provision.
- (B) Every provision shall be construed, if possible, to give effect to all its terms. When the words of a provision in its application to an existing situation are clear and free from all ambiguity, the letter of the provision shall not be disregarded under the pretext of pursuing the spirit. When the words of a provision are not explicit, the intention of the Mayor and Town Council shall be determined by Decision-Making Body.

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- (C) General words are construed to be restricted in their meaning by particular and specific words. When a general provision is in conflict with a specific provision, the two shall be construed, if possible, so effect may be given to both. If irreconcilable, the specific shall prevail and be construed as an exception to the general, unless the general was enacted as a later amendment to the UDO, then it shall be construed to have the latter general provision prevail.
- (D) In the case of a difference in meaning or implication between the text of the UDO and the captions for each section, the text shall control.
- (E) Where an amendment is adopted and conflicts with or overlooks a provision of the UDO, the two shall be interpreted together, if possible, and effect shall be given to each. If the amendment is irreconcilable, the latest in date of final adoption shall prevail.
- (F) When the UDO has been amended more than once, the latest amendment shall be read into the UDO as previously amended and not as originally adopted.
- (G) Words and phrases are construed according to the rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a special meaning, or are defined by this UDO, are construed according to the special meaning or their definition.
- (H) Words used in the present tense include the future; words in the singular include the plural; and words of one gender include the other gender, unless the context clearly indicates the contrary;
- (I) All words, terms and phrases not otherwise defined herein shall be given their usual and customary meaning, unless the context clearly indicates a different meaning was intended;
- (J) The word "shall" is always mandatory; the word "may" is permissive and is at the discretion of the appropriate decision-maker.

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8.6.3. Graphics

Illustrations are provided for the convenience of the user; in case of a conflict with the text, the text shall control.

8.7. SEVERABILITY

8.7.1. Town Council Intention

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses and phrases of this UDO are severable and if any such section, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this UDO since the same would have been enacted without the incorporation into this UDO of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

8.7.2. Application of Severance

If any court of competent jurisdiction decrees that any specific provision of the UDO is invalid or unenforceable, that determination shall not affect any provision not specifically included in the order or judgment. If any court of competent jurisdiction determines that any provision of the UDO cannot be applied to any particular property, building, structure or use, that determination shall not affect the application of the UDO to any other property, building, structure or use not specifically included in the order or judgment.

PART II - RESPONSIBILITIES FOR APPLICATION OF UDO

8.8. TOWN MANAGER

The Town Manager shall be responsible for:

- (A) Designation of persons having responsibilities for administering this UDO;
- (B) Approval of amendments to the UDO appendices;
- (C) Requesting Town Council ratification of amendments to the UDO appendices; and

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- (D) Other UDO administration responsibilities as established by these regulations or the Town Council.

8.9. PLANNING DIRECTOR

A person shall be designated by the Town Manager to serve as the Planning Director. Where this UDO assigns a responsibility to the Planning Director, the Planning Director may delegate that responsibility to any other official, employee or consultant of the Town. The Planning Director shall perform the following duties:

- (A) The Planning Director is the administrative head of the Planning Department and shall make all determinations as to the interpretation of this UDO, the amount and applicability of administrative fees, the administrative enforcement of this UDO, the adequacy of security instruments and escrow deposits, and the issuance of administrative Development approvals, subject to appeal to the Board of Adjustment. When requested, determinations by the Planning Director shall be provided in writing and delivered by personal delivery, electronic mail or by first-class mail to the requestor and the property owner if the party seeking the determination is different than the owner.
- (B) Serve as staff for the Town Council, Planning Board and other Town Councils and commissions as directed by the Town Manager, and shall act as a liaison to other governments, districts, utilities, neighborhoods and associations in land use matters;
- (C) No action shall be taken to litigate any matter arising from any application for Development approval, or under the enforcement of this UDO without express approval of the Town Council upon recommendation of the Town Attorney.;
- (D) Make recommendations to the Town Council, Planning Board, the Board of Zoning Adjustment and other Town Councils and commissions as directed by the Town Manager regarding amendments to of this UDO, the Official Zoning Map, the Comprehensive Plan and the Capital Improvements Program;

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- (E) Accept applications for Development approval; certify the completeness of submitted applications with the requirements of these regulations; review and prepare staff reports recommending approval, approval with conditions or denial of applications for amendments to the Comprehensive Plan, amendments to the Future Land Use Map, amendments to the text of this UDO and all legislative and quasi-judicial applications;
- (F) Accept applications for, review, and approve, approve with conditions or deny, applications for all administrative Development approvals which the Planning Director is authorized to issue;
- (G) Monitor Development projects to ensure compliance with conditions of a Development approval;
- (H) Facilitate the creation and adoption of special area, corridor, neighborhood and floodplain plans;
- (I) Monitor and assist in the enforcement of this UDO;
- (J) Review all floodplain Development approval applications to ensure that the provisions of this UDO will be met;
- (K) Review Development applications to ensure that all necessary permits, licenses, franchises and approvals have been obtained from federal, state, local governmental districts, public and private utilities and other public agencies; the amount and applicability of administrative and consulting fees, the administrative enforcement of the UDO, the adequacy of security instruments and escrow deposits and issuance of administrative Development approvals, subject to appeal to the Planning Board;
- (L) Serve as the chair of the TRC;
- (M) Maintain a record of all permits, appeals, variances, certificates, reviews and such other transactions and correspondence pertaining to the administration of this UDO;
- (N) Oversee code enforcement and responsibilities related to ensuring compliance with the UDO, notification of violations, ordering actions on violations and keeping records of related activities; and

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(O) Such other responsibilities as may be assigned by the Town Manager.
(Ord. #1919)

8.10. TOWN ENGINEER

The Town Engineer shall be designated by the Town Manager, and shall perform the following duties:

- (A) Serve as a member of the TRC;
- (B) Assist the Planning Director with Development review responsibilities for conformance with this UDO and make written recommendations;
- (C) Review Development Agreements for conformance with this UDO and determine the amount of the letter of credit, cash escrow or surety bond required for the construction of public improvements;
- (D) Review and approve, approve with conditions, or deny applications for Engineering Plan approval;
- (E) Inspect public improvements and recommend appropriate action;
- (F) Decide on all sidewalk waivers; and
- (G) Such other responsibilities as may be assigned by the Town Manager.

8.11. TECHNICAL REVIEW COMMITTEE

- (A) There is hereby established a Technical Review Committee (TRC).
- (B) The TRC shall serve as a review and recommending body, assisting the Town Manager, Planning Director, Town Council, Planning Board and other bodies where appropriate, with the review of applications for Development approval. The TRC shall provide advice and recommendations on environmental, planning, fiscal, design, engineering, transportation, utility, geo-hydrological, water availability, sustainability, environmental and technical issues, and to assess the comments and reports of reviewing Town departments, regional, state and federal agencies and officials, owner/Applicants and other interested parties with standing.

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- (C) The TRC shall meet at the request of the Town Manager or Planning Director. An owner/Applicant may be invited to attend meetings of the TRC only at the discretion of the Town Manager or Planning Director.
- (D) The TRC shall make recommendations to the Town Manager, Planning Director, Town Council, Planning Board and other bodies for approval, conditional approval or denial of applications for Development approval.
- (E) In addition to members of the TRC specifically required in this UDO, additional members may be appointed by the Town Manager or Planning Director, including but not limited to representatives from Fire, Police, Public Services, Planning, Code Enforcement and Utilities. In addition and as appropriate, the TRC may include, for a specific Development approval application, representatives of other jurisdictions or service providers, including but not limited to representatives from the Sheriff, fire districts, school districts, other municipalities, county, public and private utilities, assessment or public improvement districts and regional, state or federal agencies.

8.12. TOWN COUNCIL

The Town Council shall have the responsibilities set forth in this UDO as well as all powers and duties conferred upon it by State Law. The Town Council shall have the following powers and duties:

- (A) Initiate legislative amendments to the Comprehensive Plan, an area, community, or historic district plan.
- (B) Initiate legislative amendments to the text and map of this UDO after a recommendation from the Planning Board.
- (C) Except where a final Development Approval has been authorized to be issued by the Planning Board, to approve, approve with conditions or deny specific property owner applications for Development Approvals, including but not limited to establishment of planned Development districts, overlay zone district classifications or rezoning.
(Ord. #1714; Ord. # 1716)
- (D) Approve Development agreements.

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- (E) Legislatively adopt and amend an Official Map and CIP.
- (F) Legislatively establish assessment and public improvement districts and public utilities.
- (G) Legislatively establish and amend schedules for administrative and consultant fees, dedications, other exactions and security instruments, including but not limited to bonds, letters of credit and cash escrow deposits, for payment and performance of obligations;
- (H) Initiate litigation and seek equitable and legal remedies to enforce violations of this UDO, Development agreements and the terms and conditions of Development approval and take such any other actions, including the settlement of actions, as is authorized by this UDO, other ordinances, regulations and statutes;
- (I) Take such other action not expressly delegated exclusively to any other agency or official by this UDO as Town Council may deem desirable and necessary to implement the provisions of this UDO and the Comprehensive Plan.
- (J) Appoint members of the Planning Board and other boards and commissions that it may create.
- (K) Delegate to the Planning Board the power, authority, jurisdiction and duty to enforce and carry out the provisions of law relating to planning, platting and zoning as it has delegated to the Planning Board in this UDO; as well as to retain as much of this power, authority, jurisdiction and duty to the Town Council as it has retained in this UDO and pursuant to State statute.
- (L) Hear and rule on appeals from quasi-judicial decisions of the Planning Board as set forth in this UDO.
- (M) Ratify amendments to the UDO appendices from time to time as requested by the Town Manager.
- (N) The Town Council shall hold public hearings, and issue Development Approvals, on applications for legislative or quasi-judicial discretionary Development approval, except where a final Development Approval is authorized to be issued by the Planning Board. Where the Planning Board

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has authority to issue a Development Approval, determining a matter, the Town Council shall have appellate authority to review such Development Approval if an appeal is properly undertaken by the Town Council, the Planning Director, the owner/Applicant, or any other person or entity with standing to review the Development Approval no more than thirty (30) days from the date of the Development Approval.

8.13. PLANNING BOARD

8.13.1. Appointment and Composition

- (A) There is hereby established a Planning Board.
- (B) The Planning Board shall consist of seven (7) members, all of whom shall be resident citizens. Five members appointed by the Town Council shall reside within the Town. Two members appointed by the County Board of Commissioners shall reside within the Town's Extraterritorial Planning Area. If, despite good faith efforts, sufficient numbers of residents of the Extraterritorial Planning Area cannot be found to fill the seats reserved for residents of such area, then the County Board of Commissioners may appoint other residents of the County (including residents of the Town) to fill these seats. If the County Board fails to make these appointments within ninety days after receiving a resolution from the Town Council requesting that they be made, the Council may make them.
- (C) Planning Board members shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed. Vacancies may be filled for the unexpired terms only. Members may be appointed to not more than two successive complete terms. After two consecutive full terms, a member shall be ineligible for reappointment until one year has elapsed from the date of the termination of the second term.
- (D) Faithful and prompt attendance at all meetings of the commission and conscientious performance of the duties required of members shall be a prerequisite to continuing membership on the Planning Board.

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- (E) The Town Council may remove Planning Board members at any time for failure to attend three (3) consecutive meetings or for failure to attend thirty (30) percent or more of the meetings within any twelve (12) month period or for any other good cause related to performance of duties. If an in-town member moves outside the Town or if an Extraterritorial Planning Area member moves outside the Planning Jurisdiction, that shall constitute a resignation from the Planning Board, effective upon the date a replacement is appointed by the council.

8.13.2. Responsibilities

- (A) Prepare a Comprehensive Plan for the future Development, including recommendations relative to goals, policies and objectives relating to the growth, Development and redevelopment of the Town and the surrounding Extraterritorial Planning Area.
- (B) Prepare zoning and subdivision regulations, including recommendations relative to the location, length, width, and arrangements of the streets, alleys, bridges, viaducts, parks, parkways, playgrounds, boulevards, or other public grounds or improvements, the platting of public property into Lots, plots, streets or alleys, the locations of railroad or street car lines, transportation or other channels for communication of any kind, the grouping of public buildings, the design and placing of memorials, works of art, power or lighting plants, street lighting standards, telegraph and telephone poles, street name Signs, billboards and Projecting Signs.
- (C) Make recommendations in connection with the execution and detailed interpretation of the Comprehensive Plan and this UDO, and make such changes and adjustments in the plan as may be deemed desirable from time to time.
- (D) Develop and recommend to the Town Council policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.
- (E) Recommend, from time to time, legislation which may be desirable to further the purpose of Town planning.
- (F) Make recommendations to the Town Council concerning:

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- (1) Development and amendment of the Comprehension Plan and Official Map;
 - (2) Development and amendment of this UDO and a Zoning Map;
 - (3) Planned Development Districts;
 - (4) Special Use Permits;
 - (5) Plats and other land subdivision; and
 - (6) Development Agreements.
- (Ord. #1919)
- (G) In addition to all other powers and duties provided by the provisions of this UDO, the Planning Board shall have such other powers and/or duties as may be provided by the Town Council.

8.14. BOARD OF ADJUSTMENT

8.14.1. Appointment and Terms of Board of Adjustment

- (A) There shall be a Board of Adjustment consisting of five regular members and three alternates. Three regular members and two alternates, appointed by the council, shall reside within the town. Two regular members and one alternate, appointed by the county board of commissioners, shall reside within the Town's extraterritorial planning area. If, despite good faith efforts, sufficient numbers of residents of the extraterritorial planning area cannot be found to fill the seats reserved for residents of such area, then the county board of commissioners may appoint other residents of the county (including residents of the town) to fill these seats. If the county board of commissioners fails to make these appointments within ninety days after receiving a resolution from the Town Council requesting that they be made, the Council may make them.
- (B) Board of Adjustment regular members and alternates shall be appointed for three-year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. Vacancies may be filled for the unexpired terms only.

(Ord. #1981)

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- (C) Regular Board of Adjustment members may be removed by the Council at any time for failure to attend three consecutive meetings or for failure to attend thirty percent or more of the meetings within any twelve-month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures.
- (D) If a regular or alternate in-town member moves outside the town or if an extraterritorial area regular or alternate member moves outside the planning jurisdiction, that shall constitute a resignation from the board effective upon the date a replacement is appointed.
- (E) Extraterritorial planning area members may vote on all matters coming before the Board.
- (F) The in-town alternate may sit only in lieu of a regular in-town member and the extraterritorial area alternate may sit only in lieu of the regular extraterritorial area member. When so seated, alternates shall have the same powers and duties as the regular member they replace.

8.14.2. Meetings of the Board of Adjustment

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

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8.14.3. Quorum

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

8.14.4. Voting

- (A) The concurring vote of four-fifths of the regular board membership (excluding vacant seats) shall be necessary to reverse any order, requirement, decision, or determination of the administrator or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance (including the issuance of a Special Use Permit) or to grant any variance. All other actions of the board shall be taken by majority vote, a quorum being present.
- (B) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with paragraph (C) or has been allowed to withdraw from the meeting in accordance with paragraph (D).
- (C) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
 - (1) If the member has a direct financial interest in the outcome of the matter at issue; or
 - (2) If the matter at issue involves the member's own official conduct; or
 - (3) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or

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- (4) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
- (D) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.
- (E) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.
- (F) A roll call vote shall be taken upon the request of any member.

8.14.5. Board of Adjustment Officers:

- (A) At its first regular meeting in July, the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and preside over the board's meetings and one member to serve as vice-chairman. The persons so designated shall serve in these capacities for terms of one year. Vacancies may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).
- (B) The chairman or any member temporarily acting as chairman may administer oaths to witnesses coming before the board.
- (C) The chairman and vice-chairman may take part in all deliberations and may vote on all issues.

8.14.6. Responsibilities

- (A) Power to hear and decide administrative appeals from any order, decision, requirement or interpretation of the Planning Director.
- (B) Power to hear and decide administrative appeals from any order, decision, requirement or interpretation of the Town Engineer or Code Enforcement Officer pursuant to a requirement or other provision in this UDO, but not

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including any matter related to a technical code referenced in section 2.31 or any engineering design standard.

- (C) ~~Decide upon~~ Applications for variances and from flood hazard district overlay requirements.
- (D) ~~Decide upon~~ Questions involving interpretations of this UDO or the zoning map, including disputed district boundary lines and Lot lines. ~~If it is a matter of interpretation of the terms of this UDO or the municipal code, the Board of Adjustment shall render a recommendation in writing to the Mayor and Town Council for ratification and final approval.~~
- (E) In exercising the abovementioned powers, the Board of Zoning Adjustment may, in conformance with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

8.15. SPECIAL PROJECT ADVISORY COMMITTEE

8.15.1. Appointment and Composition

- (A) The Town Council may establish Special Project Advisory Committees to assist the Planning Board to carry out its planning responsibilities. Members of such an Advisory Committee sit as non-voting members of the Planning Board, but may participate in formal recommendations by the Planning Board to the Town Council.
- (B) The Town Council also may establish Special Project Advisory Committees as an independent advisory group, committee or commission to make recommendations on any issue directly to the Council.
- (C) An ordinance establishing a Special Project Advisory Committee shall specify the composition and duties of the committee.
(Ord. #1919)
- (D) One or more citizens that are residents of the Town or Extraterritorial Planning Area may be appointed to a Special Project Advisory Committee,

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to lend their talents, energies and expertise to the Town, to a term defined by the Town Council but not exceeding one year. Members may be appointed to not more than two (2) successive complete terms.

- (E) The Town Council may remove Special Project Advisory Committee members at any time for failure to attend three (3) consecutive meetings or for failure to attend thirty percent or more of the meetings within any twelve (12) month period or for any other good cause related to performance of duties. If a member moves outside the Town or Extraterritorial Planning Area, that shall constitute a resignation from the Committee, effective upon the date a replacement is appointed by the Council.

8.15.2. Responsibilities

- (A) The purpose of the Special Project Advisory Committee is to serve as a body to guide, advise and make recommendations concerning issues related to planning. Advisory Committees provide judicious advice, from a citizen perspective, to the Town Council which is the Town's elected policy-making body. Advisory Committees are advisory in nature, do not establish policy, or supersede the legal responsibility and authority vested in the Town Council. Advisory Committees are a structured way for individual citizens to share their opinions and perspectives, study issues, and develop recommendations in a focused, small group structure.
- (B) Special Project Advisory Committee activities may include study of critical issues, hearing public testimony, independent research and reviewing staff reports and recommendations, intended so that the committee is prepared to discuss, formulate, and forward well-developed, thoughtful recommendations to the Town Council in a timely manner.
- (C) The Special Project Advisory Committee shall serve as directed by the Town Council, relative to a specific project or issue.

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8.16. HISTORIC DISTRICT COMMISSION

8.16.1. Appointment and Composition

- (A) There is hereby created for Southern Pines a Historic District Commission (HDC) to coincide with the designation of an historic district as described in this UDO.
- (B) The HDC shall consist of seven (7) members, all of whom shall ~~be resident~~ reside within the planning and development regulation jurisdiction of the Town.
- (C) HDC members shall be appointed for four-year staggered terms. Vacancies may be filled for the unexpired terms only. Members may be appointed to not more than two (2) successive complete terms. After two (2) consecutive full terms, a member shall be ineligible for reappointment until one (1) year has elapsed from the date of the termination of the second term.
- (D) Members shall have demonstrated special interest, experience or education in history or architecture and all members shall be residents of the Town of Southern Pines.
- (E) Faithful and prompt attendance at all meetings of the commission and conscientious performance of the duties required of members shall be a prerequisite to continuing membership on the HDC.
- (F) The Town Council may remove HDC members at any time for failure to attend three (3) consecutive meetings or for failure to attend thirty (30) percent or more of the meetings within any twelve (12) month period or for any other good cause related to performance of duties. ~~If a member moves outside the Town, that shall constitute a resignation from the HDC, effective upon the date a replacement is appointed by the Council.~~

8.16.2. Responsibilities

- (A) Review and act on applications for Certificates of Appropriateness for Major Work pursuant to section 2.28. The approval of Minor Work has been delegated to the Planning Director.

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- (B) Perform any other duties assigned by the Town Council.
- (C) The HDC may request the North Carolina Department of Cultural Resources or the North Carolina Historic Commission review, comment upon and/or make recommendations upon all applications for a certificate of appropriateness.

8.16.3. Designation of Historic District

- (A) It is the intent and purpose of the Town that historic district designation:
 - (1) Safeguards the heritage of the Town of Southern Pines by preserving any area which reflects elements of its cultural, social, economic, political or architectural history;
 - (2) Stabilize and improves property values in such areas;
 - (3) Fosters civic beauty;
 - (4) Strengthens the local economy; and
 - (5) Promotes the use and preservation of such areas for the education, welfare and pleasure of residents of Southern Pines and the state as a whole.
- (B) The Town Council may designate from time to time one or more historic districts within the jurisdictional boundaries of the Town.
- (C) No historic district(s) shall be designated until:
 - (1) The Southern Pines Historic District commission shall have made an investigation and report on the historic Significance of the buildings, structures, features, sites or surroundings included in any such proposed district and shall have prepared a description of boundaries of such district.
 - (2) The Southern Pines Historic District Commission shall have requested an analysis and recommendation based on the report required in (1) of this subsection from the North Carolina Department of Cultural Resources, including the proposed boundaries of the district. If the department has not provided the requested analysis and recommendations within thirty (30) days

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after a written request for such analysis and recommendations have been mailed to it, the Town Council is relieved of any responsibility for securing such analysis and recommendations and may at any time thereafter take any necessary action to adopt or amend its zoning ordinance.

8.17. BOARD, COMMISSION AND COMMITTEE ADMINISTRATION

8.17.1. Application

This section applies to the administration of the Planning Board, Board of Adjustment, Special Project Advisory Committees and Historic District Commission. The Town Council may designate that other appointed boards, commissions or committees adhere to these same administrative provisions.

8.17.2. Administration and Governance

- (A) At its first meeting in January of each year the body shall by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and vice chairman. The persons so designated shall serve in these capacities for terms of one year. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the board membership excluding vacant seats). The chairman and vice-chairman may take part in all deliberations and vote on all issues.
 - (1) The chairman shall preside over all meetings off the commission and shall decide all points of order and procedure, subject to the commission's by-laws and rules of procedure.
 - (2) The vice-chairman shall serve as acting-chairman in the absence of the chairman and at such times shall have the same powers and duties as the chairman.
 - (3) Town staff shall serve as secretary to generally supervise the clerical work of the commission, keep minutes of each meeting and perform other duties as specified in the commission's by-laws.
- (B) The body shall adopt rules of procedure governing its procedures and operations not inconsistent with the provisions of this UDO. A copy of

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adopted rules of procedure shall be maintained by the Town Clerk and posted on Town website.

(Ord. #1919)

- (C) The body shall establish a regular meeting schedule and shall meet at least quarterly and more often as it shall determine and require.
- (D) Special meetings may be called at any time by the chairman. At least forty-eight (48) hours notice of the time and place of special meetings shall be given by the secretary or by the chairman to each member of the commission; provided that this requirement may be waived by action of a majority of all the members.
- (E) All meetings shall be open to the public and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting. Minutes shall be kept of all proceedings.
- (F) A quorum shall consist of a majority of the body membership (excluding vacant seats). A quorum is necessary for the board to take official action.
- (G) All actions of the body shall be taken by majority vote, a quorum being present. For bodies that have Extraterritorial Planning Area members, specifically including but not limited to the Planning Board, Extraterritorial Planning Area members may vote on all matters considered by the body regardless of whether the property affected lies within or outside of Town municipal boundaries.
- (H) A roll call vote shall be taken upon the request of any member.
- (I) Once a member is physically present at a meeting of the body, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been or has been allowed to withdraw from the meeting.
- (J) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
 - (1) If the member has a direct financial interest in the outcome of the matter at issue; or
 - (2) If the matter at issue involves the member's own official conduct; or

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- (3) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
 - (4) If a member has such close personal ties to the Applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
- (K) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.
- (L) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.
- (M) All members appointed to a body identified under this section shall, before entering their duties, qualify by taking an oath of office as required by G.S. 160A-61.

(Ord. #1919)

PART III – COMPLIANCE AND ENFORCEMENT

8.18. VIOLATIONS

8.18.1. Inspection of Work in Progress

As the work pursuant to a permit progresses, the Planning Director or Town Engineer, as applicable, shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this UDO and the terms of the permit. In exercising this power, the Planning Director has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purpose of inspection or other enforcement action; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

(Ord. #1919)

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8.18.2. Complaints Regarding Violations

Whenever the Planning Director receives a written, Signed complaint alleging a violation of this UDO, he shall request the Code Enforcement Officer to assist with the investigation of the complaint, take whatever action is warranted and inform the complainant in writing what actions have been or will be taken.

8.18.3. Persons Liable

The owner, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

8.18.4. Procedures upon Discovery of Violations

- (A) If the Planning Director finds that any provision of this chapter is being violated, he or she shall send a written notice to the holder of the Development Approval and owner of the property involved (if that person is not the holder of the Development Approval), indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Planning Director's discretion.

(Ord. #1919)

- (B) The final written notice (and the initial written notice may be the final notice) shall state what action the Planning Director intends to take if the violation is not corrected and shall advise that the Planning Director's decision or order may be appealed to the Board of Adjustment in accordance with section 2.23.

(Ord. #1919)

- (C) Notwithstanding, the foregoing, in cases when delay would seriously threaten the effective enforcement of this chapter or pose a danger to the public health, safety or welfare, the Planning Director may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this UDO.

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8.18.5. Violations to Be Corrected

When the Planning Director finds violations of applicable state and local laws, it shall be his or her duty to notify the owner of the building of the violation. The owner shall each immediately remedy the violations of law in the property he or she owns.

(Ord. #1919)

8.19. ENFORCEMENT

8.19.1. Stop Orders

Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this article, the Planning Director may order the work to be immediately stopped if the violation poses an imminent threat to life, safety and/or the environment; or where no permits have been issued prior to work commencing. The stop order shall be in writing and directed to holder of the Development Approval and owner of the property involved (if the person is not the holder of the Development Approval). The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.

(Ord. #1919; Ord. #1959)

8.19.2. Revocation of Permits or Approvals

- (A) A Development Approval may be revoked by the Permit Issuing Authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this chapter or any additional requirements lawfully imposed by the Permit Issuing Authority.

(Ord. #1919)

- (B) Before a Development Approval may be revoked, the Development review and approval process required for issuance of the Development Approval shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

(Ord. #1919)

- (C) A motion to revoke a permit shall include, in so far as practicable, a statement of the specific reasons or findings of fact that support the

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motion. The burden of presenting evidence sufficient to authorize the Permit Issuing Authority to conclude that a permit should be revoked for any of the reasons set forth in this section shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.

- (D) Before a Development Approval may be revoked, the Planning Director shall give the permit recipient ten (10) days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his or her right to obtain an informal hearing on the allegations. If the permit is revoked, the Planning Director shall provide to the permitted a written statement of the decision and the reasons therefore.

(Ord. #1919)

- (E) No person may continue to make use of land or buildings in the manner authorized by any Development Approval after such approval has been revoked in accordance with this section.

(Ord. #1919)

8.19.3. Actions in Event of Failure to Take Corrective Action

If the owner of a building or property shall fail to take prompt corrective action, the Planning Director shall give him or her written notice, by certified or registered mail, to the owner's last known address or by personal service:

- (A) That the building or property is in violation of this UDO.
- (B) That a hearing will be held before the Planning Director at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
- (C) That following the hearing, the Planning Director may issue such order to alter, vacate, or demolish the building or structure as appropriate.

(Ord. #1919)

8.19.4. Order to Take Corrective Action

If, upon a hearing held pursuant to the notice prescribed above, the Planning Director shall find that the building or Development is in violation of this UDO,

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he shall make an order in writing to the owner, requiring the owner to remedy the violations, within such period, not less than thirty (30) days, the Planning Director may prescribe; provided, that where the Planning Director finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

(Ord. # 1716)

8.19.5. Appeal

Any owner who has received an order to take corrective action may appeal in writing to the Board of Adjustment and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Planning Director shall be final. The Board of Adjustment shall hear appeals within a reasonable time and may affirm, modify and affirm, or revoke the order.

(Ord. #1919)

8.19.6. Penalties

- (A) Any person found to be violating this UDO or failure to comply with any of its requirements including violations of any conditions, safeguards or standards established in connection with grants of approval shall be subject to fines and other civil penalties as allowed by law.

(Ord. #1959)

- (B) Violations of the provisions of this chapter, or failure to comply with any of its requirements including violations of any conditions and safeguards established in connection with grants of variances or Special Use Permits shall be subject to a fine of fifty (50) dollars per day for each day that the violation continues to exist, or a maximum thirty (30) days imprisonment.

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

- (C) If the offender fails to pay this civil penalty within ten (10) days after being notified of a violation, the penalty may be recovered by the Town in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with this UDO and did not take an appeal to the Board of Adjustment within the prescribed time.

(Ord. #1919; Ord. #1959)

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- (D) This chapter may also be enforced by any appropriate equitable action. In addition to the remedies allowed by law, the regulations and standards contained in this UDO may be enforced through the issuance of a civil citation by the Planning Director or his designee.
- (E) Any one, all or any combination of the foregoing penalties and remedies may be used to enforce this chapter.

8.19.7. Separate Offences May Be Charged

Each day that any violation continues after notification by the Planning Director that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

8.20. JUDICIAL REVIEW

- (A) Every decision of the Town Council granting or denying a Special Use Permit and every final decision of the Planning Board shall be subject to review by the Superior Court of Moore County by proceedings in the nature of certiorari.
- (B) The petition for the writ of certiorari must be filed with the Moore County Clerk of Court within thirty (30) days after the later of the following occurrences:
 - (1) A written copy of the decision has been filed in the office of the planning department; and
 - (2) A written copy of the decision has been delivered, by personal service or certified mail, return receipt requested to the Applicant or appellate and every other aggrieved party who has filed a written request for such copy at the hearing of the case.
 - (3) A copy of the writ of certiorari shall be served upon the Town of Southern Pines.

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9.1. RULES OF INTERPRETATION

9.1.1. Generally

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

9.1.2. Rules of Construction

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

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

9.1.3. Responsibility for Interpretations

All interpretations shall be the responsibility of the Planning Director.

9.2. ABBREVIATIONS

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

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

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9.3. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Built-Up-on Area: Built-upon areas shall include that portion of Development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

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.

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

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

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

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

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

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does consider the relative scale, design and intensity of nearby structures, uses and activities.

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

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

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

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

Cutoff Fixture: An outdoor light fixture shielded or constructed in such a manner that no more than two and one half (2½) percent of the total light emitted by the fixture is projected above the horizontal plane of the fixture.

Determination: A written, final, and binding order, requirement, or determination regarding an administrative decision.

Developer: A person, including a governmental agency or reDevelopment authority, who undertakes any Development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake Development on that property.

Development: Any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in G.S. 160D-802.
- d. The initiation or substantial change in the use of land or the intensity of use of land.

Development Approval: An administrative or quasi-judicial approval made pursuant to this UDO that is written and that is required prior to commencing Development or undertaking a specific activity, project, or Development

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proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, Special Use Permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this UDO, including plat approvals, permits issued, Development agreements entered into, and building permits issued. Unless provided otherwise by law, Development Approvals attach to and run with the land.

Development Conditions: The written Development program, dimensional standards, special conditions and restrictions on Development submitted with the application for zoning approval.

Development Envelope: Area within which grading, lawns, pavement and buildings will be located.

Development Pattern: A type of Development described in chapter 6 of this UDO or otherwise established that is characterized by a mix of uses, intensities of Development or specific design characteristics.

Diameter Breast Height: A standard measure of size for existing trees. The tree trunk diameter is measured in inches at a height of four and one-half (4 ½) feet above grade. If a tree splits into multiple trunks below 4½ feet, then the trunk is measured at its most narrow point beneath the split.

Down-zoning: A zoning ordinance that affects an area of land in one of the following ways:

- a. By decreasing the Development density of the land to be less dense than was allowed under its previous usage.
- b. By reducing the permitted land uses of the land that are specified in a zoning ordinance or land Development regulation to fewer than were allowed under its previous usage.

Dwelling: Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of minimum housing codes, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

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Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Estoppel: A bar or impediment preventing a party from asserting a fact or a claim inconsistent with a position that party previously took, either by conduct or words, especially where a representation has been relied or acted upon by others.

Evidentiary Hearing: A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a Development regulation adopted under this UDO.

Existing Development. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance based on at least one of the following criteria:

- (A) Substantial Expenditures or resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- (B) Have an outstanding valid building permit as authorized by the General Statutes (G.S. 160D-108); or
- (C) Having expended substantial resources (time, labor, money) and having an approved site specific or phased Development plans as authorized by the General Statutes (G.S. 160D-108.1).

Existing Lighting: Any and all lighting installed prior to the effective date of this UDO.

Expenditure: A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future Expenditures, as well as any other substantial changes in position.

Extraterritorial Planning Area: That portion of the Town's Planning Jurisdiction that lies outside the corporate limits of the Town.

Family: One or more persons living together as a single housekeeping unit.

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Floor: The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in a frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Food Cart: A smaller mobile facility, typically wheeled, from which food is sold that typically contains cooking facilities where the food is prepared and served. Food carts shall not be self-propelled and not exceed four (4) feet in width by ten (10) feet in length by eight (8) feet in height.

Food Trailer: A non-automotive, wheeled vehicle from which food is sold that typically contains cooking facilities where the food is prepared and served.

Food Truck: An automotive, wheeled vehicle from which food is sold that typically contains cooking facilities where the food is prepared and served.

Food Truck Campus: A collective of multiple food trucks, food trailers or food carts operating together on one parcel of land.

Gaming Operations: Any business activity, whether as a principal or Accessory Use, in which patrons use electronic or mechanical machines, including, but not limited to, computers and gaming terminals, to conduct or stimulate games of chance, including the use of the machines to reveal the pre-determined value of an entry, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether the value is determined by the machines or by pre-determined odds. Gaming Operations do not include any Lottery approved by the State of North Carolina or any nonprofit activity otherwise lawful under state law.

Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Gross Leasable Floor Area. The total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors. It is measured from the center line of joint partitions and from outside wall faces.

Halfway House: A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness (as defined in G.S. 122C-3.(14), or anti-social or criminal conduct, together with not

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more than two persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

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

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

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

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

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

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

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

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

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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.

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 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

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- (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 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.

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.

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

Multi-Family Residence: A building including three (3) or more dwelling units.

Multi-Use Trail: A trail designed for compatible and safe concurrent use by pedestrians and bicyclists.

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

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

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

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

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

Ordinary Maintenance: Exterior work that is undertaken on a frequent and routine basis to maintain the functional and structural integrity of an existing building, structure, or architectural or appurtenant features. Ordinary

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Maintenance is defined further as being repair work that maintains, and does not change, the architectural material, design, style, size and scale, arrangement, detailing or texture of the feature.

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

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

Parking Area 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.

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

Quasi-judicial Decision: A decision involving the finding of facts regarding a specific application of a Development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, Special Use Permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial

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in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

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

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

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

Residence, Multi-Family Conversion: A Multi-Family Residence containing not more than four Dwelling Units and results from the conversion of a single building containing at least 2,000 square feet of Gross Floor Area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a Single-Family residence.

Residence, Townhouse: A Multi-Family Residential 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.

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

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

Setback: The shortest distance between the building and the property line.

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

Setback, Exterior Side: The shortest distance between the street side of the building and the side property line abutting a street or the distance from the street centerline where the right-of-way line is undefined.

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

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

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

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- (B) Is designed to attract the attention of such persons or communicate information to them.

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

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

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

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

- (A) Are filled with neon or some other gas that glows when an electric current passes through it; and
- (B) Are intended to form or constitute all or part of the message of the Sign, rather than merely providing illumination to other parts of the Sign that contain the message shall also be considered Internally Illuminated Signs.

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

Sign, Logo Emblem: A type of Wall Sign in which the logo of the business is displayed separately from the wall sign. Logo emblem signs contain no words or text. One (1) logo emblem sign is allowed to accompany the permitted number of wall signs. Logo emblem signs are calculated into the permitted wall

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sign square footage. The logo emblem sign is subject to the same standards as a wall sign and must adhere to all other applicable requirements.

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

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

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

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

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

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

Sign, Temporary: A Sign that:

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

Sign, Wall: A Wall Sign is

- (A) A Sign attached to or painted on a wall or building with the exposed display surface of the Sign in a plan parallel to the plane of the wall to

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which it is attached or painted and including Signs affixed to or otherwise displayed on or through a facade window.;

- (B) Any Sign attached to, painted on or erected against any wall of a building or structure so that the exposed face of the Sign is on a plane parallel to the plane of said wall and which does not extend more than 12 inches from the wall;
- (C) Any Sign erected against, installed on or painted on a penthouse above the roof of a building as long as the wall of the penthouse is on a plane parallel to the wall of the building; or
- (D) A Sign attached to, painted on or erected against a false wall or false roof that does not vary more than thirty (30) degrees from the plane of the adjoining wall elevation.

Site Plan: A plan depicting the proposed Development of a property, in terms of the location, scale, and configuration of buildings and other features.

Special Events: Temporary, organized events that:

- (A) Run no longer than two weeks;
- (B) Are intended to or likely to attract substantial crowds; and
- (C) Are unlike the customary or usual activities generally associated with the property where the special event is to be located.

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

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

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- (A) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
- (B) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities: For the purposes of this UDO, "Specified Sexual Activities" is defined as:

- (A) Human genitals in a state of sexual stimulation or arousal;
- (B) Acts of human masturbation, sexual intercourse or sodomy; or
- (C) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Subdivision: The division of a Tract or parcel of land into two or more Lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building Development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within the definition nor be subject to the regulations of this UDO applicable strictly to subdivisions:

- (A) The combination or re-combination of portions of previously subdivided and recorded Lots where the total number of Lots is not increased and the resultant Lots are equal to or exceed the standards as shown in this UDO;
- (B) The division of land into Parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- (C) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors;
- (D) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right of way dedication is involved and where the resultant lots are equal to or exceed the standards as shown in this UDO; or

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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 building occupied by an owner or operator in which rooms are rented 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

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that does not satisfy one or more of the definition criteria of a manufactured home.

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)

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Amendments to the UDO

Agenda/Ordinance Number	Text Amendment Summary	Date Adopted
OA-01-14/ Ord. #1538	Requires PD or CUP approval for more than 5 single-family attached dwellings in a Development	5/13/14
OA-03-14/ Ord. #1714	Clean up errors and omissions, clarify PD requirements, expand minor subdivision applicability, clarify applicability of minor subdivisions	6/10/14
OA-04-14 Ord. #1715	Allowing for private drives in the RS-1 district	10/11/14
OA-02-15/ Ord. #1716	Clarify procedures, clarify district provisions, update zoning use matrix, and revise parking standards	9/8/15
OA-03-15/ Ord. #1717	Revise standards and permissions for bed and breakfast establishments	11/10/15
OA-04-15/ Ord #1718	Add standards for Homeless Shelters	12/8/15
OA-01-16/ Ord. #1604	Allow veterinary services in the Neighborhood Business District	4/12/16
OA-02-16/ Ord. #1630	Allowing for private drives in the RS-3 district	8/9/16
OA-01-17/ Ord. #1696	Amending rules for automobile service stations and fuel sales operations	12/12/17
OA-02-17 Ord. #1703	Amending provisions related to Planned Development, Site Plan Review, Highway Corridor Regulations, lighting standards, political signs, design standards, and CUP amendments; and eliminating references to business licenses	2/13/18
OA-01-18 Ord. #1745	Amending provisions related to street design standards, traffic impact analyses and other matters involving transportation	7/10/18
OA-02-18 Ord. #1746	Amending provisions related to notice and other procedural matters	7/10/18
OA-01-19 Ord. #1775	Renaming “conditional use district” to “conditional zoning district” modifying planned Development criteria, clarifying conditions for keeping horses, modifying standards for signs in historic districts, and providing for elevation certificates	4/9/19
OA-02-19 Ord. #1808	Sec. 3.6.3(D)(2) & (3) amended to eliminate the requirement that areas with RM base zoning within the DTO comply with OS setbacks.	7/9/19

Southern Pines Unified Development Ordinance

Amendments

Agenda/Ordinance Number	Text Amendment Summary	Date Adopted
OA-03-19 Ord. #1820	Revising regulations and definitions for mobile food services	12/10/19
OA-01-20 Ord. #1871	Revising standards related to bonding improvements, setbacks, authorized land uses, lot dimensions for equestrian access, minimum living area, street standards, and utilities; and revising definitions and appendix A.	8/24/20
OA-03-20 Ord. #1887	Revising the maximum heights in the RM-1 and RM-2 districts	11/23/20
OA-04-20 Ord. #1890	Revising the appeals body for Certificates of Appropriateness for Major Work, bonding requirements, criteria for minor subdivisions, setbacks, lot dimensions, tree planting requirements, appendices B & C, references to appendices B & C, and correcting scrivener's errors	1/6/21
Ord. #1919	Amendments throughout the UDO to bring it into compliance with the provisions of G.S. 160D	7/1/21
Ord. #1959	Amendments to the subdivision and special use permit procedures, height, landscaping, and penalties	1/11/22
Ord. #1981	Amendments to landscaping, Board of Adjustment, and definitions	4/12/22
Ord. #2000	Amendments clarifying the need for PD approval for Multi-Family or Condominium Development including ten or more Dwelling Units	6/14/22
Ord. #2040	Amendments addressing building Height and exemption from certain stormwater management provisions.	11/15/22

File Number	Zoning Map Amendment Summary	Date Adopted
Z-01-14	Rezone the Southern Pines Corporate Park from Industrial (I) to Planned Development (PD)	5/13/14
Z-03-14	Rezone Property from OS-CD to RM-2; 360 N. Bennett St.	5/13/14
Z-04-14	Rezone Property from RS-1 to NB; 1064 W. Massachusetts Avenue	5/13/14
Z-02-15 1539	Rezone Property from GB to RM-2; Between Midlothian Drive and Clark Street	11/10/15
Z-01-16	Rezone Property from RS-1 to NB-CD: 1650 W. New York Avenue - American Legion Post 177	3/8/16

Amended

11-15-22

Southern Pines Unified Development Ordinance

Amendments

File Number	Zoning Map Amendment Summary	Date Adopted
Z-02-16	Rezone 1515 Midland Rd from RS-2 to RS-1CD	2/14/17
Z-03-17	Rezone 93.04 ac. on Waynor Rd from RR to RS-3	10/16/17
Z-04-17	Rezone 2250 E Connecticut Ave and Lot 1A Ft. Bragg Rd from RS-3 to RE	10/16/17
Z-06-17	Rezone Waynor Road & Hwy 22 from PD to FRR	11/14/17
PD-03-17	Rezone 1605 Central Drive from FRR to PD	12/11/17
Z-05-17	Rezone 940 E Connecticut Ave from RS-3 to RE	12/12/17
Z-01-18	Rezone The Carolina golf course tracts to FRR	4/10/18
Z-02-18	Rezone Central Drive from FRR to I	5/15/18
PD-02-18	Rezone Caropines - modification of The Carolina subdivision plan from RS-2 to PD	10/9/18
Z-04-18	Rezone 14.8 ac., 1645 E. Indiana Ave from RS-3 to RE	1/8/19
Z-05-18	Rezone 1105 Morganton Rd from FRR to GBCD	3/19/19
PD-01-19	Rezone wo parcels totaling 31.85 acres west of US 15-501 between Applecross Road and Inverrary Road from PD w/o a CDP to PD with approved CDP	6/11/19
Z-01-19	0.65 acres at 375 Pinehurst Avenue from OS to GB	12/10/19
Z-02-20	Rezone 35.43 acres within Forest Creek, 200 Meyer Farm Drive from RS-3 to M-2	4/13/19
PD-01-21	Rezone 15.04 acres at the corner of Yadkin Road and Trimble Plant Road from I to PD with an approved CDP	3/22/21

Amended

11-15-22

Ordinance #2052

Agenda Item

To: Reagan Parsons, Town Manager

From: Alaina Mallette, Senior Planner

Subject: AR-24-22, Southern Pines Village Brucewood Road
Fort Bragg Federal Credit Union

Date: January 10, 2023

I. SUMMARY OF APPLICATION REQUEST

The applicant, Koontz Jones Design, is requesting an Architectural Compliance Permit on behalf of the legal property owner, Fort Bragg Federal Credit Union, for development the property owner's wooded lot within Southern Pines Village located on the west side of Brucewood Road between TerraBella senior living facility and Residence Inn by Marriott. Fort Bragg Federal Credit Union is a not-for-profit financial cooperative (i.e., a bank), thus is commercial in nature. The site is located in the General Business Southern Pines Village Conditional District in an area that allows for only office and neighborhood business uses with general business standards and requirements. The new development proposed will include 5,992 square feet of commercial space, three teller lines, and an enclosed dumpster.

Figure 1 Southern Pines Village Conditional District Site Layout and Proposed Lot (in red)



II. PROJECT INFORMATION

A. Property Owner

PIN 857106383435 (**PARID** 20050318)
Fort Bragg Federal Credit Union
1650 Skibo Road
Fayetteville, NC 28303

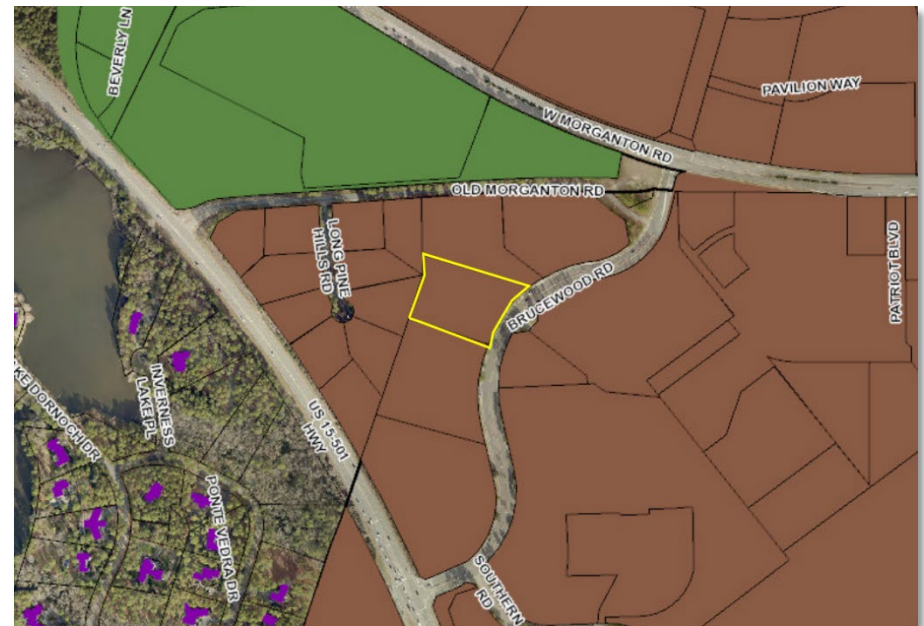
B. Applicant and Authorized Agent

Bob Koontz
Koontz Jones Design
150 South Page Street
Southern Pines, NC 28387

Figure 2. Zoning and Vicinity Map for Subject Property Outlined in Yellow. The subject property is located about halfway between W. Morganton Rd. and US 15 501 Hwy on Brucewood Rd. Though it is close to these important highway corridors, the subject property does not front either. Structures on properties are shown in purple. The solid fill of parcels shows zoning districts. The subject property is in the General Business Southern Pines Village Conditional District and adjacent parcels are also zoned General Business Conditional District, as well as Residential Single-Family (30,000 SF lots; located in the extraterritorial jurisdiction). The broader community includes the Southern Pines Village conditional district, planned development, residential, and Facilities, Resources, and Recreation.



Figure 3. CLRP Future Land Use Map Designation with Subject Property Outlined in Yellow. The zones filled with brown, including the subject property, have a Future Land Use Map designation as “traditional mixed use” while the green areas are “parks/open space”.

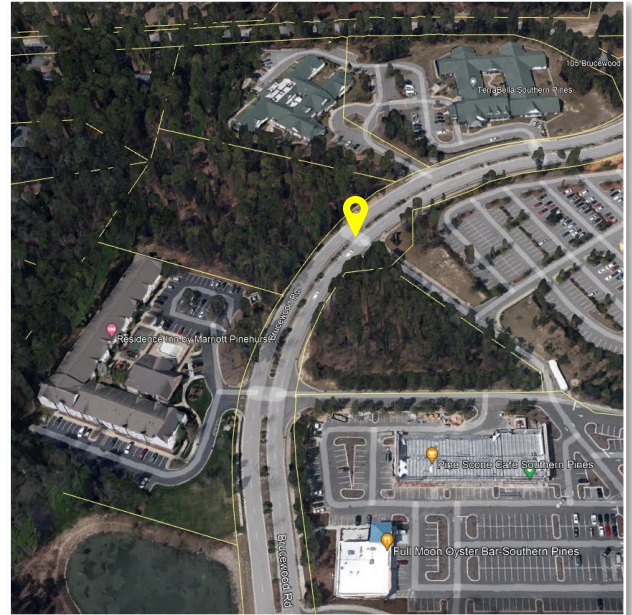


Figures 4-6. Images of Subject Property.

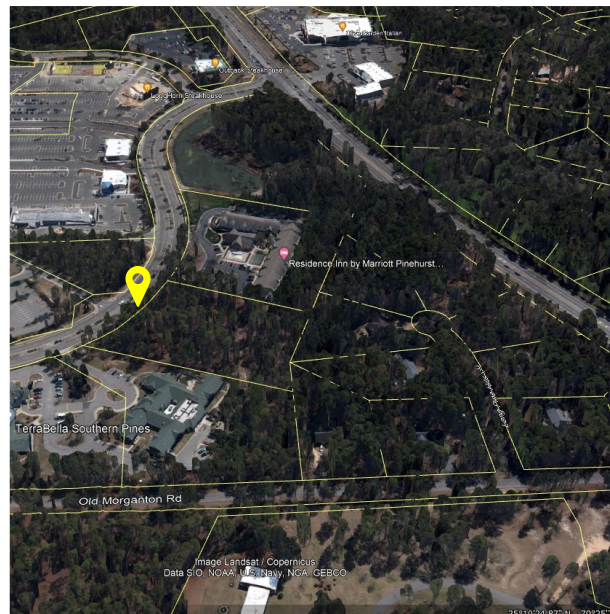
Google Streetview Image of the Subject Property © 2022 Google.



Google Earth Pro Image of Subject Property Looking North Along Brucewood Rd. Towards W. Morganton Rd.



Google Earth Pro Image of Subject Property Looking South Towards US 15 501 Hwy.



III. STAFF REVIEW

1. Review Process

Applications for Architectural Compliance Permits are reviewed pursuant to UDO §2.26.

2. Application Review Dates

Application Submitted: **December 9, 2022**

Application Complete: **December 16, 2022**

Town Council Agenda Meeting: **January 3, 2023**

Town Council Regular Meeting: **January 10, 2023**

3. Criteria for Review per UDO §2.26.7 and Staff Comments

✓ = compliant ✗ = not compliant

⚡ = compliance has not been determined

When reviewing an application for an Architectural Compliance Permit, the Town Council shall approve, conditionally approve, or deny the application based on the following criteria, as set forth in **UDO §2.26.7**:

(A) *The application is consistent with applicable Comprehensive Plan goals and policies;*

✓ No inconsistency with the CLRP has been identified.

(B) *The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;*

⚡ This specific use must comply with UDO sections 3.5.9, 4.10, 5.8, and 5.12. Southern Pines Village master plan authorizes Office and Neighborhood Business uses only with general business standards and requirements. Although the design appears to conform substantially, there is insufficient information to make a fully informed recommendation.

(C) *The application is consistent with applicable conditions of prior Development approvals; and*

✗ To the planning staff's knowledge, this proposed *development* is consistent with prior development approvals for similar projects. However, the *application* was not as robust and informative as it could have been when compared to prior architectural compliance permit applications.

(D) *The development as proposed will be compatible with neighboring development and has mitigated potential conflicts.*

✓ The credit union is compatible with other mixed uses within Southern Pines Village, such as the movie theater, hotel lodging, retail shopping, and assisted living community.

4. Staff Comments based on Commercial Building Design Requirements per UDO §4.10.4

✓ = compliant ✗ = not compliant

? = compliance has not been determined

▲ = not applicable

The proposed new development includes the clearing of a wooded lot for the construction of a 5,992 square-foot building, parking area with 35 parking spaces, a retaining wall on three of the four sides of the building, a dumpster, and monument sign. Staff has reviewed the project for compliance with UDO §4.10.4 *Building Design Requirements*. See staff comments for each requirement below.

- **Applicant requires a deviation** for UDO §4.10.4 (A), *which states that the front of buildings shall face and have the primary customer entry facing the street. Maximum spacing or distance between customer entries shall not exceed the standards in Exhibit 4-15, 150 feet in the General Business Zone, which may be increased for buildings located at least 40 feet back from the sidewalk.*
 - ✗ The applicant is proposing that the primary customer entry face the parking area adjacent to the interior lot line on the north/right elevation, which does not face Brucewood Road. There will be no entry on the street-facing elevation. However, the walls of the street-facing façade will be glass, in effect allowing some visibility of the primary customer entry on the north/right elevation. The east/street-facing façade will be oriented towards Brucewood Road.
 - ? Need to confirm the distance between the two primary entries on the north elevation.
- **Compliance cannot be determined** for UDO §4.10.4 (B), *which states (2) in other districts, the width of buildings or building segments shall not be more than twice the building height. (3) Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.*
 - ? Although the applicant did not provide written measurements of the building segment dimensions, there appears to be sufficient segmenting on each elevation through changing roofline, building offsets, and materials to fulfill the width-no-more-than-twice-the-height regulation.
- **Applicant requires a deviation** for UDO §4.10.4 (C), *which states the exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows.*

- ✗ The proposed design of each elevation has less than 80% brick, excluding doors and windows. The use of stone and stucco accents cover between 25% to 38% of each elevation. However, the proposed materials provide an element of character to each elevation while maintaining brick as the primary building material. The Town Council may consider approving the use of alternative building materials that establish an equivalent appearance and have equal or greater durability as well as alternative building materials that satisfy minimum building code standards on walls that are screened and not visible from public streets, which would include the north/right elevation, south/left elevation, and west/rear elevation.
- **Applicant is generally compliant** for UDO §4.10.4 (D), *which states that windows shall be glazed in non-reflective clear glass. The following standards apply in the GB district: windows and doors shall comprise at least twenty-five (25) percent of street-facing building façades between the elevations of two (2) and ten (10) feet above the grade of the building entry.*
 - ✓ Windows will be non-reflective, glazed and will cover 71% of the street-facing façade.
 - ? Need to confirm that glass will be clear.
- **Applicant requires a deviation** for UDO §4.10.4 (E), *which states that (1) awnings are encouraged and may encroach up to six feet into any street side setback within the GB district, (2) the minimum clearance between the lowest point of an awning and sidewalk shall be eight feet, and (3) awnings shall be canvas or material of similar appearance and flexibility unless otherwise approved by the Town Council. Street facing awnings shall not be taller than six feet unless specifically approved by the Town Council.*
 - ✗ Awnings are proposed above customer entries on the north/right elevation as well as the east/street-facing elevation, according to the color rendering submitted with the application. No awning encroachment is occurring within lot setback requirements. The awnings are proposed to be 9 feet and 9 inches tall, which is compliant. However, the material proposed is aluminum. The Town Council may still approve the canopy as proposed.
- **Requirement does not apply** for UDO §4.10.4 (F), *which states galleries and arcades are encouraged and may encroach up to six (6) feet into any street side setback but may not encroach into public right-of-way. (2) The minimum clearance for arcades and galleries shall be twelve (12) feet between the sidewalk and the ceiling of the gallery or arcade.*
 - ▲ The applicant states there will be no galleries or arcades provided. Therefore, this is not applicable.
- **Compliance cannot be determined** for UDO §4.10.4 (G), *which states that in the GB zone buildings may use parapets with cornices, gable or hip roofs. Changes in parapet height or design, gables or other changes in the roofline as viewed from any public street shall be required for any building that is wider than 100 feet. For buildings that are wider than 100 feet, changes in rooflines*

shall be used to avoid uninterrupted planes of longer than 200 feet. It further states that (3) shingles or standing seam, non-reflective metal shall be used on all roofs visible public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited.

- ? The building length is 122 feet deep. There are several changes in roofline, which satisfies UDO requirements. However, the proposed nonreflective metal roof panels on will be green in color, which—depending on what shade of green is chosen—may or may not be compliant with the regulation prohibiting brightly colored roofing.
- ✖ Pursuant to UDO §3.5.9(D)(2) District Development Standards, “*Building sides facing streets shall have parapets, mansard or false mansard roofs or shingled or standing seam roofs with a minimum pitch of 6:12 (vertical rise: horizontal run).*” However, the applicant is proposing a roof pitch of 4:12, which is less than the established minimum threshold.
- **Compliance cannot be determined** for UDO §4.10.4 (H), *which states that mechanical equipment shall be screened from view from the street and cannot be located between the building and the street.*
 - ? The applicant states that mechanical equipment will be at ground level and “screened to meet the requirements as described in the UDO,” but does not provide any additional information or detailed renderings of how this will be accomplished.
- **Compliance cannot be determined** for UDO §4.10.4 (I), *which states garage doors and loading bays shall face an interior lot line alley or service drive and shall not face a street unless buffered or screened per the landscaping code in UDO §4.3.*
 - ? The proposed teller lanes will be located on the south/left elevation, which faces the interior lot line, but would be visible from Brucewood Road. The stacking lanes will be on the same south/left elevation extending back towards the west/rear elevation. A minimum of four stacking spaces (at least 8 feet by 20 feet) are required per UDO §5.8, which has yet to be confirmed by the applicant.
 - ? No color renderings were provided for the south/left elevation, which includes the teller lanes.
 - ✓ According to landscape plan submitted as part of the site plan review, the teller lanes appear to be sufficiently screened from view from Brucewood Road.
- **Compliance will be determined during sign permit review** for UDO §4.10.4 (J), *which states signage shall comply with the standards in section 4.6 and any applicable zoning district standards.*
 - ? The applicant states that signage will comply with the UDO and zoning district standards, but no additional information is provided. Therefore, this may not be applicable for this architectural compliance permit review.

5. Noteworthy Project Elements for Town Council Consideration and Staff Recommendation

The applicant is proposing the development of a building totaling 5,992 ft². As mentioned in this report, there are at least three deviations that are required for the permit to be approved (building entries, building materials, and awnings). The proposed design is compliant with one of the 10 design standards (windows, assuming that they are clear and not tinted), and compliance for five design standards could not be determined based on the information provided (building dimensions, roofs, mechanical equipment, teller lanes, and signage). Planning Staff emailed the applicant on December 22, 2022, requesting additional information to determine compliance for these design standards, and again on December 28, 2022. Note that one design standard did not apply (galleries/arcades).

The submitted exterior elevation drawings state “Sheet 5 of 10,” but no other sheets were submitted with the application. Furthermore, there are several callouts with assigned codes on the elevation drawings, but no reference to them anywhere else in the application. No color renderings were submitted for the east/street-facing façade, west/rear elevation, or south/left elevation (where the teller lanes will be located). This specific use must comply with UDO sections 3.5.9, 4.10, 5.8, and 5.12. Southern Pines Village master plan authorizes Office and Neighborhood Business uses only with general business standards and requirements.

Staff cannot provide a recommendation for approval of AR-24-22 considering that compliance for five design standards could not be determined based on the information provided. However, staff would recommend granting the following deviations:

- Regarding UDO §4.10.4 (A) Building Orientation and Entries, the Planning Department recommends granting a deviation if the applicant can show that the entries are less than 150 feet apart.
- Regarding UDO §4.10.4 (C) Building Materials, the Planning Department recommends granting the deviation, since the mixture of brick and other masonry gives the building character and brick remains the primary building material.
- Regarding UDO §4.10.4 (E) Awnings, the Planning Department recommends granting a deviation. An aluminum awning provides a similar effect as a canvas awning with potentially greater durability.

Further information is required to determine compliance for the following five design standards:

- Regarding UDO §4.10.4 (B) Building Dimensions, the Planning Department requests dimensional information for the segments of the building as well as information for each callout on the elevation drawings and additional pages, if available.

- Regarding UDO §4.10.4 (D) Windows, the Planning Department requests clarification about whether the windows will be clear or tinted.
- Regarding UDO §4.10.4 (G) Roofs, the Planning Department requests additional color information for the proposed green metal roof paneling (i.e., what shade of green is being proposed).
- Regarding UDO §4.10.4 (H) Mechanical Equipment and UDO §4.10.4 (I) Loading Zones (i.e., teller lanes), the Planning Department requests additional written narrative to address potential screening concerns. Furthermore, staff requests a color rendering of the east/street-facing elevation, the south/left elevation, and the west/rear elevation.
- Regarding UDO §4.10.4 (J) Signage, the Planning Department requests either more information about the proposed signage or confirmation that the applicant or property owner will be applying for a sign permit separately.

IV. ATTACHMENTS PROVIDED BY THE APPLICANT

1. Completed Application, including Appointment of Agent Form
2. Deed
3. Narrative Addressing Building Design Requirements
4. Site Layout
5. Landscaping Plan (as submitted with the site plan review application)
6. Exterior Building Elevations and Renderings
7. Staff Communication with Applicant

V. TOWN COUNCIL ACTION

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26 and the commercial building design requirements per UDO §4.10.4.

The Town Council may make one of the following motions or any alternative they wish:

I move to:

1. Approve AR-24-22;
2. Approve AR-24-22 with the following conditions:

3. Deny AR-24-22.



Architectural Compliance Permit Application

Date Received: _____ Fee Paid: _____ Case No.: AR- _____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: Fort Bragg Federal Credit Union
Street Address: Brucewood Rd (unassigned)
PIN: 857106383435 Parcel ID: 20050318 Zoning: GBCD
Type of building (retail, office, etc.): Bank / Credit Union Total square footage: ±5,992 SF

Applicant:

Name: Koontz Jones Design - Bob Koontz
Email: bkoontz@koontzjones.com Phone: 910-684-8487
Mailing Address: 150 S Page St Southern Pines, NC 28387

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

Name(s): Fort Bragg Federal Credit Union - C/O Todd Kenthack
Email: todd@fortbraggfcu.org Phone: 910 864-2232
Mailing Address: 1650 Skibo Road Fayetteville, NC 28303

Date: 12/2/22


Applicant

1/12/22

APPOINTMENT OF AGENT

The undersigned owner(s), Fort Bragg Federal Credit Union, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an **Architectural Compliance Permit** for improvements to the property described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the issuance of an **Architectural Compliance Permit** for improvements to 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 an **Architectural Compliance 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 1st day of December, 2022.



Property Owner
Fort Bragg FCU - Todd Kenthack

Property Owner



Agent
Koontz Jones Design - Bob Koontz

1/12/22

For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

October 21, 2022 4:11:52 PM

Book: 5928 Page: 480 - 482 #Pages: 3

Fee: \$26.00 NC Rev Stamp: \$1,300.00

Instrument# 2022017653

Excise Tax: \$1,300.00

Recording Time, Book and Page

Parcel Identifier No.: **20050318**

Mail after recording to: Grantee

This instrument was prepared by: David T. Pryzwansky, The Pryzwansky Law Firm, P.A.
(without title examination)

Brief description for the Index: 2.54 acres, PC12-339

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made this 20th day of October, 2022, by and between

GRANTOR	GRANTEE
First Scotland Financial, LLC, a North Carolina corporation, 1227 Rockingham Road Rockingham, NC 28379	Fort Bragg Federal Credit Union, 4172 Hefner Drive Fort Bragg, NC 28310

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

Submitted electronically by "Sandhills Law Group"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Moore County Register of Deeds.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Moore County, North Carolina and more particularly described as follows:

BEING all of that 2.54 acre tract as shown on that plat "Survey for Dr. Kenneth Rhea, 2.54 acre parcel, portion of Lot No. 3, W. M. Pinehurst Associates, Ltd, Property", recorded in Plat Cabinet 12, Slide 339, Moore County Registry.

The Property conveyed herein does not include the primary residence of Grantor.

The Property was acquired by Grantor by deed recorded in Book 3119, page 204, Moore County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee, its successors and assigns, in fee simple, forever.

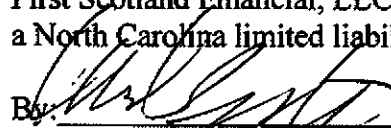
And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to those easement, restrictions and rights of way of record and ad valorem property taxes for 2022 and subsequent years.

[signature on following page]

IN WITNESS WHEREOF, Grantor has hereto set its hand the day and year first above written.

First Scotland Financial, LLC,
a North Carolina limited liability company

By: 
Neil Robinette, Manager

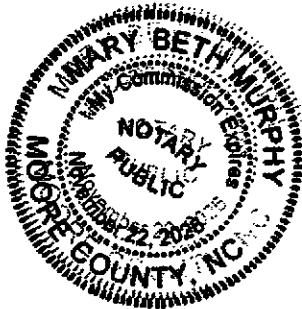
STATE OF NORTH CAROLINA :
COUNTY OF MOORE :

I, the undersigned Notary Public, certify that Neil Robinette, Manager of First Scotland Financial, LLC, a North Carolina limited liability company personally came before me this day and being duly authorized acknowledged the execution of the foregoing instrument on behalf of the company.

Witness my hand and official seal, this the 20 day of October, 2022.


Notary Public

My Commission expires: 11/22/2026
AFFIX SEAL



FORT BRAGG FEDERAL CREDIT UNION ARCHITECTURAL COMPLIANCE PERMIT

The proposed Fort Bragg Federal Credit Union will be located on the west side of Brucewood Road between the existing TerraBella Senior Living facility and the Residence Inn. The property is zoned GBCD which permits Credit Unions & Banks. The following narrative describes how the proposed architecture complies with the standards set forth in section 4.10.4 of the Southern Pines UDO.

Building Orientation and Entries

Entrances for the building have been located to face the customer parking area. The main entrance and architectural icon are situated to be visible from Brucewood Road. Spacing between entrances complies with exhibit 4-15 of the UDO.

Building Dimensions

The building height is 31'-4" at the peak; a mean height of 28-6". Building segments have been created so that no continuous wall length is greater than twice the building height. Building segments have been created by variations in wall plane projection, changes in roofline, and changes in color and material.

Building Materials

Building facades (not counting windows and glass) are comprised of a mixture of brick and stone with stucco accent features. Building facades are calculated as follows and shown on the elevations:

Elevation	Brick	Stone	Stucco	(Overall masonry)
North	69%	16%	15%	85%
East	62%	14%	24%	76%
West	75%	15%	10%	90%
South	71%	18%	11%	89%
Overall	69%	16%	15%	85%

Overall, the building averages 85% durable masonry material for all elevations. The primary building material is brick. To add interest to the facades, stone and different colors of brick have been added. Stucco is only used for accents and on the battered columns at the buildings front entrance feature. The battered columns serve as accents to the overall building character and identify the entrance area of the facility. Battering the columns would be very difficult, if not impossible, to achieve with a masonry material such as brick or stone.

Windows

Windows are non-reflective glazed and meet the proportional requirements. Windows cover 71% of the street facing façade from 2' to 10' of the building elevation as required by the UDO.

Awnings

A prefabricated aluminum canopy is located at the main and secondary entrances of the building. Canopies do not protrude into streets, parking areas, or setbacks and are designed as a building accent at

a pedestrian scale. Canopy areas are designed to be consistent in height around the architectural feature at the front of the building and measure 9'-9" in height. The canopies are wide enough to protect pedestrians in the event of inclement weather.

Roofs

Rooflines are broken up by changes in heights and projections complying with the sizing requirements. The overall building length is 122'. Rooflines measure +/- 27.5' at the front entrance icon feature, 62.5' in the central lower roof section and 32' on the 2-story rear section of the building. Roofing material will be non-reflective metal paneling in a green color that complies with the requirements of the UDO.

Mechanical Equipment

Mechanical equipment is not located between the street and the building. All mechanical equipment will be at ground level and screened to meet the requirements as described in the UDO

Loading Zones

Proposed bank teller lanes are located on the side of the building and do not face the street. Stacking for teller lanes will be located on the 'rear' of the building. Perimeter landscaping will be provided to meet the requirements described in the UDO.

Signage

All signage for the project will comply with UDO and zoning district standards

In addition to the standards described in section 4.10.4, an architectural compliance permit must meet the criteria set forth in section 2.26.7 of the Town of Southern Pines UDO. Below are listed the four (4) criteria required to approve an architectural compliance permit. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

No Architectural Compliance Permit shall be approved unless the Town Council finds that:

(A) The application is consistent with applicable Comprehensive Plan goals and policies;

The CLRP designates this area as Traditional Mixed Use. The proposed development of a Credit Union is consistent with the CLRP and meets the requirements of the GBCD zoning district. The proposed use is in harmony with the surrounding properties which consist of a mixture of lodging, retail, & commercial uses.

(B) The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;

The Credit Union building conforms to Section 4.10.4 of the UDO, other design provisions related to commercial design and the standards of the GBCD district where the building will be located.

(C) The application is consistent with applicable conditions of prior Development approvals; and

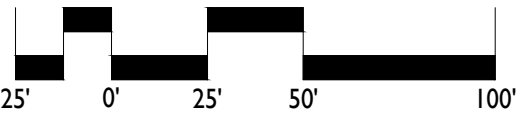
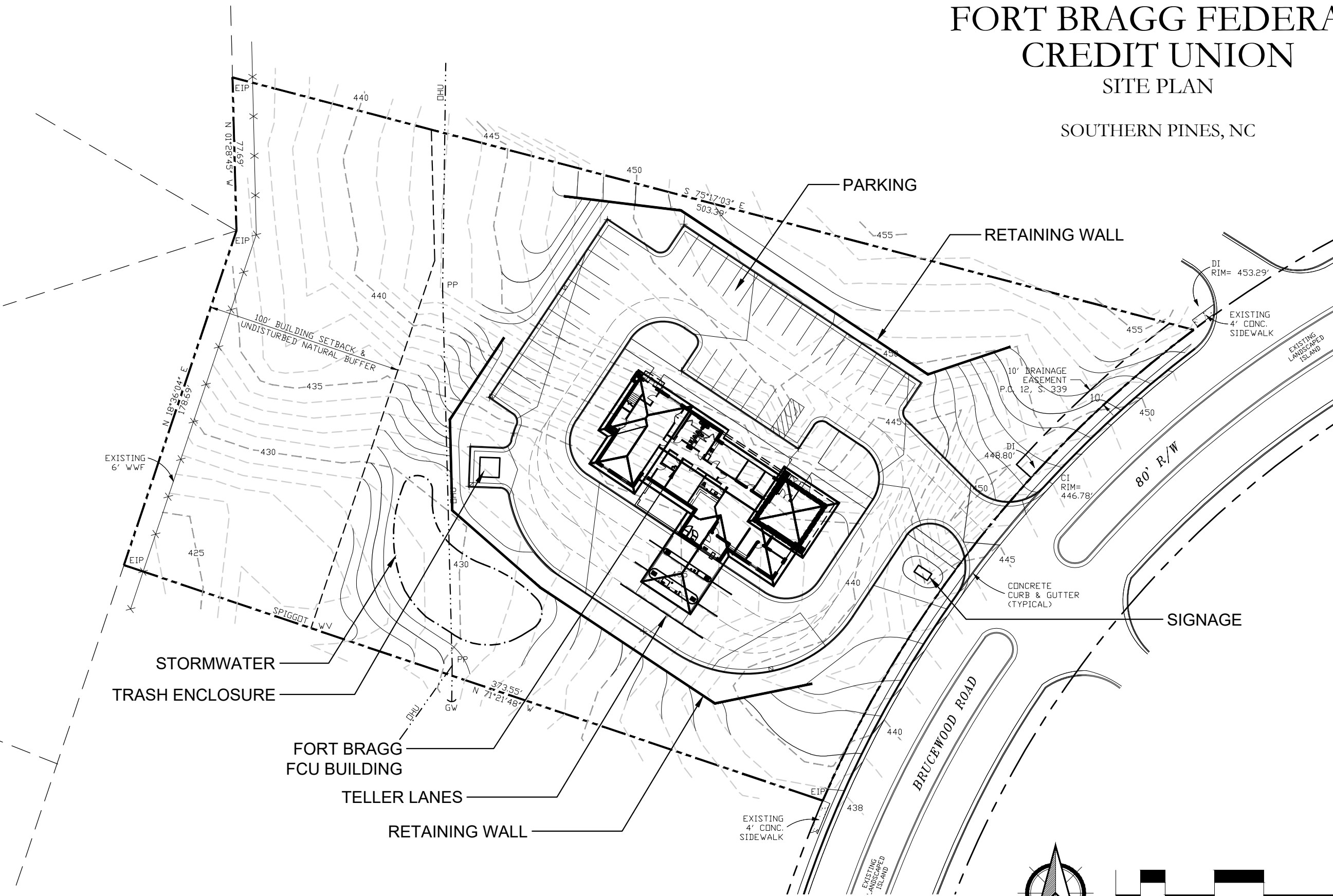
The property is zoned GBCD. Credit Unions are permitted within this district and the proposed development meets the requirements of the conditional district approval. Site and building permit plans will be submitted to the Town of Southern Pines for review and must meet applicable requirements before approval.

(D) The Development as proposed will be compatible with neighboring Development and has mitigated potential conflicts.

The neighboring properties consist of hotel lodging, assisted living, a movie theater and retail shopping center. The proposed development of a Credit Union is compatible with the neighboring developed area.

FORT BRAGG FEDERAL
CREDIT UNION
SITE PLAN

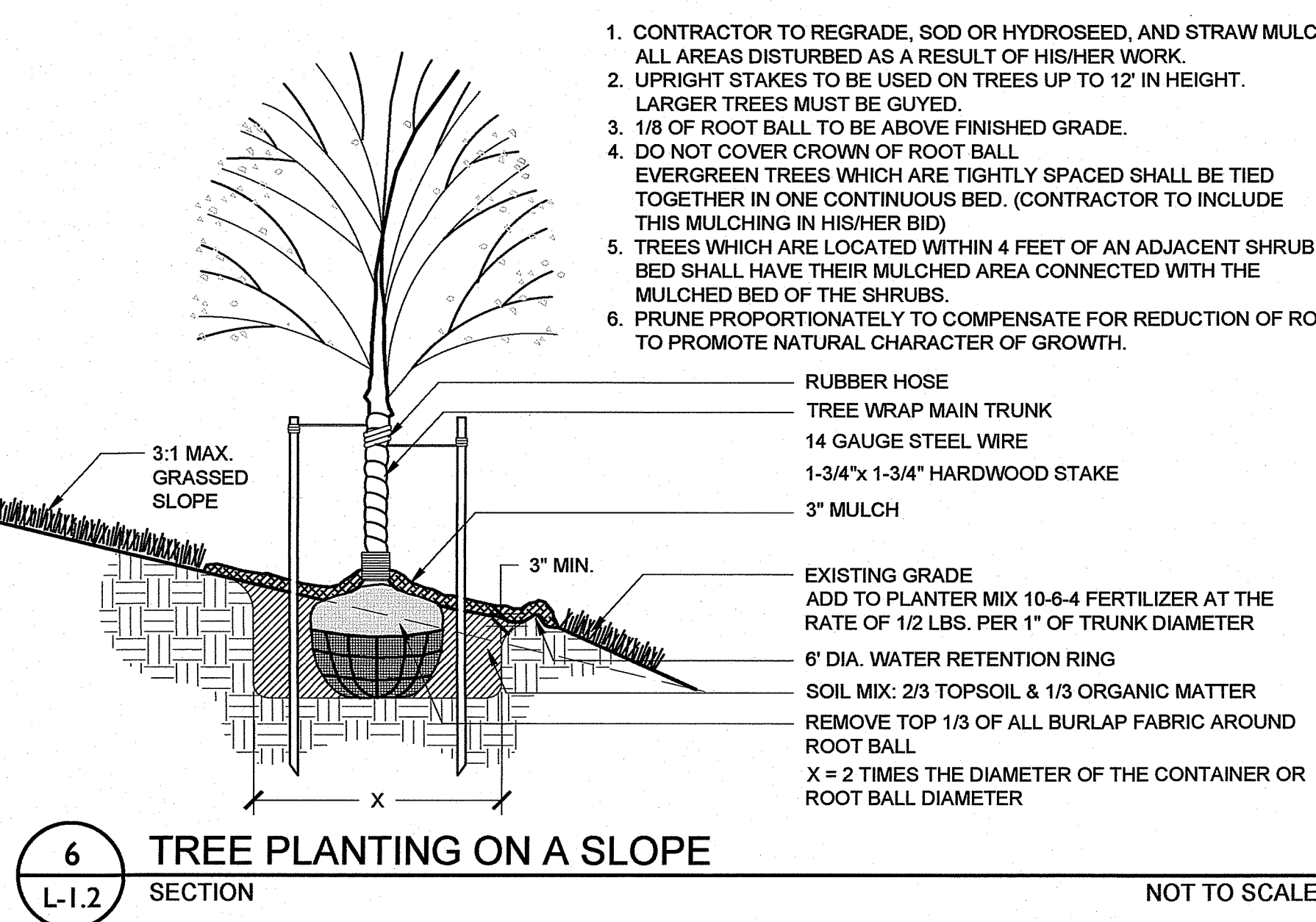
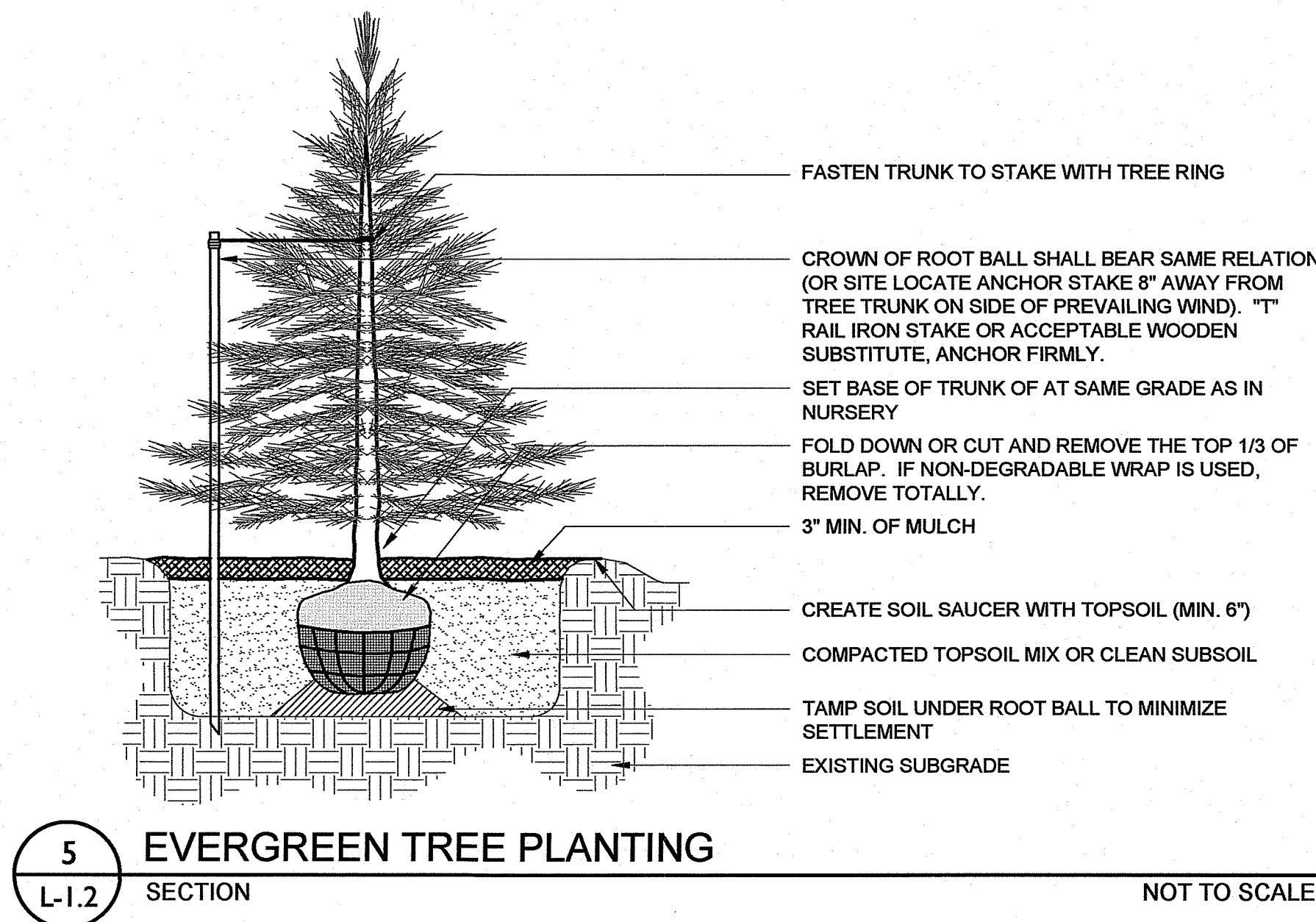
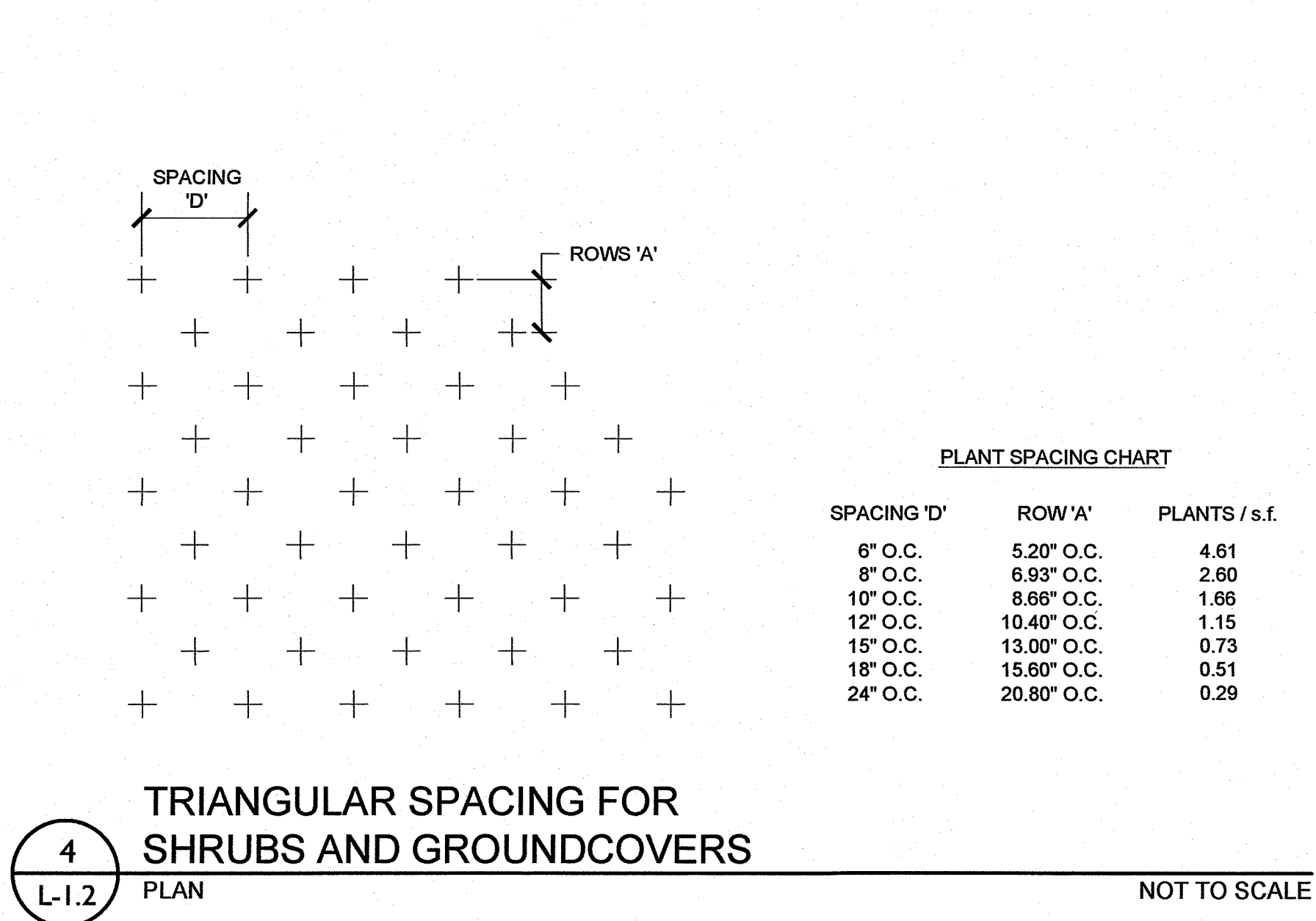
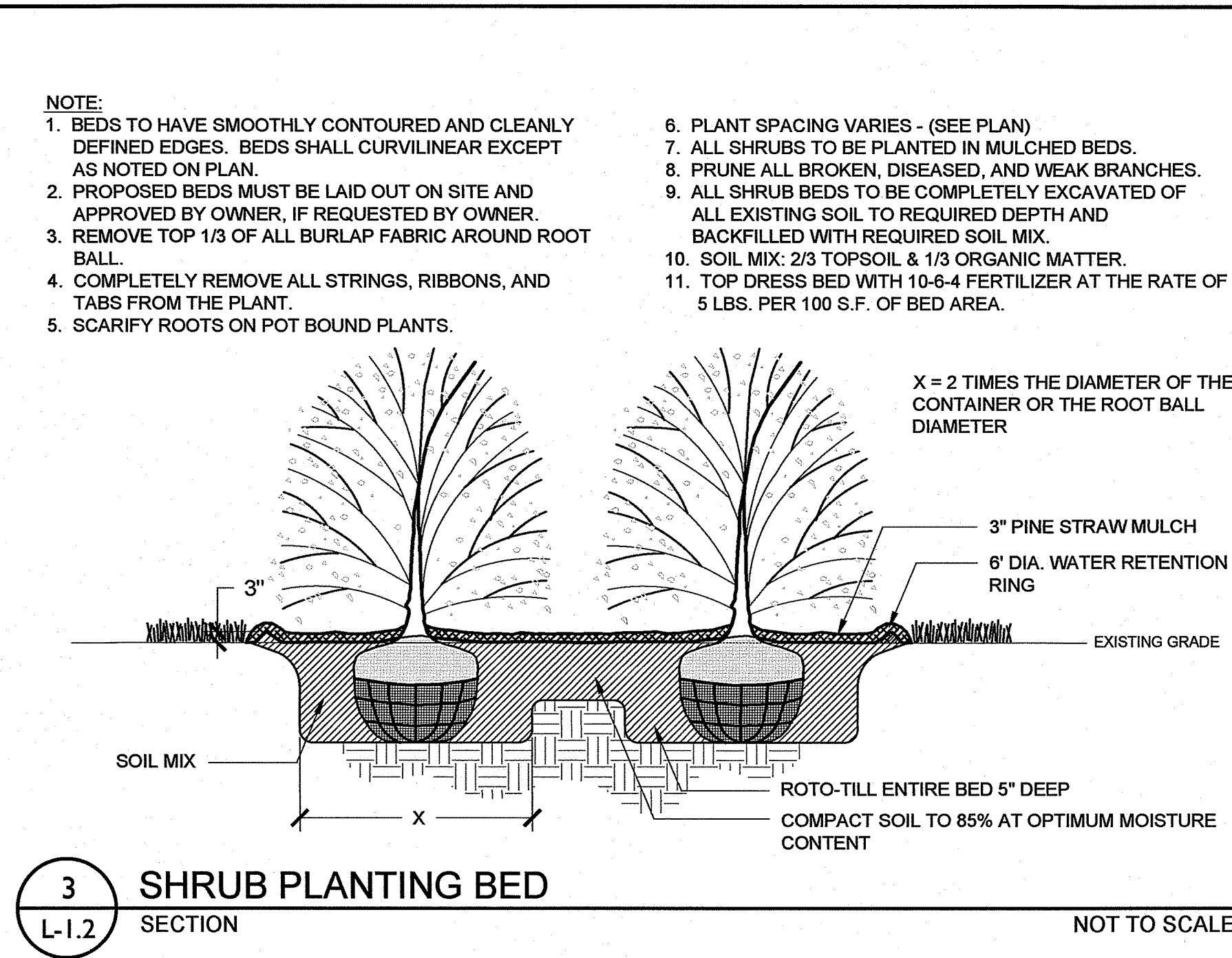
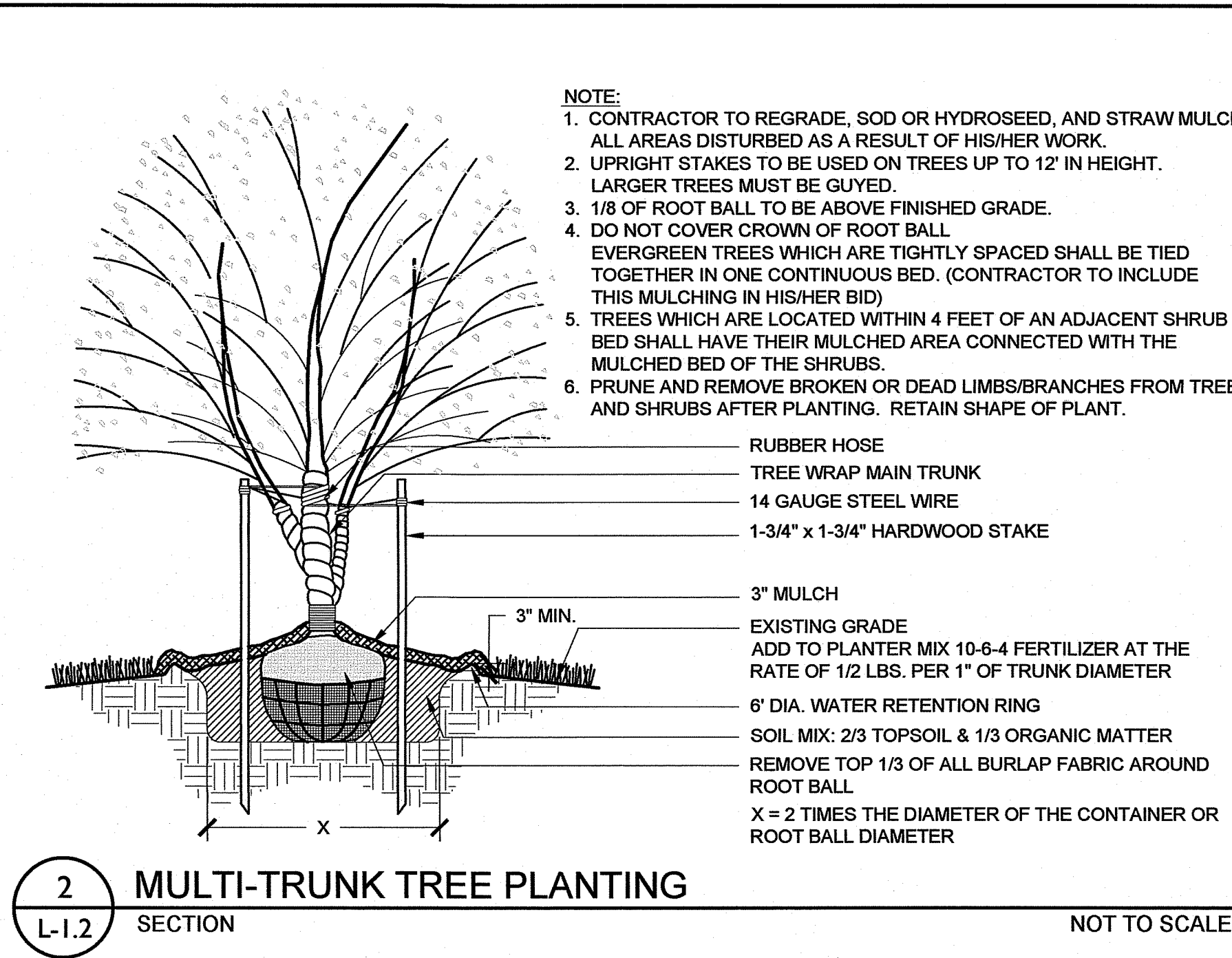
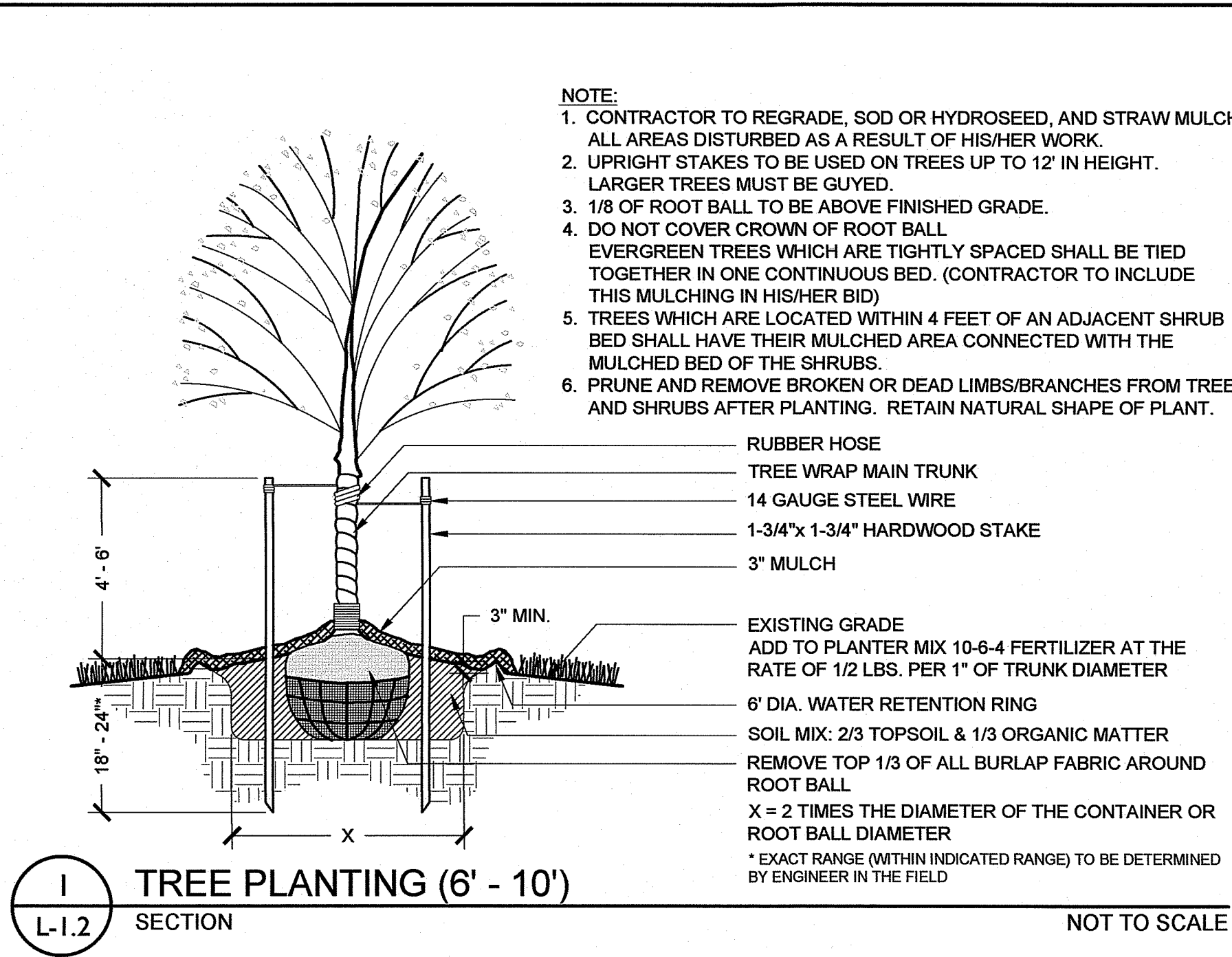
SOUTHERN PINES, NC



SCALE: 1"=50'-0"

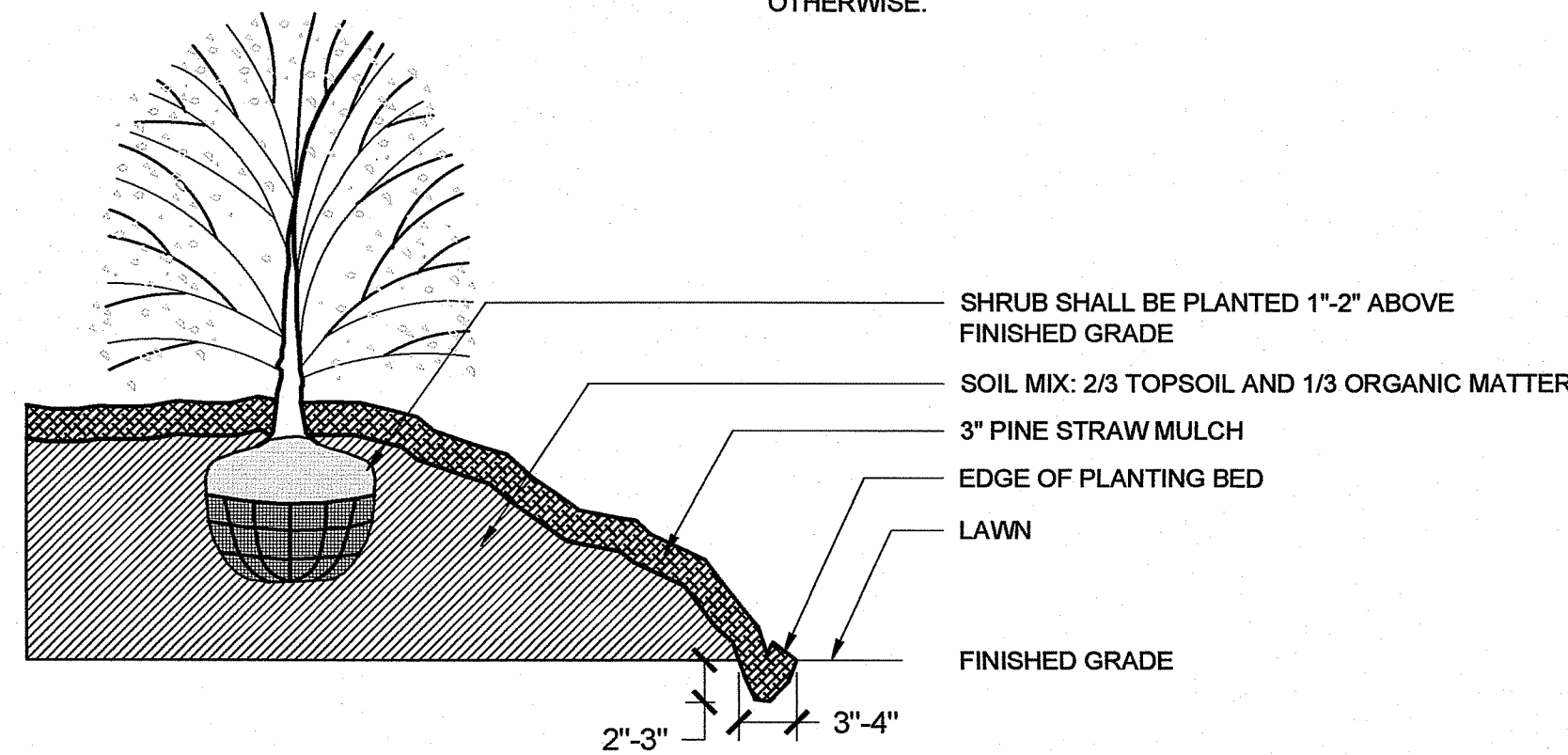
TREES	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	SPREAD	CONT.	CAL.	NOTES	
	ACR	10	Acer rubrum 'October Glory'™ / October Glory Maple	-	-	-	2-1/2 -3" Cal.		
	PNP	11	Pinus palustris / Longleaf Pine	8-10'	-	-	2" Cal.	Container Grown	
	QUL	4	Quercus laurifolia / Laurel-leaved Oak	-	-	-	2-1/2 -3" Cal.		
	QUS	4	Quercus shumardii / Shumard Oak	-	-	-	2-1/2 -3" Cal.		
SMALL TREES	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	SPREAD	CONT.	CAL.	NOTES	
	LAG	3	Lagerstroemia indica x faurei 'Natchez' / Natchez Crape Myrtle	6-8'	-	-	1-1/2 - 2" Cal.	Multi-stem	
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	SPREAD	CONT.	SPACING	NOTES	
	ABG	21	Abelia x grandiflora / Glossy Abelia	24-30"	-	Cont.	-		
	BUX	17	Buxus microphylla japonica / Japanese Boxwood	18-24"	-	Cont.	-		
	CAS	4	Camellia sasanqua 'Yuletide' / Yuletide Camellia	30-36"	-	Cont.	-		
	HYL	5	Hydrangea paniculata 'Limelight' / Limelight Panicle Hydrangea	24"-30"	-	Cont.	-		
	ICB	59	Ilex comuta 'Burfordii Nana' / Dwarf Burford Holly	24-30"	-	Cont.	-		
	ILC	70	Ilex crenata / Japanese Holly	24"-30"	-	Cont.	-		
	ILG	22	Ilex glabra / Inkberry Holly	24-30"	-	Cont.	-		
	ILV	6	Ilex vomitoria 'Stoke's Dwarf' / Stoke's Dwarf Yaupon	18-24"	-	Cont.	-		
	JSP	29	Juniperus squamata 'Expansa Parsonii' / Expansa Parsonii Juniper	24-30"	-	Cont.	-		
	LCI	63	Loropetalum chinense rubrum / Chinese Fringe Flower	24-30"	-	Cont.	-		
	RHI	8	Rhapiolepis indica / Indian Hawthorn	24-30"	-	Cont.	-		
	RHC	13	Rhododendron x 'Autumn Carnation' / Encore Autumn Carnation Azalea	24-30"	-	Cont.	-		
	VAC	9	Viburnum awabuki 'Chindo' / Chindo Viburnum	30"-36"	30-36"	Cont.	-		
GRASSES	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	SPREAD	CONT.	SPACING	NOTES	
	MUC	6	Muhlenbergia capillaris / Pink Muhly	18-24"	-	3 GAL	36" O.C.		
GROUND COVERS	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	SPREAD	CONTAINER	SPACING	NOTES	
	EUF	49	Euonymus fortunei / Wintercreeper	12-18"	-	Cont.	18" O.C.		
	LRM	81	Liriope muscari 'Evergreen Giant' / Evergreen Giant Border Grass	12-18"	-	Cont.	18" O.C.		
SEED/SOD	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	SPREAD	CONTAINER	SPACING	NOTES	
	SOD	2,863 sf	Cynodon dactylon / Bermuda Grass	-	-	-		Or Approved Equal	

DATE: 11-17-2022
DESIGNED BY: REK
DRAWN BY: DVM
CHECKED BY: PJS
Q.C. BY: REK
SCALE: N/A
PROJECT #: KTD220



NOTE:

1. MULCH BEDS SHALL BE SET BACK FROM WALKS AND CURBS THE WIDTH OF ONE MOWING STRIP OF GRASS UNLESS NOTED OTHERWISE.

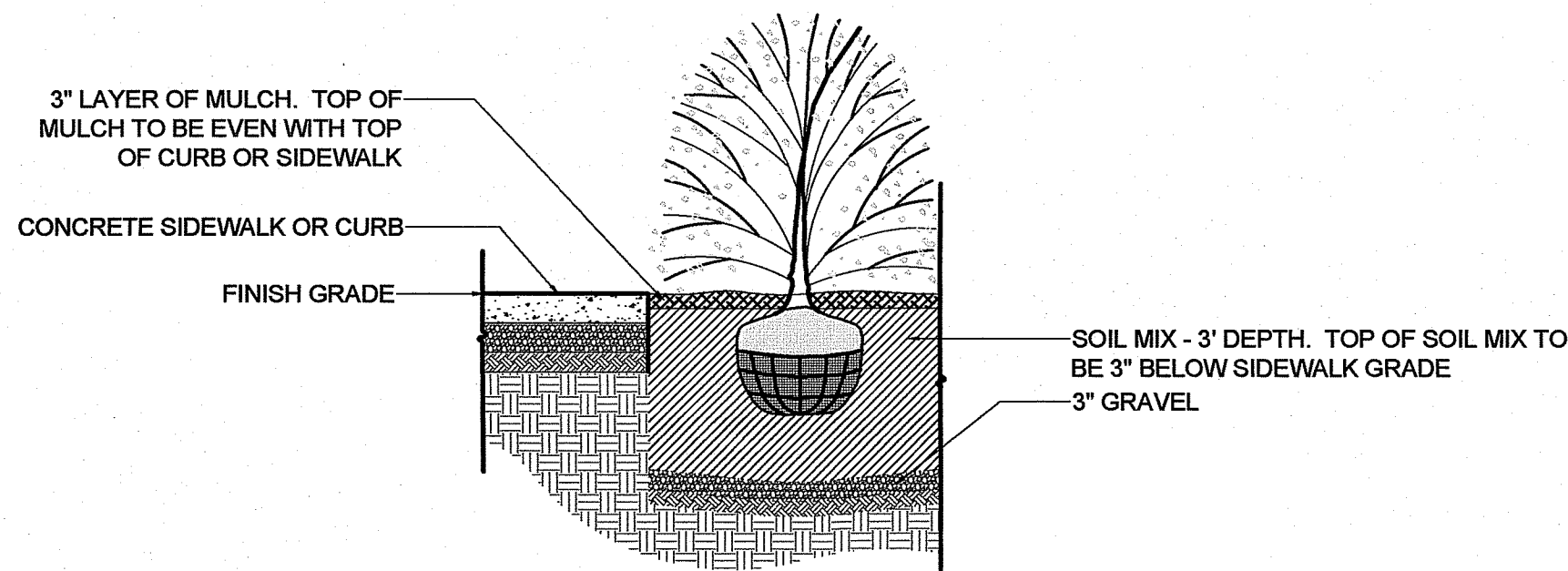


7 SHRUB PLANTING IN RAISED BED

L-1.2 SECTION NOT TO SCALE

NOTE:

1. PROPOSED BEDS MUST BE LAID OUT ON SITE AND APPROVED BY OWNER, IF REQUESTED BY OWNER.
2. REMOVE TOP 1/3 OF ALL BURLAP FABRIC AROUND ROOT BALL.
3. COMPLETELY REMOVE ALL STRINGS, RIBBONS, AND TABS FROM THE PLANT.
4. SCARIFY ROOTS ON POT BOUND PLANTS.



8 INTERIOR PLANTING BED

L-1.2 SECTION NOT TO SCALE

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

REVISIONS:

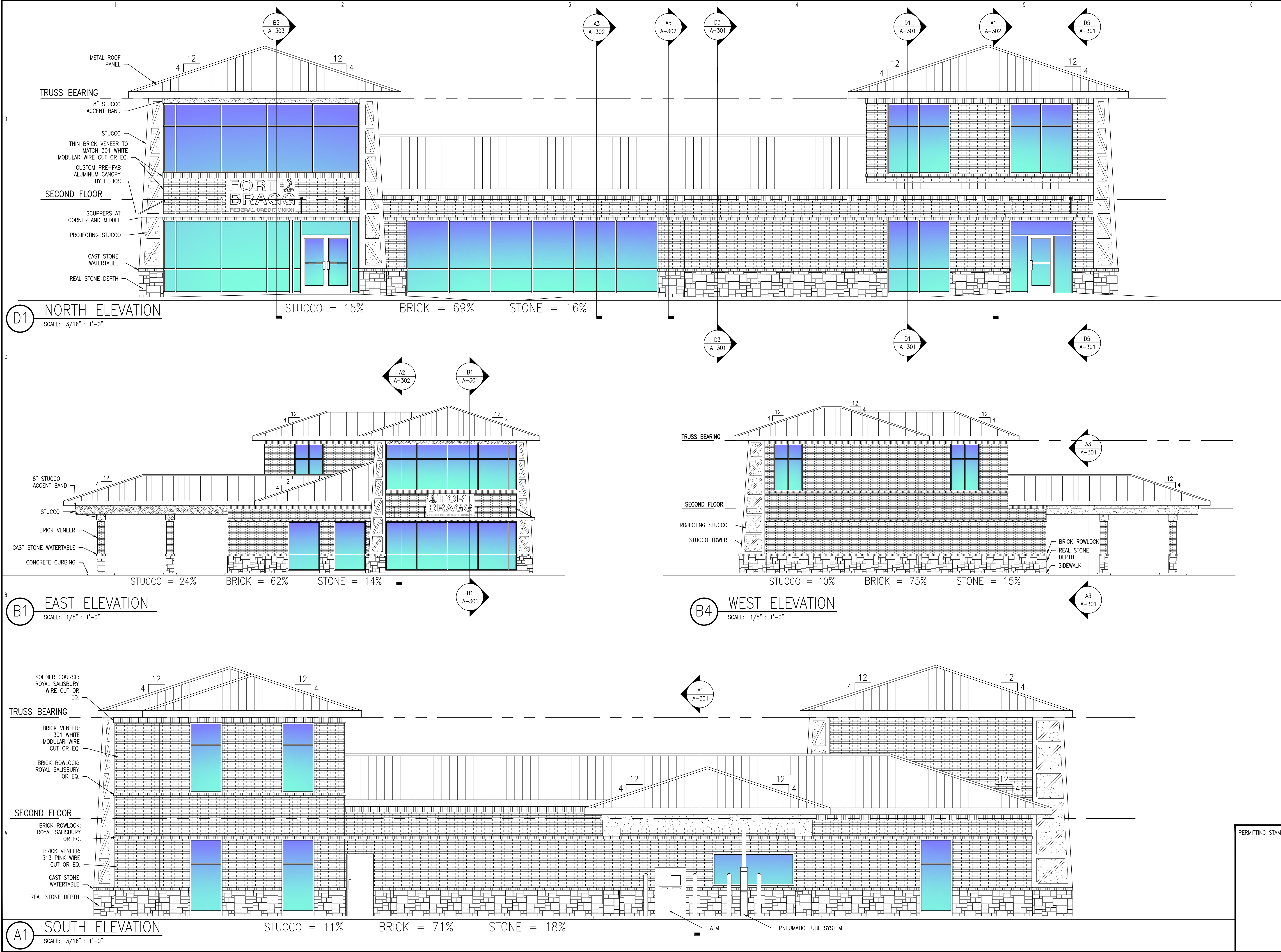
FORT BRAGG FEDERAL CREDIT UNION
SOUTHERN PINES, NORTH CAROLINA

LANDSCAPE PLAN

DATE: 11-17-2022
DESIGNED BY: REK
DRAWN BY: DVA
CHECKED BY: FJS
SCALE: N/A
PROJECT #: KID22050
SHEET NUMBER:
L-1.2

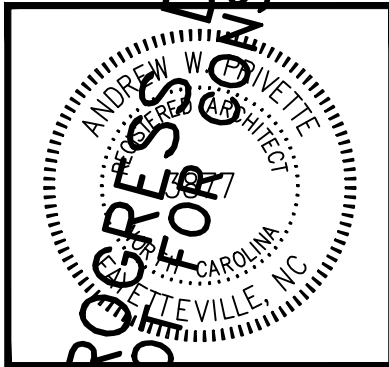
KOONTZ JONES Design
LAND PLANNING | LANDSCAPE ARCHITECTURE
160 S DACE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-8487
W: www.koontzjonesdesign.com

ALL NOTES APPLY TO ALL DRAWINGS AND ALL TRADES. IT IS THE RESPONSIBILITY OF ALL CONTRACTORS AND TRADES TO COORDINATE THE INSTALLATION OF THEIR WORK WITH THE INSTALLATION OF WORK BY ALL OTHER CONTRACTORS AND TRADES. CONTRACTORS SHALL FOLLOW MANUFACTURER'S INSTALLATION INSTRUCTIONS. THE REQUIREMENTS OF THE DRAWINGS, GENERAL REQUIREMENTS AND ALL ITEMS OF THE CONTRACT DOCUMENTS ARE EQUALLY BINDING ON ALL CONTRACTORS AND TRADES. EACH CONTRACTOR IS REQUIRED TO MAINTAIN FULL SETS OF THE CONTRACT DOCUMENTS FOR HIS EMPLOYEES' USE ON THE PROJECT TO ASSURE THAT ALL WORK IS PROPERLY COORDINATED AND INSTALLED WITH THE WORK OF OTHER CONTRACTORS AND TRADES.





ANDREW W. PRIVETTE, AIA
1920 FT. BRAGG ROAD
FAYETTEVILLE, NC 28303
TELE. (910) 465-3567
andy@designtobuild.com



FORT BRAGG FEDERAL CREDIT UNION
SOUTHERN PINES BRANCH
105 BRUCEWOOD ROAD
SOUTHERN PINES, NORTH CAROLINA

NO.	DESCRIPTION	DATE	MARK	CHK

JOB CODE: 22FBFCU SO PINES
DRAWN BY: J. PAZ
CHECKED BY: A. PRIVETTE
COPYRIGHT: DESIGNED TO BUILD

SHEET TITLE:
EXTERIOR ELEVATIONS
SEPTEMBER , 2022

A-201
SHEET 5 OF 10

PERMITTING STAMP:

EACH CONTRACTOR IS REQUIRED TO INCLUDE ALL MINOR ITEMS, WHETHER OR NOT SHOWN ON PLANS, AS REQUIRED BY CODE AND FOR WORKING SYSTEMS, IN INITIAL COST OF WORK, AND AT NO ADDITIONAL COST TO THE OWNER. ANY DEVIATIONS FROM THESE DRAWINGS AND SPECIFICATIONS BY THE OWNER OR CONTRACTOR MUST BE APPROVED BY THE ARCHITECT IN WRITING AND PRIOR TO CONSTRUCTION. COPYRIGHT © ALL RIGHTS RESERVED BY DESIGNED TO BUILD. NOT TO BE COPIED OR REPRODUCED WITHOUT WRITTEN PERMISSION.





From: [Alaina Mallette](#)
To: ["bkoontz@koontzjones.com"](mailto:bkoontz@koontzjones.com)
Cc: [BJ Grieve](#)
Subject: RE: AR-24-22 Fort Bragg FCU Follow-up
Date: Wednesday, December 28, 2022 11:09:18 AM

Good morning, Bob,

In follow-up to my email last week, I wanted to give you a heads up that my final report for the architecture compliance review is due today and I've got the following deviations and issues explained in the report.

- Deviations requested:
 - building entries,
 - building materials, and
 - awnings.
- Compliance with the following standards could not be determined due to incomplete information:
 - building dimensions,
 - roofs,
 - mechanical equipment, and
 - signage.
- Compliant with the following standards (though we need clarification for each of these, as well):
 - windows, and
 - teller lanes.

I will be presenting this and my compliance evaluation to the Town Council next Tuesday. There would be time between the Town Council agenda meeting and the regular meeting—when a final decision will be made—to submit the missing information that I have outlined for you in my previous email dated December 22, 2022. You are welcome to give me a call to talk over my report and how you wish to proceed with the architectural compliance review.

Kind regards,
Alaina

Alaina Mallette, MSc
Senior Planner
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003 x7232
amallette@southernpines.net



From: Alaina Mallette
Sent: Thursday, December 22, 2022 12:08 PM
To: 'bkoontz@koontzjones.com' <bkoontz@koontzjones.com>
Cc: BJ Grieve <BJGrieve@southernpines.net>
Subject: AR-24-22 Fort Bragg FCU Follow-up

Good morning, Bob,

I am reviewing the Fort Bragg FCU architectural compliance application and I have a few questions for you:

1. The exterior elevations (Sheet A-201) says sheet 5 of 10. If the other sheets are still being used for architectural guidance, can you submit those to me for review, as well?
2. I notice that there are callouts A1, D1, etc. on Sheet A-201. Do you have a reference table that explains what those are referring to? Perhaps those are located on one of the other 10 sheets in the original packet that we haven't received.
3. What is the distance between the two entries? I believe my calculation is off, and would like to verify that value.
4. We do not have color renderings of the east, west, or south elevations. Can you please submit those, as well?
5. For some of the screening requirements, I believe the landscape plan from the site plan application would be relevant for discussion with the Town Council. Do I have your permission to include that in the final packet that we provide to them? Or would you like to submit it as part of the application? Furthermore, please submit additional narrative about how proposed landscaping satisfies screening requirements for mechanical equipment, dumpster, and teller lanes.
6. It wasn't explicitly stated in the narrative whether the glass for the windows and doors will be clear or tinted. Can you please clarify?
7. In the narrative, you say that the canopy will be 9'9" in height. Are you saying that this is the clearance height between the lowest point of the canopy and the sidewalk.
8. What color green is being proposed for the metal paneling on the roof? The renderings make it look like a dark green shingle, but the narrative says a green metal panel. If you have a product in mind for the roofing, please provide an image, HTML color code, or a store and item number for inclusion in the packet. Otherwise, a deviation may need to be requested as "brightly colored roofs... are prohibited."
9. Is a separate application going to be submitted for signage review and compliance?
10. At this point it appears that the following list of deviations are being requested. The others will depend on your answers to the above questions.
 - a. 4.10.4(A)(1)
 - b. 4.10.4(C), but 4.10.4(C)(1) may allow Town Council to approve despite the deviation
 - c. 4.10.4(F)(3)

Thank you and have a happy holiday season.

Best,

Alaina

**Alaina Mallette, MSc
Senior Planner**

Planning Department

Town of Southern Pines

801 SE Service Road, Southern Pines, NC 28387

(910) 692-4003 x7232

amallette@southernpines.net





MEMORANDUM

To: Reagan Parsons, Town Manager
From: Beth Robertson, Town Clerk
Re: Records Retention and Disposition Schedule
Date: December 21, 2022

BACKGROUND

N.C.G.S. 121-5(c) and 132-8 direct local government to adopt and adhere to records retention and disposition schedules that are created and managed by the NC Department of Cultural Resources (NCDRCR). These schedules serve as an agreement between the local governments and NCDRCR to provide guidance on the types of records to be maintained and for how long.

The 2021 General Records Schedule for Local Government Agencies will supersede the 2019 version, upon adoption, and includes updated records standards for the following programs:

- Administration & Management
- Human Resources
- Public Relations
- Budget/Fiscal/Payroll
- Information Technology
- Risk Management
- GIS
- Legal

The new schedule along with a log outlining substantial changes between the 2021 and 2019 schedules and are attached for review

The 2021 Program Records Schedule for Local Government Agencies is a new retention schedule created from the former County Management and Municipal retention schedules, and includes updated records standards for the following programs:

- Airport Authority
- Code Enforcement/Inspection
- Planning & Development
- Animal Services
- Parks & Recreation
- Law Enforcement
- EMS/Fire Department
- Tax

The new schedule along with a log outlining substantial changes between the 2021 and 2019 schedules and are attached for review

REQUESTED ACTION

Pursuant to NCGS 121-5(c) and 132-8, approve the 2021 General Records Schedule for Local Government Agencies and the 2021 Program Records Schedule for Local Government Agencies issued by the NC Department of Cultural Resources, as presented.

This change log notes all substantial changes from the 2019 to the 2021 version of the *General Records Schedule: Local Government Agencies*. For simplicity, wordsmithing, typographical corrections, pointers to other records series, and modifications to citations have not been tracked. Substantive changes are listed in the left-hand column. In the center column are the titles of new records series that have been added to the schedule. In the right-hand column are records series that have been discontinued because the records are no longer created or received by local government agencies (or in cases where these are listed in the same row as a series that was changed, these records have been combined into that broader records series). The index to the schedule also includes pointers where one series was subsumed into another.

Please note that what had been the Personnel Records standard (Standard 6) has been retitled as the Human Resources standard; alphabetization means this is now Standard 4 (and IT Records and Legal Records have been shifted to standards 5 and 6 respectively).

This updated schedule also includes in the appendix a section entitled “Related Records Series Found in Local Agency Program Schedules,” which identifies records series within the Local General Schedule (indicated with @) that have similar records series on local program schedules.

Changes	New Items	Discontinued Items
Standard 1: Administration and Management Records		
ACCREDITATION RECORDS Added to description outside evaluations of agency		
ADMINISTRATIVE DIRECTIVES, REGULATIONS, AND RULES Added description and modified disposition instructions		
AUDITS: PERFORMANCE Added disposition instructions for PCI attestation reports		
CONSTITUENT COMMENTS, COMPLAINTS, PETITIONS, AND SERVICE REQUESTS Changed title from Citizen to Constituent; clarified that requests for reasonable accommodation included in this series are those from the general public; changed retention for all complaints to 1 year		

Changes	New Items	Discontinued Items
CONSTITUENT SURVEYS Changed title from Citizen to Constituent		
FACILITY MAINTENANCE, REPAIR, AND INSPECTION RECORDS Clarified this series also includes records related to agency-owned property as well as warranties		
GRANTS Added to description any required certifications and disclosures; specified disposition for grants funded by local appropriations		
	HISTORICAL DESIGNATIONS RECORDS	
LOGISTICS MATERIALS Added agency activities to the description and modified disposition instructions		
MISCELLANEOUS (NON-BUILDING) APPLICATIONS, LICENSES, AND PERMITS Added to description free government-issued business permits		
OFFICE AND PROPERTY SECURITY RECORDS Changed title from Office Security Records; added property to the description and added disposition instructions for recordings that may necessitate action by law enforcement		
	PHONE LOGS	

Changes	New Items	Discontinued Items
Inserted PUBLIC BODIES at beginning of series titles to group together: • Agenda and Meeting Packets (also added exhibits to description) • Applications for Appointment • Appointment Reports • Audio and Video Recordings of Meetings • Notices of Public Meetings (renamed Meeting Notices) • Governing and Advisory Body Member File (renamed Member Files) • Minutes of Public Bodies (renamed Minutes)		
	PUBLIC BODIES: CORRESPONDENCE	
REBATE PROGRAM RECORDS Deleted Citizen from title		
REPORTS AND STUDIES Added a specific disposition for quarterly reports		
REQUESTS FOR PROPOSALS Specified inclusion of elements created by the agency (e.g., notices, evaluations)		
STAFF MEETINGS FILE Renamed from Minutes (Staff Meetings) and added additional materials relevant to internal meetings along with materials from external that had been listed in Agenda and Meeting Packets		
STRATEGIC PLAN Renamed from Comprehensive Plan, added mission statements to the description, and clarified disposition instructions		

Changes	New Items	Discontinued Items
Standard 2: Budget, Fiscal, and Payroll Records		
ACCOUNTS PAYABLE Modified disposition of reimbursements to reflect DES requirements		
ACCOUNTS RECEIVABLE Modified description to add records for debt setoff program		
BOND CLOSING RECORDS Increased retention requirement to mirror state requirements		
GRANTS: FINANCIAL Specified disposition for grants funded by local appropriations		
LONGEVITY PAY Increased retention to reflect DES requirements		
PAYROLL AND EARNINGS RECORDS Increased retention to reflect DES requirements; added employer contributions to description		
PAYROLL DEDUCTION RECORDS Added retirement deductions to description		
SHIFT PREMIUM PAY Increased retention to reflect DES requirements		
TAX FORMS Increased retention to reflect DES requirements		
TIME SHEETS, CARDS, AND ATTENDANCE RECORDS Increased retention to reflect DES requirements		
TRAVEL REIMBURSEMENTS Increased retention to reflect DES requirements		
Standard 3: Geographic Information System (GIS) Records		
MAPS: ALL OTHER Included paper maps in description		

Changes	New Items	Discontinued Items
Standard 4: Human Resources Records (previously Personnel Records)		
APPLICATIONS FOR EMPLOYMENT Added pointer in disposition to Seasonal and Contract Workers		
BENEFITS RECORDS Specified disposition for correspondence with providers		
		CERTIFICATION AND QUALIFICATION RECORDS Already covered by Training and Educational Records; Conferences and Workshops
HAZARDOUS MATERIALS TRAINING RECORDS Added to description documentation of loans of radioactive materials for training purposes		
MEDICAL RECORDS Clarified description to include records of employees, contractors, and volunteers; expanded description of health and physical examinations		
PERSONNEL RECORDS (OFFICIAL COPY) Clarified description to specify employees eligible for benefits		
POLICIES AND PROCEDURES (PERSONNEL) Added description; deleted disposition for non-internal records, which should be considered part of the Reference (Reading) File, and added disposition for HR administrative records (e.g., employee orientation materials)		

Changes	New Items	Discontinued Items
RETIREMENT RECORDS Clarified description; removed separate disposition for deferred compensation – those that are from retirement plans are covered in this item, and those that are for some sort of bonus should be treated as Payroll and Earnings Records		
TRAINING AND EDUCATIONAL RECORDS Added general training materials to description; added disposition for expired employee certifications/qualifications along with one for general training materials		
UNEMPLOYMENT COMPENSATION CLAIMS Increased retention to reflect DES requirements		
UNEMPLOYMENT COMPENSATION REPORTS Increased retention to reflect DES requirements		
Standard 5: IT Records		
Clarified retention for fixity check documentation		
Standard 6: Legal Records		
ANNEXATION RECORDS Specified disposition for withdrawn petitions		
CIVIL RIGHTS CASE RECORDS Specified disposition for employee requests for reasonable accommodations		
ENCROACHMENTS Changed description from citizens to residents		
	EXPUNCTIONS	
	INVESTIGATION AND HEARING RECORDS	
		REASONABLE ACCOMMODATIONS Already covered by Constituent Comments, Complaints, Petitions, and Service Requests
	SETTLEMENTS	

Changes	New Items	Discontinued Items
Standard 8: Risk Management Records		
DISASTER RECOVERY Clarified description and specified disposition for records evaluating the efficacy of recovery efforts		
	EMERGENCY NOTIFICATIONS Moved from the Emergency Services standard of the old County Management schedule	
FIRE, HEALTH, AND ENVIRONMENTAL SAFETY RECORDS Added Environmental to the series title and added specific dispositions for inspection reports and safety audits		
	FIXED NUCLEAR FACILITIES PLANS FILE Moved from the Emergency Services standard of the old County Management schedule	
HAZARDOUS MATERIALS MANAGEMENT Broadened description and added numerous dispositions for particular types of hazardous materials; now includes asbestos management plans		ASBESTOS MANAGEMENT PLAN
LOST, STOLEN, OR DAMAGED PROPERTY REPORTS Deleted citizen from description		
	NATIONAL FLOOD INSURANCE PROGRAM RECORDS Moved from the Emergency Services standard of the old County Management schedule	

CHANGE LOG FOR PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Issued By:



North Carolina Department of Natural and Cultural Resources
Division of Archives and Records
Government Records Section

October 1, 2021

EXECUTIVE SUMMARY

This document lists the changes that have been made from the Municipal Records Retention and Disposition Schedule issued on September 10, 2012 as well as the County Management Records Retention and Disposition Schedule issued on April 15, 2013 that are now present in the 2020 Program Records Schedule for Government Agencies. While previously adopted amendments, grammatical and alphabetization changes, wordsmithing, and the updating of citations are not listed, substantive changes are listed in the left-hand column. In the center column are the titles of new records series that have been added to the schedule. In the right-hand column are records series that have been either superseded by the *General Records Schedule: Local Government Agencies* or discontinued because the records are no longer created or received by local departments.

MUNICIPAL AND COUNTY MANAGEMENT CLARIFICATION

While some items included below were identical on the Municipal and County Management schedules, there are cases where an item was only on one schedule or had a different name on each schedule. In those cases, the item will have either an (M) or a (CM) after its title. An (M) indicates that the referenced item was only on the Municipal schedule. A (CM) indicates that the referenced item was only on the County Management schedule. When titles differ, or when multiple items from one schedule fall under a larger term in the other schedule, all previous item titles are provided.

STANDARD 10: AIRPORT AUTHORITY RECORDS

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>STANDARD 10: AIRPORT AUTHORITY RECORDS</i>		
		AIRPORT CERTIFICATION MANUAL See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Accreditation Records.
		COMMUNICATIONS RECORDINGS See General Records Schedule: Local Government Agencies, Standard 7 (Public Relations Records), Audio-Visual Recordings.

STANDARD 11: ANIMAL SERVICES RECORDS

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 11: ANIMAL SERVICES RECORDS		
		ACTIVITY REPORTS (ANIMAL CONTROL) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
ANIMAL ABUSE AND CRUELTY RECORDS Used the records series title from the County Management schedule; changed disposition instructions from Municipal schedule to match County Management schedule.		ANIMAL ABUSE CASES (M) ANIMAL CRUELTY RECORDS (M)
		ANIMAL BITE RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
ANIMAL COMPLAINT RECORDS Removed reference to abuse records, which are separately covered in "Animal Abuse and Cruelty Records."		
ANIMAL CONTROL RECORDS Removed animal abuse case disposition instructions, which are separately covered in "Animal Abuse and Cruelty Records"; added disposition instructions for animal control citations and compliance orders.		ANIMAL CONTROL CITATIONS/COMPLIANCE ORDERS DANGEROUS ANIMAL RECORDS

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 11: ANIMAL SERVICES RECORDS		
	ANIMAL SHELTER RECORDS	ANIMAL ADOPTION RECORDS CERTIFICATES OF ANIMAL RELEASE IMPOUNDMENT RECORDS (M) OWNER CONTACT NOTICE RECORDS SHELTER DISPOSITION SHEETS
		RABIES CONTROL REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		REFERENCE MATERIAL (ANIMAL CONTROL) (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference File.
RABIES VACCINATION RECORDS Clarified title of "Vaccination Records."		

STANDARD 12: CODE ENFORCEMENT AND INSPECTION RECORDS

(This standard previously encompassed STANDARD 5: BUILDING INSPECTION RECORDS (of the Municipal schedule) and STANDARD 5: CODE ENFORCEMENT AND INSPECTION RECORDS (of the County Management schedule))

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
BLUEPRINTS AND SPECIFICATIONS Disposition was amended to change “b” disposition from “1 year after permit is issued” to “1 year after completion of project.”		For agency-owned buildings, see General Records Schedule: Local Government Agencies, Standard 1, (Administration and Management Records), Blueprints and Specifications.
		BUILDING AND FIRE CODE VIOLATIONS CASES (Municipal) See Violations: Building and Housing
		BUILDING INSPECTION REPORTS (Municipal) See Building and Road Permitting and Inspection Records.
		BUILDING PERMITS AND APPLICATIONS (Municipal) See Building and Road Permitting and Inspection Records.
		BUILDING PERMIT LOG (Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
		BUILDING PERMIT RECEIPT BOOKS (Municipal) See Permit Receipt Books.
		BUILDING TRADES CERTIFICATIONS (Municipal) See Trades Certifications.
		BURNING PERMITS (BUILDING INSPECTIONS) (Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading File)
		BUSINESS CERTIFICATION RECORDS (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Business Certification Records
		CERTIFICATES OF OCCUPANCY (Municipal) See Building and Road Permitting and Inspection Records.
		CONSTRUCTION REPORTS (Municipal) See Reports: Monthly Building Permits and Construction.

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG



CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
		CONTRACTORS LICENSING (Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading File)
		DEMOLITION FILE (Municipal) See Building and Road Permitting and Inspection Records.
		ENCROACHMENTS OF RIGHT-OF-WAY APPLICATIONS AND PERMITS (Municipal) See Permits: Encroachments of Right-of-Way.
		EROSION AND SEDIMENT CONTROL AFFIDAVITS See General Records Schedule: Local Government Agencies, Standard 6 (Legal Records), Litigation Case Records.
		FACILITY MAINTENANCE, REPAIR, AND INSPECTION (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Facility Maintenance, Repair, and Inspection Records.

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG



CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
		HAZARDOUS WASTE DISPOSAL RECORDS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Hazardous Materials Management.
ILLEGAL DUMPING FILE Cross-reference added to Violations.		
		INSPECTIONS (Municipal) Inspection records now separated into different categories within schedule depending on kind of inspection. For records concerning violations, see Violations.
INSPECTIONS Standardized retention period for all inspections at 6 years (increasing that for Sewage Disposal Systems from 2 years and for Substandard Housing and Unsafe Buildings from 5 years)		INSPECTIONS: ELECTRIC POWER AND NATURAL GAS SYSTEM (County Management) INSPECTIONS: PERIODIC REPORTS OF INDUSTRIAL FACILITIES (County Management) INSPECTIONS: SANITARY LANDFILL (County Management) INSPECTIONS: SEWAGE DISPOSAL SYSTEM (County Management) INSPECTIONS: SUBSTANDARD HOUSING AND UNSAFE BUILDINGS (County Management) INSPECTIONS: WASTE LOADS (County Management) INSPECTIONS: WATER AND WASTEWATER SYSTEM (County Management)

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
		INSPECTIONS: ENVIRONMENTAL HEALTH SUMMARIES (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading File)
		INSPECTOR WORKSHEETS (Municipal) See Inspections
		LABORATORY OPERATIONS RECORDS (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading File)
		LANDFILL OPERATIONAL PLAN (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Strategic Plan.
		MAPS, PLATS, AND DRAWINGS (Municipal) See Program Schedule for Local Government Records, Standard 15 (Planning and Regulation of Development Records), Maps, Plats, and Drawings (Official).

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
		MANUFACTURED HOME PERMITS (Municipal) See Program Schedule for Local Government Records, Standard 15 (Planning and Regulation of Development Records), Permits: Temporary Manufactured Home.
		MONTHLY BUILDING PERMITS AND CONSTRUCTION REPORTS (Municipal) See Reports: Monthly Building Permits and Construction.
		NORTH CAROLINA SEDIMENTATION AND POLLUTION CONTROL COMMISSION See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading File)
		PERIODIC INSPECTION REPORTS (Municipal) See Inspections
		PERMIT LOG (County Management) Record no longer applicable.
		PERMITS: BURNING (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading File)

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
		PERMITS: FACILITIES USE (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment, Facility, and Vehicle Usage Records.
		PERMITS: LANDFILL (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading File)
		PERMITS: MISCELLANEOUS (NON-CONSTRUCTION) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Miscellaneous (Non-Building) Applications, Licenses, and Permits.
		REPORTS: DAILY WATER AND WASTEWATER FACILITY OPERATORS LOG See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
		REPORTS: DISCHARGE MONITORING See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		REPORTS: ENVIRONMENTAL HEALTH (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		REPORTS: LANDFILL MONITORING See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		REPORTS: U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
		REPORTS: WASTEWATER MAINTENANCE OPERATION See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		SEWAGE DISPOSAL SYSTEM INSPECTION REPORTS (Municipal) See Inspections: Sewage Disposal Systems.
		STREET ADDRESS LOG (Municipal) See Program Schedule for Local Government Agencies, Standard 19 (Street Maintenance, Public Works, and Engineering Records), Street Name and House Number File.
		STREET INFORMATION See Program Schedule for Local Government Agencies, Standard 19 (Street Maintenance, Public Works, and Engineering Records), Street Name and House Number File.
		SUBSTANDARD HOUSING INSPECTION REPORTS (Municipal) See Inspections

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
		TROUT BUFFER VARIANCES (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading File)
VIOLATIONS Description expanded to describe various kinds of violations. Changed retention from 3 years to 6 years; added "b" to account for "remaining records."		
VIOLATIONS: SOLID WASTE MANAGEMENT Changed "produced" to "issued" in item description.		
		WASTE OIL, BATTERIES, AND ELECTRONICS COLLECTION FILE See General Schedule for Local Government Records, Standard 8 (Risk Management Records), Hazardous Materials Management.
WATER ANALYSIS Cross-reference added to Violations.		

STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS

The most significant change from the previous schedule is that all items pertaining to Emergency Management are now included in the General Records Schedule: Local Government Agencies. Since Emergency Management is a function carried out by various local agencies, and since Emergency Management is not necessarily an agency paired with Emergency Medical Services (EMS) and Fire Departments, it is logical to place the Emergency Management items in the General Schedule where they apply to all local agencies. **All Emergency Management specific standards will now be found in Standard 8 (Risk and Emergency Management) of the General Records Schedule: Local Government Agencies, to be reflected in the new revisions to the General Schedule for 2020.**

Clarification note added to the standard introduction concerning body-worn camera footage from EMS and Fire Department personnel that reads: *Footage from body-worn cameras is classified with the content captured or the purpose of the footage rather than by its format. Recordings may fit under FIRE INVESTIGATION CASE FILES, DISPATCH RECORDS AND RECORDINGS, PUBLICITY RECORDS (General Schedule), TRAINING AND EDUCATIONAL RECORDS, and other items as appropriate. Footage is only confidential if it fits within an item where confidentiality is conferred by state or federal statute.*

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
	..	911 CALL RECORDINGS (CM) 911 TAPE RECORDINGS (M) See 911 Communication Records and Recordings.
	911 COMMUNICATION RECORDS AND RECORDINGS This item includes 911 Communication Records and 911 Call Recordings. Description explicitly includes both calls and text messages. New retention for all 911 records is retain for 30 days unless made part of a case file.	911 COMMUNICATION RECORDS

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		911 FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Policies and Procedures OR General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Training and Educational Records.
		ACCIDENT FILE (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Accident/Incident Reports (Customer and Employee).
		ACTIVITY REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
AMBULANCE CALL REPORTS (ACR)/PATIENT CARE REPORTS (PCR) Minimum retention period now three years after case is closed rather than eleven years. Confidentiality statutes also added.		PATIENT CARE REPORTS (M)
		AMBULANCE DISPATCH RECORDS See Dispatch Records and Recordings.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		AMBULANCE SERVICE RUN LOG See Dispatch Records and Recordings.
		ANNUAL REPORT (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		ANNUAL SUBMISSION ON PERSONNEL AND ADMINISTRATION FUNDS FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
BUILDING AND FIRE SAFETY SYSTEM PLANS Revision of Plans item to clarify coverage of building and fire safety plans for commercial, industrial, and government-owned properties, as per records typically held by local fire marshals.		
		BUILDING INSPECTIONS See Fire Safety Inspections and Permits. Other kinds of inspections are found in the Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement Records).

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		COMPANY RUN REPORT (FIRE JOURNAL) See Dispatch Records and Recordings.
		CONSOLIDATED MONTHLY REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		DAILY LOG (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
	.	DISASTER AND EMERGENCY MANAGEMENT PLANS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Disaster and Emergency Management Plans.
		DISPATCH FILE (M) See Fire Dispatch File.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
	DISPATCH RECORDS AND RECORDINGS Consolidated item includes Ambulance Dispatch Records, Ambulance Service Run Log, Company Run Report (Fire Journal), Fire Alarm Journal, and Fire Dispatch File. Item description expanded to include body-worn camera footage from EMS and Fire Department personnel responding to an emergency unless footage fits explicitly within another item. New retention of all items is 30 days unless made part of a case file. Confidentiality statutes also added.	DISPATCH RECORDINGS
		EMERGENCY NOTIFICATIONS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Emergency Notifications.
		EMERGENCY SERVICES BILLING RECORDS (M) See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Receivable.
		EMERGENCY SERVICES CORRESPONDENCE (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Correspondence and Memoranda.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		EQUIPMENT RECORDS (APPARATUS AND MAINTENANCE FILE) (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Emergency Drills and Equipment Records.
		EQUIPMENT RECORDS (APPARATUS OPERATING EXPENSE FILE) (M) Purchase orders of equipment are now found in General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Purchase Orders Reports of expenditures relating to the usage and upkeep of equipment fall under General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Budget Reports.
		EQUIPMENT RECORDS (APPARATUS TEST REPORTS) (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Emergency Drills and Equipment Records.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		EQUIPMENT RECORDS (EQUIPMENT ISSUED TO FIREFIGHTERS AND EMERGENCY PERSONNEL) (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Emergency Drills and Equipment Records.
		EQUIPMENT RECORDS (HOSE RECORDS) (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Emergency Drills and Equipment Records.
		EQUIPMENT RECORDS (HOSE TESTS) (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Emergency Drills and Equipment Records.
		EVACUATION PLANS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Disaster and Emergency Management Plans.
		EXPOSURE RECORDS (M) See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Medical Records.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		FEDERAL ASSISTANCE PROGRAMS REFERENCE RECORDS (M) As reference copies, these records can be destroyed when their reference value ends for the agency.
		FIRE ALARM JOURNAL See Dispatch Records and Recordings.
		FIRE INSPECTION REPORTS (M) See Fire Safety Inspections and Permits.
FIRE INVESTIGATION CASE FILES Confidentiality statute added for criminal investigations. Description modified to allow for agency's decision as to what to include in a fire investigation file. Cross-reference added to Case History File: Felonies and Case History File: Misdemeanors from the Law Enforcement Records standard of the Local Program Schedule.		
		FIRE INVESTIGATION RECORDS See Fire Investigation Case Files.
		FIRE LIMITS ORDINANCES See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Ordinances.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
	FIRE SAFETY INSPECTIONS AND PERMITS Item renamed to reflect inclusion of permits.	FIRE SAFETY INSPECTIONS (CM)
		FIXED NUCLEAR FACILITIES PLANS FILE See General Schedule, Standard 8 (Risk Management Records), Nuclear Facilities Plans File. Retention changed from “destroy in office after 3 years” to “destroy in office when superseded or obsolete.”
		HOSE RECORDS (CM) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Emergency Drills and Equipment Records.
		HYDRANT RECORDS (CM) HYDRANT RECORDS (LOCATION AND MAIN SIZE) (M) HYDRANT RECORDS (MAINTENANCE AND TEST FILE) (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Emergency Drills and Equipment Records.
		INVENTORY RECORDS FILE (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Inventories.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		LOCAL EMERGENCY PLANNING COMMITTEE MINUTES See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Public Bodies: Minutes.
		LOCAL EMERGENCY COMMITTEE PLANS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Disaster and Emergency Management Plans.
		NATIONAL FLOOD INSURANCE PROGRAM RECORDS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), National Flood Insurance Program Records.
		NORTH CAROLINA FIRE ASSOCIATION RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Membership Records.
		NORTH CAROLINA FIRE CASUALTY REPORT Original copy retained by N.C. State Fire Commission and covered in retention schedule for state agencies.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
NORTH CAROLINA FIRE INCIDENT REPORT Retention for original items remains permanent. Retention for copies provided to other agencies moved to General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.		
		NORTH CAROLINA FIREMAN'S PENSION FUND PRINTOUT Removed from schedule. Printouts are not the record copy of the item. The records of the Fireman's Pension Fund are maintained at the state level. Agencies may create printouts as needed, but they have no responsibility for maintaining printouts as a public record unless the local agency changes its content.
		NOTIFICATION TO CORRECT (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement Records), Violations.
		NUCLEAR CIVIL PROTECTION PLAN See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Disaster and Emergency Management Plans.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		OPERATIONS FILE (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Correspondence OR Logistics Materials.
		PATIENT CARE REPORTS (M) See Ambulance Call Reports/Patient Care Reports.
	PHARMACEUTICAL AND NARCOTICS RECORDS Consolidated item added with explanatory description and CFR citation to reflect DEA requirements for tracking administration of controlled substances. Confidentiality statutes also added.	PHARMACEUTICAL RECORDS
		PLANS See Building and Fire Safety System Plans.
		PUMP TEST RECORDS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Emergency Drills and Equipment Records.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		RADIOLOGICAL DEFENSE (RADEF) DATA BANK RADIOACTIVE MATERIAL INVENTORY See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Hazardous Materials Training Records.
		RADIOLOGICAL DATA STATION FILE See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Hazardous Materials Training Records.
		RADIOLOGICAL EQUIPMENT INVENTORY (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Inventories.
		RESOLUTIONS ON ESTABLISHMENT OF LOCAL AGENCY See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Resolutions.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		SAFETY COMMITTEE MEETINGS (CM) SAFETY COMMITTEE AGENDA AND MEETING PACKETS (M) SAFETY COMMITTEE MINUTES (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Minutes of Public Bodies.
		SHELTER FACILITY LISTING See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Disaster and Emergency Management Plans.
		STATE OF EMERGENCY ORDINANCES See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Ordinances.
		SUPERFUND AUTHORIZATION RECOVERY ACT INFORMATION FILE See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Superfund Authorization Recovery Act Information File.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		TRAINING AND EDUCATION FILE (M) See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Training and Education Records.
		VOLUNTEER FIRE/RESCUE DEPARTMENT LOGS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Logistics Materials.
		VOLUNTEER FIREFIGHTERS MEDICAL RECORDS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Medical Records.
		VOLUNTEER FIREFIGHTERS PERSONNEL RECORDS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Personnel Records (Official Copy).

STANDARD 14: PARKS AND RECREATION RECORDS

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>STANDARD 14: PARKS AND RECREATION RECORDS</i>		
		ACCIDENT/INCIDENT REPORTS (PARKS & RECREATION) (CM) ACCIDENT/INCIDENT REPORTS (PARKS & RECREATION) (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Accident/Incident Reports (Customer and Employee).
		ANNUAL ACTIVITY REPORT See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		ATHLETIC PROGRAM FILE (M) See Recreation Programs.
		BIRTH CERTIFICATES (REFERENCE COPIES) See Recreation Programs.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 14: PARKS AND RECREATION RECORDS		
		FACILITY USE PERMITS (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment, Facility, and Vehicle Usage Records.
		INTERNATIONAL FEDERATION OF PARKS AND RECREATION ADMINISTRATION FILE (CM) INTERNATIONAL FEDERATION OF PARKS AND RECREATION ADMINISTRATION FILE (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Membership Records.
		INVENTORY OF FACILITIES (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Inventories.
		MAPS FILE (M) See General Records Schedule: Local Government Agencies, Standard 3 (Geographic Information System), Maps: Parks.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 14: PARKS AND RECREATION RECORDS		
OFFICIALS FILE Description revised to: Records concerning individuals who officiate games. Includes schedule and correspondence (including e-mail). SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Payroll and Earnings Records (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS) or Seasonal and Contract Worker Records (STANDARD 6: PERSONNEL RECORDS) for disposition of payment records. Item b) deleted from Disposition Instructions		
		PARKS AND RECREATION AGENDA AND MEETING PACKETS FILE (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Public Bodies: Agenda and Meeting Packets.
		PARKS AND RECREATION BOARD MEETINGS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Public Bodies: Minutes.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 14: PARKS AND RECREATION RECORDS		
PARKS PLANNING FILE Description revised to Records concerning and to refer to all parks not just county or municipality. References to Comprehensive Plans and Maps updated to current general schedule standard.		
		PROMOTIONAL LEAFLETS AND BROCHURES (M) See General Records Schedule: Local Government Agencies, Standard 7 (Public Relations Records), Publicity Records.
		RATE AND FEE REGULATION (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Rates and Fee Schedules.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 14: PARKS AND RECREATION RECORDS		
RECREATION PROGRAMS Fees Paid added to description (CM) Disposition Instruction changed to: A) Destroy age verification records when reference value ends B) Destroy in office remaining records after 3 years (M) (CM) Description includes minor changes including change to Records concerning. Citation to GS132-1.12 added (M).		
		RECREATION EQUIPMENT RECORDS (CM) RECREATION EQUIPMENT RECORDS (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment, Repair, and Inspections Records.
		RELEASE FORMS (CM) RELEASE FORMS (M) See General Records Schedule: Local Government Agencies, Standard 6 (Legal Records), Release Forms.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 14: PARKS AND RECREATION RECORDS		
		RESERVATION RECORDS (CM) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment, Facility, and Vehicle Usage Records.
		RULES AND REGULATIONS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Administrative Directives, Regulations, and Rules
		SPECIAL EVENTS PROGRAM FILE (CM) SPECIAL EVENTS PROGRAM FILE (M) See General Records Schedule: Local Government Agencies, Standard 7 (Public Relations Records), Fund Drive and Event Records.

STANDARD 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS

The most noticeable change from previous schedules is that the title has been amended from Planning and Zoning to Planning and Regulation of Development in accordance with changes implemented in G.S. § 160A-360 (repealed effective January 1, 2021).

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>Standard 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS</i>		
		APPEARANCE COMMISSION AGENDA AND MEETING PACKETS FILE (County Management, Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Minutes of Public Bodies
		APPEARANCE COMMISSION MINUTES (County Management, Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Agenda and Meeting Packets
		APPEARANCE COMMISSION PROJECT FILE (County Management, Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Projects
		ASSESSMENT RECORDS FILE (County Management, Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS		
		BOARD OF ADJUSTMENT AGENDA AND MEETING PACKETS (County Management, Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Agenda and Meeting Packets
	BOARD OF ADJUSTMENT CASE FILES AND INDEXES Combined previous Board of Adjustment Case File and Board of Adjustment Case Index Records	
		BOARD OF ADJUSTMENT MINUTES (County Management, Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Minutes of Public Bodies
	CERTIFICATES OF APPROPRIATENESS FILE Issued by the Historic Preservation Commission and retained for life of structure.	
COMMUNITY DEVELOPMENT BLOCK GRANTS RECORDS: ADMINISTRATIVE Final reports added to item to allow for historical value retention.		

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>Standard 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS</i>		
COMMUNITY DEVELOPMENT BLOCK GRANTS RECORDS: APPLICATIONS Disposition added for rejected applications. Final reports removed from item and added to CDBG Administrative records.		
	COMMUNITY DEVELOPMENT BLOCK GRANTS RECORDS: OUTSTANDING LOAN BALANCES	
	COMMUNITY DEVELOPMENT BLOCK GRANTS RECORDS: SUBJECT TO REVERSION OF ASSETS PROVISIONS OR CHANGE OF USE OF REAL PROPERTY	
COMPREHENSIVE PLAN AND AMENDMENTS FILE Modified to excise "Land Use" from title to coincide with definition given in G.S. 160D 1-2. Modified "b" disposition to read "remaining records" instead of listing specific titles.		
EASEMENT RELEASE REQUEST FILE Removed "approved by the Planning Board" from description as statute does not dictate who has approval authority and is performed by more than just the planning board.		

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>Standard 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS</i>		
		FEASIBILITY STUDIES See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
MASTER SUMMARY (LOG OR REGISTER) Retention changed from “permanent” to “destroy when superseded/obsolete.” The Log itself is permanent but the information added to the log is what the retention instructions should be applied to.		
		ORTHOPHOTOGRAPHY (County Management) See General Records Schedule: Local Government Agencies, Standard 3 (Geographic Information System (GIS) Records), Layers: Orthoimagery.
		PHOTOGRAPHS AND NEGATIVES (AERIAL) (County Management) See General Records Schedule: Local Government Agencies, Standard 3 (Geographic Information System (GIS) Records), Layers: Orthoimagery.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>Standard 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS</i>		
		PLANNING AND ZONING BOARD MEETINGS (County Management) (Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Agenda and Meeting Packets and Minutes of Public Bodies.
		PLANNING AND ZONING STUDIES (County Management) (Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Strategic Plan and Projects.
		PRELIMINARY SUBDIVISION AND GROUP DEVELOPMENT SITE PLANS See Subdivisions.
		REDEVELOPMENT PLANNING RECORDS (County Management) (Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Strategic Plan.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>Standard 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS</i>		
		REFERRED PROJECTS (County Management) (Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File.
SPECIAL USE PERMIT RECORDS AND INDEX FILE Amended to change "Conditional Use" to "Special Use" to fit definitions given in G.S. 160D. Also removed "sign permits and temporary use" permits from description as these are covered under Permits: Zoning Compliance.		
		STREET NAMES AND CHANGES OF STREET NAMES FILE (County Management) (Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File.
SUBDIVISION RECORDS "Maps" and "plats" removed from item description. Cross-reference added to Maps, Plats, and Other Drawings.		

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG



CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>Standard 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS</i>		
VARIANCES Retention changed to now maintain item permanently in the minutes of the Board of Adjustment or other governing body.		

STANDARD 16: PUBLIC HOUSING AUTHORITIES AND REDEVELOPMENT COMMISSION RECORDS

General note: In the case of many grant-funded records, numerous new records series have been added to reflect the very precise retention requirements for these records established by the federal government.

Community Development Block Grant records moved to Standard 15: Planning and Regulation of Development Records.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>Standard 16: PUBLIC HOUSING AUTHORITIES AND REDEVELOPMENT COMMISSION RECORDS</i>		
		CDBG RECORDS See Program Records Schedule: Local Government Agencies, Standard 15 (Planning and Regulation of Development Records), Community Development Block Grant (CDBG) Records: Administrative, Applications, Outstanding Loan Balances, AND Records Subject to Reversion of Assets Provisions or Change of Use of Real Property.
	CONTINUUM OF CARE RECORDS	
	CRIMINAL RECORDS CHECKS	
	EMERGENCY SOLUTIONS GRANTS RECORDS	
	HOME INVESTMENT PARTNERSHIPS PROGRAM RECORDS	LAND MARKETING AND DEVELOPMENT RECORDS PROPERTY MANAGEMENT RECORDS REHABILITATION LOAN RECORDS RELOCATION RECORDS
	HOUSING ASSISTANCE FOR PERSONS WITH DISABILITIES	

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>Standard 16: PUBLIC HOUSING AUTHORITIES AND REDEVELOPMENT COMMISSION RECORDS</i>		
	HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS RECORDS	
	LANDLORD MONITORING RECORDS	
REDEVELOPMENT PLANS Changed title to encompass approved as well as rejected plans; added description; clarified disposition instructions for approved vs. rejected projects		CERTIFICATION FILE

STANDARD 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>Standard 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS</i>		
		ACCREDITATION RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Accreditation Records.
		AGENCY LOGS (SHEETS) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		APPLICATIONS FOR AWARDS If application is for employee awards, see General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Service Awards and Commendations. For application is for public awards, see General Records Schedule: Local Government Agencies, Standard 7 (Public Relations Records), Community Awards.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS		
		CALL IN LOGS (SHEETS) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Vehicle Maintenance, Repair, and Inspection Records AND Standard 5 (Information Technology Records) Voice Over Internet Protocol (VoIP) Records.
		CUSTOMER (RIDER) ALERTS See General Records Schedule: Local Government Agencies, Standard 7 (Public Relations Records), Publicity Records.
		DISPATCH RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		LOST AND FOUND RECORDS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Lost, Stolen, or Damaged Property Reports.
		NATIONAL TRANSIT DATABASE (NTD) REPORT See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS		
		OPERATOR BID RECORDS See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Bids for Purchase.
		OPERATOR SCHEDULING AND ASSIGNMENT RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies and Standard 4 (Human Resources Records), Work Schedules and Assignments.
		RADIO DISPATCH RECORDINGS AND LOGS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies
		RIDERSHIP REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment, Facility, and Vehicle Usage Records.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS		
		ROUTE MAINTENANCE RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Facility Maintenance, Repair, and Inspection Records.
		ROUTE REQUESTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Citizen Comments, Complaints, Petitions, and Service Requests
		SAFETY CERTIFICATIONS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Accreditation Records.
		SERVICE PERFORMANCE RECORDS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Performance Reviews.
		SERVICE PLANNING AND DEVELOPMENT RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Strategic Plan.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS		
		SHELTER RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Blueprints and Specifications AND Inventories.
		SHUTTLE LOGS (SHEETS) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		TERMINAL DISPATCH RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		TICKET CONSIGNMENT RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Inventories
		TRANSPORTATION SYSTEM OPERATIONS REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS		
		TRANSPORTATION SYSTEM SERVICE PERFORMANCE EVALUATIONS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment, Vehicle, and Facility Usage Records.
		TRANSPORTATION SYSTEM STATISTICAL RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		TRIP REQUESTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Citizen Comments, Complaints, Petitions, and Service Requests
		VEHICLE BREAKDOWN RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment, Vehicle, and Facility Usage Records and Work Orders

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>Standard 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS</i>		
		VEHICLE OPERATOR INSTRUCTIONS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment and Vehicle Reference Records
		VEHICLE USAGE LOGS (SHEETS) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS

This standard combines the Municipal Schedule Standard 17, Public Utilities and Environmental Management Records, and the County Management Schedule Standard 15, Public Utilities and Waste Management Records. To ease searching, records series have been loosely grouped into the categories Environmental Records, Erosion Control Records, Flood Control Records, Utilities Records, and Water Quality Records. This change log indicates name changes under “changes” and the Municipal and County items that have been superseded under “discontinued items.” Some overlap was found with County Management Schedule Standard 5, Code Enforcement and Inspection Records. In these cases, the records series can now be found on the Local Government Program Schedule Standard 12, Code Enforcement and Inspection.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		ABANDONED UTILITY LINE RECORDS See Program Records Schedule: Local Government Agencies , Standard 18 (Public Utilities And Environmental/Waste Management Records), Utilities: Public Utilities System Engineering, Maintenance, and Repair Records.
		AIR POLLUTION SOURCE INFORMATION (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Air Pollution Source Information.
		ANNUAL REPORTS: UTILITIES See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		ASBESTOS DISPOSAL FILE (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Hazardous Materials Management.
		BATTERY COLLECTION FILE (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Discharge Monitoring Reports.
		CABLE TELEVISION FRANCHISE RECORDS Service reports repealed by Session Law 2018-145. Remaining functions performed at state level by NC Department of the Secretary of State as of 2007 according to G.S. 66-351.
		CHRONOLOGY FILE (M) Item removed. Records in chronology file should be treated under their appropriate category in this schedule. Copies of records compiled in a ready reference file do not create new record copies.
		COMMUNITY WATER SYSTEM PERMIT (M) Record copy created and issued by N.C. Department of Environmental Quality. Copy kept at local level is a reference copy.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		COMPLAINTS (EROSION AND SEDIMENT CONTROL) (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records, Constituent Comments, Complaints, and Service Requests.
ENVIRONMENTAL: COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN AND AMENDMENTS Background surveys, studies, reports, and drafts integrated into Disposition (b), destroy in office when superseded or obsolete. Cross-reference added to General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Comprehensive Plan.		COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN AND AMENDMENTS (M)
		CONSTRUCTION DRAWINGS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Blueprints and Specifications.
		COUNTY LANDFILL RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Landfill Operational Plan.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		CUSTOMER ACCOUNT HISTORIES (M) See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Receivable for financial history. See Environmental: Customer Usage Records for usage history.
		CUSTOMER DEPOSIT RECORDS (M) See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Receivable.
		CUSTOMER FINANCIAL RECORDS See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Receivable.
ENVIRONMENTAL: CUSTOMER USAGE RECORDS		CUSTOMER USAGE RECORDS
		CUSTOMER WORK ORDERS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records, Constituent Comments, Complaints, and Service Requests.
ENVIRONMENTAL: DAILY DISPOSAL TICKETS		DAILY DISPOSAL TICKETS (M)

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
UTILITIES: DAILY WATER AND WASTEWATER FACILITY OPERATORS LOGS Description of item added. Disposition order reversed to reflect that wastewater treatment facility logs are retained longer than those of water treatment facilities.		DAILY FACILITY OPERATORS LOGS AND REPORTS (M)
		DAILY PLANT RECORDS (M) If waste or wastewater treatment plant, see Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Daily Water and Wastewater Facility Operators Logs. If other facility, see General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		DAILY REPORT OF OPERATIONS AND COSTS (M) If waste or wastewater treatment plant, see Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Daily Water and Wastewater Facility Operators Logs. If other facility, see General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies AND Standard 2 (Budget, Fiscal, and Payroll Records), Budget Reports.
		DAILY TRIP REPORTS/LOGS (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		DAM CONSTRUCTION FILES (M) See Program Records Schedule: Local Government Agencies, Standard 19 (Street Maintenance, Public Works, and Engineering Records), Project Records: Core.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		DAM OPERATIONS AND MAINTENANCE FILES (M) See Program Records Schedule: Local Government Agencies, Standard 19 (Street Maintenance, Public Works, and Engineering Records), Infrastructure Maintenance Records.
		DIRECT DRAFT AUTHORIZATIONS (M) See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Electronic Funds Transfers (EFT).
ENVIRONMENTAL: DISCHARGE MONITORING REPORTS Order of dispositions changed to place longest retention requirements (NPDES reports and annual reports) ahead of daily reports.		DISCHARGE MONITORING REPORTS (M)
		DRIVERS' DAILY REPORTS (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		DROUGHT CONTINGENCY PLANS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Drought Contingency Plans.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
UTILITIES: ELECTRIC POWER AND NATURAL GAS FACILITY ENGINEERING AND SYSTEM PLANS Description of item added. Cross-reference added to General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Comprehensive Plan. Disposition changed. Records are no longer permanent. If records are an element of the Comprehensive Plan, destroy in office when reference value ends. If not an element of the Comprehensive Plan, destroy in office when superseded or obsolete.		ELECTRIC POWER AND NATURAL GAS FACILITY ENGINEERING AND SYSTEM PLANS (M)
UTILITIES: ELECTRIC POWER AND NATURAL GAS PERMITS AND APPROVAL RECORDS		ELECTRIC POWER AND NATURAL GAS PERMITS AND APPROVAL RECORDS (M)
		ELECTRIC POWER AND NATURAL GAS SYSTEM INSPECTIONS AND TESTS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Public Utilities System Engineering, Maintenance, and Repair Records.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
UTILITIES: ELECTRIC POWER AND NATURAL GAS SYSTEM MAINTENANCE AND REPAIR RECORDS Disposition (b) removed; disposition for all records now destroy in office 3 years after equipment is no longer owned and/or operational.		ELECTRIC POWER AND NATURAL GAS SYSTEM MAINTENANCE AND REPAIR RECORDS (M)
UTILITIES: ELECTRIC POWER AND NATURAL GAS SYSTEM MANAGEMENT PLANS Cross-reference added to General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Comprehensive Plan. Disposition changed from retain in office permanently to retain in office for life of system and then destroy.		ELECTRIC POWER AND NATURAL GAS SYSTEM MANAGEMENT PLANS (M)
UTILITIES: ELECTRIC POWER AND NATURAL GAS SYSTEM PROJECT RECORDS Disposition (a) modified for pre-approval and final approval letters from retain permanently to retain for life of system and then destroy.		ELECTRIC POWER AND NATURAL GAS SYSTEM PROJECT RECORDS (M)

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		ENFORCEMENT CASES: EROSION AND SEDIMENT CONTROL (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Erosion and Sediment Control Enforcement Cases.
		ENGINEERING REPORTS FILE (M) See Program Records Schedule: Local Government Agencies, Standard 15 (Planning and Regulation of Development Records), Planning Review Case File.
EROSION CONTROL: EROSION AND SEDIMENT AFFIDAVITS		EROSION AND SEDIMENT AFFIDAVITS (M)
EROSION CONTROL: EROSION AND SEDIMENT CONTROL EXHIBIT RECORDS		EROSION AND SEDIMENT CONTROL EXHIBIT RECORDS (M)
		EROSION AND SEDIMENT CONTROL NOTICE OF VIOLATIONS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Violations: Building and Housing.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
EROSION CONTROL: EROSION AND SEDIMENT CONTROL INSPECTIONS Description of item added. Disposition changed from destroy in office 3 years after final site inspection to destroy in office 6 years after final site inspection.		EROSION AND SEDIMENT CONTROL INSPECTIONS (M)
		EROSION AND SEDIMENT CONTROL PERMIT LOGS (M) See Erosion Control: Erosion and Sediment Control Permits.
		EROSION AND SEDIMENT CONTROL PERMIT RECEIPT BOOKS (M) See Erosion Control: Erosion and Sediment Control Permits.
EROSION CONTROL: EROSION AND SEDIMENT CONTROL PLANS Description of item revised to specify that item includes revisions, addendums, and records delineating who is financially responsible for the project. Disposition of approved plans changed from destroy in office 6 years after approval or last revision and/or addendum to destroy in office 3 years after expiration.		EROSION AND SEDIMENT CONTROL PLANS (M)

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		EROSION AND SEDIMENT CONTROL TRADES CERTIFICATIONS (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Accreditation Records.
		EXEMPTION (VARIANCE) RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Exemption (Variance) Records.
		FINAL INSPECTION REPORTS (M) See Program Records Schedule: Local Government Agencies, Standard 15 (Planning and Regulation of Development Records), Planning Review Case File.
		FINANCIAL RESPONSIBILITY AND OWNERSHIP RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 19 (Street Maintenance, Public Works, and Engineering Records), Project Records: Engineering and Compliance.
	FLOOD CONTROL: FLOOD CERTIFICATIONS	
	FLOOD CONTROL: FLOOD STUDIES	

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		GARBAGE SERVICE FILE (M) See Environmental: Comprehensive Solid Waste Management Plan and Amendments AND General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records, Constituent Comments, Complaints, and Service Requests AND Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Receivable.
		GROUNDWATER MONITORING RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Groundwater Monitoring Records.
		HAZARDOUS WASTE DISPOSAL RECORDS (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Hazardous Materials Management.
		ILLEGAL DUMPING FILE (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Illegal Dumping File.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		INFORMATION AND WORKING FILE (M) Removed from schedule as information and working files are considered records with transitory or reference value until they are placed into another item.
UTILITIES: PUBLIC UTILITIES INSPECTION FORMS		INSPECTION FORMS (M)
		INSPECTIONS (EROSION AND SEDIMENT CONTROL) (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Inspections.
		INSPECTOR WORKSHEETS/NOTES (M) Item removed from schedule. Worksheets and notes have transitory value. Inspections are records of longer-term value.
WATER QUALITY: LABORATORY OPERATIONS RECORDS Description clarified to specify that records pertain to certification obtained by agency.		LABORATORY OPERATIONS RECORDS (M)
		LANDFILL INSPECTION RECORDS (M) See Environmental: Landfill Operational Plan.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
ENVIROMENTAL: LANDFILL MONITORING REPORTS (M) Cross-reference added to General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Audits: Performance. Retention citation added: 15A NCAC 13B .1626(10)		LANDFILL MONITORING REPORTS (M)
ENVIRONMENTAL: LANDFILL OPERATIONAL PLAN Disposition changed from retain in office permanently to destroy in office when superseded or obsolete. Authority citation added: G.S. 130A-309.09D		LANDFILL OPERATIONAL PLAN (M)
ENVIRONMENTAL: LANDFILL PERMITS Description for item added Disposition split into two groups of records: Retain construction and operation permits for life of system and then destroy, while all other permits and related records are eligible for destruction after the 5-year reporting period is complete.		LANDFILL PERMITS (M)

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		LANDFILL TONNAGE AND COST FILE (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Landfill Tonnage and Cost File.
UTILITIES: LANDLORD AGREEMENTS Disposition modified to destroy in office 3 years after expiration of agreement.		LANDLORD AGREEMENTS
		LEAD AND COPPER COMPLIANCE RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Lead and Copper Compliance Records.
		LIFT STATION INFORMATION FILE (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Public Utilities System Engineering, Maintenance, and Repair Records.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		LINE INSPECTION MAPS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Public Utilities System Engineering, Maintenance, and Repair Records.
		LOAD INSPECTION RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Inspections.
UTILITIES: MAPS (UTILITY INSTALLATIONS & DISTRIBUTIONS) Cross-reference added to General Records Schedule: Local Government Agencies, Standard 3 (Geographic Information System (GIS) Records), Maps: All Other. Disposition modified from retain permanently to retain for life of system and then destroy.		MAPS (UTILITY INSTALLATIONS & DISTRIBUTIONS)

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		METER RECORDS (ELECTRIC, WATER, GAS) (CM) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Electric Power and Natural Gas System Maintenance and Repair Records.
		METER READING RECORDS (ELECTRIC, WATER, GAS) (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Customer Usage Records.
UTILITIES: METER INSTALLATION, TESTING AND CALIBRATION RECORDS (ELECTRIC, WATER, GAS) Description of item added. Dispositions changed. For records verifying installation of meter, destroy in office 3 years after equipment is no longer owned and/or operational. For notices to property owners of approval of utility installation, destroy in office after 2 years. For remaining records, destroy in office when reference value ends.		METER TESTING AND CALIBRATION RECORDS (ELECTRIC, WATER, GAS) (M)

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		MONTHLY REPORTS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Discharge Monitoring Reports AND General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		MONTHLY REPORTS (LOCAL) (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Discharge Monitoring Reports AND General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
ENVIRONMENTAL: NOTICE OF VIOLATIONS FOR IMPROPER DISCHARGE OR DISPOSAL FILE Description of item added. Disposition changed from destroy when reference value ends to one year after resolution.		NOTICE OF VIOLATIONS FOR IMPROPER DISCHARGE OR DISPOSAL FILE (M)

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		NOTICE TO PROPERTY OWNERS OF APPROVAL OF WATER UTILITY INSTALLATION (CM) NOTICE TO PROPERTY OWNERS OF APPROVAL OF UTILITY INSTALLATION (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Meter Installation, Testing, and Calibration Records (Electric, Water, Gas)
ENVIRONMENTAL: OUTSIDE WASTE CLEARANCE RECORDS		OUTSIDE WASTE CLEARANCE RECORDS
		PARTICIPATION CONTRACTS (M) See General Records Schedule: Local Government Agencies, Standard 6 (Legal Records), Contracts, Leases, and Agreements.
		PERIODIC INSPECTION REPORTS OF INDUSTRIAL FACILITIES (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Inspections.
EROSION CONTROL: EROSION AND SEDIMENT CONTROL PERMITS		PERMITS (EROSION AND SEDIMENT CONTROL) (M)

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		PRELIMINARY PLAN REVIEW FILE (M) See Program Records Schedule: Local Government Agencies, Standard 15 (Planning and Regulation of Development Records), Planning Review Case File.
WATER QUALITY: PRETREATMENT PROGRAM RECORDS		PRETREATMENT PROGRAM RECORDS
UTILITIES: PUBLIC UTILITIES SYSTEM ENGINEERING, MAINTENANCE, AND REPAIR RECORDS Disposition for as built plans and specifications changed from retain permanently to retain for life of system and then destroy. Dispositions re-ordered from longest length of required retention to shortest.		PUBLIC UTILITIES SYSTEM ENGINEERING, MAINTENANCE, AND REPAIR RECORDS (CM)
		RATE SCHEDULES (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Rate and Fee Schedules.
		RECYCLING TONNAGE RECORDS (M) See General Record Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
	UTILITIES: RECYCLING WATER RECORDS	
		REPORTS: RECYCLING TONNAGE (CM) See General Record Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		ROUTINE REPORTS (SANITATION) (M) See General Record Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		SANITARY LANDFILL INSPECTIONS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Landfill Operational Plan.
WATER QUALITY: PUBLIC WATER SANITARY SURVEY RECORDS Cross-reference added to General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Audits: Performance. Disposition added for documentation of correction measures to destroy those records 2 years after their implementation.		SANITARY SURVEY RECORDS

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		SCALE HOUSE VIDEO MONITORING RECORDINGS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Office and Property Security Records.
		SERVICE AGREEMENTS See General Records Schedule: Local Government Agencies, Standard 6 (Legal Records), Contracts, Leases, and Agreements.
UTILITIES: SERVICE INTERRUPTION RECORDS		SERVICE INTERRUPTION RECORDS
WATER QUALITY: SEWER JETTING AND VECTORING RECORDS		SEWER JETTING AND VECTORING RECORDS
WATER QUALITY: SLUDGE TREATMENT RECORDS Description modified to clarify that documentation is “conducted by or for agency.”		SLUDGE TREATMENT RECORDS
		SOLID WASTE CONVENIENCE CENTER FILE See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Discharge Monitoring Reports.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		SOLID WASTE MANAGEMENT VIOLATION RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Violations: Solid Waste Management.
		SOLID WASTE REPORTS (M) See General Record Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		SOLID WASTE SERVICE FILE See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Comprehensive Solid Waste Management Plan and Amendments AND General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records, Constituent Comments, Complaints, and Service Requests AND Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Receivable.
	WATER QUALITY: STORMWATER DEVIATION PERMITS	

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		SURETY BOND INFORMATION (M) See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Bond Closing Records AND Bond Register AND Bonds, Notes, and Coupons.
UTILITIES: TAP AND HOOK UP RECORDS Confidentiality citation added: G.S. 132-1.1(c).		TAP AND HOOK UP RECORDS
EROSION CONTROL: TROUT BUFFER VARIANCES Cross-reference added to Program Records Schedule: Local Government Agencies, Standard 15 (Planning and Regulation of Development Records), Variances. Authority citation added: 15A NCAC 04B .0125		TROUT BUFFER VARIANCES (M)
ENVIRONMENTAL: REPORTS SUBMITTED TO U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)		U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) REPORTS (M)
		VALVE OPERATION FILE (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Valve Operation File.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
WATER QUALITY: VIOLATION RECORDS		VIOLATION RECORDS (M)
		WASTE ELECTRONICS COLLECTION FILE (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Discharge Monitoring Reports.
		WASTE OIL COLLECTION FILE (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Discharge Monitoring Reports.
UTILITIES: WASTEWATER MAINTENANCE OPERATION REPORTS		WASTEWATER MAINTENANCE OPERATION REPORT (M)
		WASTEWATER POLLUTION CONTROL AND ABATEMENT RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Wastewater Pollution Control and Abatement Records.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		WASTEWATER QUALITY ANALYSIS RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Wastewater Quality Analysis Records.
		WATER ANALYSIS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Water Analysis.
		WATER AND SEWER PROJECTS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Public Utilities System Engineering, Maintenance, and Repair Records.
		WATER AND WASTEWATER FACILITY ENGINEERING AND SYSTEM PLANS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Public Utilities System Engineering, Maintenance, and Repair Records.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
UTILITIES: WATER AND WASTEWATER PERMITS AND APPROVAL RECORDS Order of dispositions reversed to place records for permanent value first.		WATER AND WASTEWATER PERMITS AND APPROVAL RECORDS (M)
WATER QUALITY: WATER AND WASTEWATER SYSTEM INSPECTIONS AND TESTS		WATER AND WASTEWATER SYSTEM INSPECTIONS AND TESTS (M)
		WATER AND WASTEWATER SYSTEM MAINTENANCE AND REPAIR RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Public Utilities System Engineering, Maintenance, and Repair Records.
		WATER AND WASTEWATER SYSTEM MANAGEMENT PLANS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Public Utilities System Engineering, Maintenance, and Repair Records.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		WATER AND WASTEWATER SYSTEM PROJECT RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Public Utilities System Engineering, Maintenance, and Repair Records.
		WATER CONSERVATION VIOLATION NOTICES (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Violations: Water Conservation.
		WATER STOCK PURCHASE RECORDS (M) See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Payable.
		WATER SYSTEM OPERATIONS RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Water System Operations Records.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS</i>		
		WATER TANKS, SPECIFICATIONS, AND BOOSTER STATIONS FILE (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Water Tanks, Specifications, and Booster Stations File.
		WEIGH TICKETS/SCALE RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Landfill Operational Plan.

SECTION 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>Standard 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS</i>		
APPRAISAL REPORTS Description for item now specifies that it covers “records appraising privately owned land for compensation in eminent domain projects.” Added cross-reference to General Records Schedule: Local Government Agencies, Standard 6 (Legal Records), Easements and Right-of-Way Records.		APPRAISAL REPORTS FILE
		COMPLIANCE RECORDS See Program Records Schedule: Local Government Agencies, Standard 19: Street Maintenance, Public Works, and Engineering Records), Project Records – Engineering and Compliance.
		EMERGENCY OPERATIONS PLANS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Disaster and Emergency Management Plans.
		ENVIRONMENTAL ASSESSMENT RECORDS See Program Records Schedule: Local Government Agencies, Standard 19 (Street Maintenance, Public Works, and Engineering Records), Project Records – Engineering and Compliance.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>Standard 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS</i>		
	INFRASTRUCTURE MAINTENANCE RECORDS FILE	MAINTENANCE RECORDS FILE
		PEST CONTROL RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Pest Control.
	PROJECT RECORDS: CANCELLED	PRE-PROJECT RECORDS
PROJECT RECORDS – ENGINEERING AND COMPLIANCE This item now includes records previously found under Compliance Records and Environmental Assessment Records. Grants removed from description. Cross-reference added to General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Grants, and Standard 2 (Budget, Fiscal, and Payroll Records), Grants: Financial. Payroll removed from description. Cross-reference added to General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Payroll and Earnings Records.		PROJECT RECORDS – ENGINEERING

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>Standard 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS</i>		
		PROJECT RECORDS – WORK PAPERS Working Papers are public records, but they are no longer included on the schedule as the only records with long-term value are the final versions of the project records, as documented in Project Records – Cancelled, Project Records – Core, and Project Records – Engineering and Compliance.
		PROJECT TRACKING RECORDS When these records have long-term value, they are now consolidated into either Project Records – Cancelled, Project Records – Core, or Project Records – Engineering and Compliance.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>Standard 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS</i>		
RIGHT-OF-WAY ACQUISITION WORKING RECORDS Includes working versions of items previously found under Right-of-Way Acquisition Records Cross-reference added to General Records Schedule: Local Government Agencies, Standard 6 (Legal Records), Easements and Right-of-Way Records. Final versions of Acquisition Records fall under the Easements and Right-of-Way Records in the General Records Schedule: Local Government Agencies; this item includes only working papers. Right-of-Way Acquisition Working Records have a retention period of three years rather than a permanent retention in office.		RIGHT-OF-WAY ACQUISITION RECORDS
		RIGHT-OF-WAY APPRAISAL RECORDS See General Records Schedule: Local Government Agencies Standard 6 (Legal Records), Easements and Right-of-Way Records.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>Standard 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS</i>		
		RIGHT-OF-WAY CORRESPONDENCE FILE See Program Records Schedule: Local Government Agencies, Standard 19 (Street Maintenance, Public Works, and Engineering Records), Right-of-Way Acquisition Working Records.
		STREET CLEANING RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies. Follow the disposition instructions under this item based on the kind of report generated by street cleaning efforts.
STRUCTURAL MAINTENANCE AND ANALYSIS RECORDS Disposition A modified to allow for destruction three years after the end of life of a permanent structure. Now includes a cross-reference to General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Blueprints and Specifications.		

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>Standard 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS</i>		
SURVEY FIELD RECORDS Records that do not have historical value are now to be retained until superseded or obsolete, rather than when reference value ends. Cross-reference added to General Records Schedule: Local Government Agencies, Standard 6 (Legal Records), Easements and Right-of-Way Records.		
		TESTING AND INSPECTION RECORDS See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement), Building and Road Permitting and Inspection Records.
		TRAFFIC ACCIDENT DATA FILE See General Records Schedule: Local Government Agencies, Standard 4 (Information Technology Records), Data Documentation Records.
	TRAFFIC VIDEO RECORDINGS AND DATA Includes the metadata generated by video recordings as well as the recordings themselves.	TRAFFIC CAMERA RECORDINGS
		TRAFFIC OPERATIONS PROGRAM FILE Records from the TOPICS program deleted from schedule as program is no longer active.

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG



CHANGES	NEW ITEMS	DISCONTINUED ITEMS
<i>Standard 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS</i>		
		TRAFFIC SIGNAL FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment, Vehicle, and Facility Usage Records.

STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		ABANDONED MOTOR VEHICLES (AMV) FILE See Auction Records.
		ACCREDITATION RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Accreditation Records.
		ACTIVITY REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
ALARM CALL REPORTS Amended description to include residences.		
		ALERTS FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Bulletins.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		AMBULANCE CALL RECORDS See Program Records Schedule for Local Government Agencies, Standard 13 (Emergency Medical Services and Fire Department Records), Ambulance Call Reports (ACR)/Patient Care Reports (PCR).
	ARREST PROCESSING RECORDS Merging of Arrest Processing: DWI Tracking Records and Arrest Processing: Tracking Records	
		AUTOMOBILES AND PROPERTY IN STORAGE: SALES AND REPORTS RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies, and Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Receivable.
		BASIC TRAINING RECORDS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Law Enforcement Training.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		BICYCLE REGISTRATION See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Miscellaneous (Non-Building) Applications, Licenses, and Permits.
		BINGO LICENSURE RECORDS Original records created and retained by Department of Public Safety. For copies, see General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File.
		BREATHALYZER RECORDS See Chemical Analysis Records.
		CASE HISTORY FILE: CASES NOT OFFICIALLY INVESTIGATED Covered by various items on Law Enforcement standard of Local Government Program Schedule
DRUG AND ALCOHOL TESTING RECORDS Revised title and description to include DWI and Breathalyzer Records		

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		CITIZEN COMPLAINTS/ADMINISTRATIVE INVESTIGATION RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Constituent Comments, Complaints, Petitions, and Service Requests.
		COMMENDATION LETTERS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Service Awards and Commendations.
		COMMUNICATIONS RECORDS (REQUESTS AND RECEIPTS) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Requests for Information.
		CONFIDENTIAL FUNDS RECORDS See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Payable.
		CRIME PREVENTION RECORDS See Crime Analysis Records.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		CRIMINAL HISTORY RECORDS See Arrest Reports, Fingerprint Cards, and Identification Photographs.
		DAILY BULLETINS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Bulletins.
		DETENTION FACILITY INSPECTION REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Facility Maintenance, Repair, and Inspection Records.
DETENTION FACILITY INCIDENT REPORTS Title changed from INCIDENT REPORTS: DETENTION FACILITY		
DETENTION FACILITY PHYSICAL FORCE RECORDS Title changed from Physical Force Records		
		DOMESTIC VIOLENCE: ACTIVITY REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		DOMESTIC VIOLENCE CASE FILES: CLOSED (COPIES) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File. Original maintained by court system.
		DRIVER'S LICENSE REVOCATIONS FILE See respective case file related to revocation
		DRIVING WHILE IMPAIRED (DWI) REPORTS FILE See Chemical Analysis Records.
		DWI KNOLL MOTIONS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File. Original maintained by court system.
	ELECTRONIC RECORDINGS OF INTERROGATIONS	
		ELECTRONIC/VIDEO RECORDINGS OF INTERROGATIONS (HOMICIDE) See Electronic Recordings of Interrogations (Juvenile and Certain Felonies).

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		EMERGENCY ACTION RECORDS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Disaster and Emergency Management Plans.
		EQUIPMENT INVENTORY AND ISSUANCE RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Inventories.
		EXTRADITION CASE RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File. Original maintained by Office of the Governor.
		FALSE ALARM REPORTS AND VIOLATIONS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		FEDERAL FIREARMS NOTIFICATION RECORDS Copies. Originals maintained by federal government.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		FEDERAL FOREFEITURE RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Grants, and Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Receivable and Grants: Financial.
FIELDS OBSERVATIONS Removed "Reports" from Title		
		FINGERPRINT CARDS (LATENT) See Fingerprint Cards.
		FIREARMS RANGE FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment, Facility, and Vehicle Usage Records.
		FIREARMS TRAINING RECORDS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Aptitude and Skills Testing Records and Standard 6: Law Enforcement Training.
		HANDGUN PERMITS See Permits: Concealed Weapons and Handguns.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		HOUSE AND SPECIAL CHECK REQUESTS See Incident Response Reports.
		IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE DETAINEE RECORDS) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File. Original records maintained by County Sheriff's Department.
		INCIDENT REPORTS: DETENTION FACILITY See Incident Response Reports
INMATE DEATH REPORTS Renamed from Death of Inmate Reports		
INMATE INCARCERATION RECORDS Removed "(Active and Inactive)" from title.		
INMATE RESEARCH REQUESTS Changed Title from Inmate Law Library (Research) Requests		
		INTERNAL AFFAIRS CASE RECORDS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Administrative Investigations.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
	LABORATORY CASE RECORDS Included to cover investigative agencies which create and maintain laboratory records as part of criminal investigations. Records created and maintained separately from State Bureau of Identification.	
	LAW ENFORCEMENT AUDIO AND VIDEO RECORDINGS	
		LIST OF INMATE REPORTS Reports delivered to and maintained by Clerk of Superior Court
		MASTER INDEX FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Indices.
		MOBILE UNIT VIDEO TAPES See Law Enforcement Audio and Video Recordings.
		MODIFIED DIET REQUESTS (INMATES) See Inmate Meal Records.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		MONTHLY CONFINEMENT (JAIL) REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File. Original records by Department of Health and Human Services.
		MUTUAL AID AGREEMENT RECORDS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Dual Employment.
		OBSERVATION REPORTS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Training and Educational Records.
		PARKING METER RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Inventories.
		PARKING METER COLLECTIONS RECORDS See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Receivable.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		PAROLE COMMISSION NOTIFICATION REPORTS Records received and retained by North Carolina Post-Release Supervision & Parole Commission
PAWNSHOP RECORDS Title changed from Pawnshop Cards		
		PEER COUNSELING (LAW ENFORCEMENT) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Projects, Standard 1: Reports and Studies, and Standard 7 (Public Relations Records), Conferences and Workshops.
	PERMITS: CONCEALED WEAPONS AND HANDGUNS	
		PERSONAL HISTORIES OF KNOWN OR SUSPECTED LAW BREAKERS See Arrest Reports, Fingerprint Cards, and Identification Photographs.
		PERSONNEL INSPECTION REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		PHYSICAL FORCE RECORDS See Detention Facility Incident Reports.
		POLYGRAPH AND DRUG SCREENING PROGRAM See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
PROPERTY RECORDS Consolidated Confiscated, Evidence, Stolen/Recovered, and Unclaimed Property records		
		PURSUIT LOGS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		REIMBURSEMENT REQUESTS FOR INMATES CONFINED LOCALLY See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Payable.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		SHIFT ASSIGNMENT RECORDS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Work Schedules and Assignments.
		SPECIAL ORDER RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Policies and Procedures.
		SQUAD LEADER PROMOTION FILE See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Performance Reviews, and Standard 6: Position Evaluations.
		STATISTICAL REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		STOLEN MOTOR VEHICLES FILE See Case Files: Misdemeanors, Case Files: Felonies, and Incident Response Reports.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		TAXICAB INSPECTION AND LICENSING FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Miscellaneous (Non-Building) Applications, Licenses, and Permits.
		TOWED/SEIZED VEHICLE INVENTORIES See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Inventories.
		TRAFFIC CITATION AND PARKING TICKET, RECORDS OF DATES TURNED IN BY POLICE OFFICER See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		TRAFFIC STOP REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		TRAINEE INTERN PROGRAM FILE See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Internship Program.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		TRAINING ATTENDANCE FILE See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Training and Educational Records.
		TRAINING RECORDS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Law Enforcement Training.
		TRAINING RECORDS: PERSONNEL See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Training and Educational Records, and Standard 6: Law Enforcement Training.
		TRANSIENT SOLICITOR REGISTRATION FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Miscellaneous (Non-Building) Applications, Licenses, and Permits.
TRESPASS RECORDS Amended title and description. Adjusted disposition instructions.		

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		UNIFORM CRIME REPORTS (UCR) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		VEHICLE INSPECTION AND INVENTORY REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment and Vehicle Maintenance, Repair, and Inspection Records.
		WANTED PERSONS FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Bulletins.
		WARNING TICKETS See Traffic Citations and Warnings.
		WARRANTS FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File. Official records are stored with the Administrative Office of the Courts.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		WARRANTS REGISTER See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		WORK RELEASE EARNINGS REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		WRECKER SERVICE RECORDS See Vehicle Towing Records.

STANDARD 21: TAX RECORDS (MUNICIPAL)

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 21: TAX RECORDS (MUNICIPAL)		
		ANNUAL REPORT ON PUBLIC DEPOSITS Record custodian is Department of the State Treasurer. Copies retained in municipal tax office are reference copies and may be destroyed at agency's discretion.
		ASSESSED VALUATION AND LEVIES REPORT Record custodian is North Carolina Department of Revenue. Copies retained in municipal tax office are reference copies and may be destroyed at agency's discretion.
	BEER AND WINE TAXES AND RECORDS	
		BICYCLE LICENSE RECEIPTS See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll records), Accounts Receivable.
		MOTOR VEHICLE LICENSE PLATE/DECAL RECORDS NC DMV has sole authority to issue motor vehicle license plates and decals. Series therefore removed from schedule.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 21: TAX RECORDS (MUNICIPAL)		
		MOTOR VEHICLE LICENSE RECEIPTS See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll records), Accounts Receivable.
	MUNICIPAL VEHICLE TAX RECORDS	
PRIVILEGE LICENSES, TAXES, AND FEES RECORDS Includes privilege licenses, privilege license citation records, privilege tax ledgers, and privilege tax receipts. Applies only to general privilege tax items as authorized by G.S. 160A-194. Specific privilege licenses authorized by other statutes are found in Animal Licensing Records, Beer and Wine Taxes and Records, Municipal Vehicle Tax Records, and Taxicab and Limousine Tax Records.		PRIVILEGE LICENSES See Program Records Schedule: Local Government Agencies, Standard 21 (Tax Records), Privilege Licenses, Taxes, and Fees Records.
		PRIVILEGE LICENSE CITATION RECORDS See Program Records Schedule: Local Government Agencies, Standard 21 (Tax Records), Privilege Licenses, Taxes, and Fees Records.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 21: TAX RECORDS (MUNICIPAL)		
		PRIVILEGE TAX LEDGER See Program Records Schedule: Local Government Agencies, Standard 21 (Tax Records), Privilege Licenses, Taxes, and Fees Records.
		PRIVILEGE TAX RECEIPTS See Program Records Schedule: Local Government Agencies, Standard 21 (Tax Records), Privilege Licenses, Taxes, and Fees Records.
		REPORTS OF TAXES COLLECTED (DAILY AND WEEKLY) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
ROOM OCCUPANCY TAX RECORDS Phrase “by resolution” removed from item description to allow for broader application of item.		

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 21: TAX RECORDS (MUNICIPAL)		
SCHEDULE "B" LICENSES Based on statute changes, description now specifies that this item only applies privilege licenses issued to attorneys-at-law and other professionals, installment paper dealers, and pawnbrokers. Authority and confidentiality statutes added. Disposition wording changed for clarity and to allow for destruction of non-specified items at the end of their reference value. Disposition also changed to retain all settlement records for three years rather than only "detailed" settlements.		
TAX EXEMPT PROPERTY FILE Disposition changed to ensure that records are kept so long as property exemption remains in effect. New disposition requires retaining exemption records for five years after expiration of exemption or end of life of the structure.		
TAX LEDGER CARDS OR SHEETS Disposition changed to "destroy in office 5 years after superseded or obsolete."		
		TAX RECEIPT BOOK
		TAX SALES CERTIFICATES Item discontinued, as it is no longer applicable.
	TAXICAB AND LIMOUSINE TAX RECORDS	

§ 121-5. Public records and archives.

(a) State Archival Agency Designated. – The Department of Natural and Cultural Resources shall be the official archival agency of the State of North Carolina with authority as provided throughout this Chapter and Chapter 132 of the General Statutes of North Carolina in relation to the public records of the State, counties, municipalities, and other subdivisions of government.

(b) Destruction of Records Regulated. – No person may destroy, sell, loan, or otherwise dispose of any public record without the consent of the Department of Natural and Cultural Resources, except as provided in G.S. 130A-99. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, mutilates, or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction only fined at the discretion of the court.

When the custodian of any official State records certifies to the Department of Natural and Cultural Resources that such records have no further use or value for official and administrative purposes and when the Department certifies that such records appear to have no further use or value for research or reference, then such records may be destroyed or otherwise disposed of by the agency having custody of them.

When the custodian of any official records of any county, city, municipality, or other subdivision of government certifies to the Department that such records have no further use or value for official business and when the Department certifies that such records appear to have no further use or value for research or reference, then such records may be authorized by the governing body of said county, city, municipality, or other subdivision of government to be destroyed or otherwise disposed of by the agency having custody of them. A record of such certification and authorization shall be entered in the minutes of the governing body granting the authority.

The North Carolina Historical Commission is hereby authorized and empowered to make such orders, rules, and regulations as may be necessary and proper to carry into effect the provisions of this section. When any State, county, municipal, or other governmental records shall have been destroyed or otherwise disposed of in accordance with the procedure authorized in this subsection, any liability that the custodian of such records might incur for such destruction or other disposal shall cease and determine.

(c) Assistance to Public Officers. – The Department of Natural and Cultural Resources shall have the right to examine into the condition of public records and shall, subject to the availability of staff and funds, give advice and assistance to public officials and agencies in regard to preserving or disposing of the public records in their custody. When requested by the Department of Natural and Cultural Resources, public officials shall assist the Department in the preparation of an inclusive inventory of records in their custody, to which inventory shall be attached a schedule, approved by the head of the governmental unit or agency having custody of the records and the Department of Natural and Cultural Resources, establishing a time period for the retention or disposal of each series of records. So long as such approved schedule remains in effect, destruction or disposal of records in accordance with its provisions shall be deemed to have met the requirements of G.S. 121-5(b).

The Department of Natural and Cultural Resources is hereby authorized and directed to conduct a program of inventorying, repairing, and microfilming in the counties for security purposes those official records of the several counties which the Department determines have permanent value, and of providing safe storage for microfilm copies of such records. Subject to the availability of funds, such program shall be extended to the records of permanent value of the cities, municipalities, and other subdivisions of government.

(d) Preservation of Permanently Valuable Records. – Public records certified by the Department of Natural and Cultural Resources as being of permanent value shall be preserved in the custody of the agency in which the records are normally kept or of the North Carolina
G.S. 121-5

State Archives. Any State, county, municipal, or other public official is hereby authorized and empowered to turn over to the Department of Natural and Cultural Resources any State, county, municipal, or other public records no longer in current official use, and the Department of Natural and Cultural Resources is authorized in its discretion to accept such records, and having done so shall provide for their administration and preservation in the North Carolina State Archives. When such records have been thus surrendered, photocopies, microfilms, typescripts, or other copies of them shall be made and certified under seal of the Department, upon application of any person, which certification shall have the same force and effect as if made by the official or agency by which the records were transferred to the Department of Natural and Cultural Resources; and the Department may charge reasonable fees for these copies. The Department may answer written inquiries for nonresidents of the State and for this service may charge a search and handling fee not to exceed twenty-five dollars (\$25.00). The receipts from this fee shall be used to defray the cost of providing this service.

(e) Archives and Records Management Fund. – The Archives and Records Management Fund is established as a special revenue fund. The Fund consists of donations, gifts, devises, and the fees credited to it under Chapter 161 of the General Statutes. Revenue in the Fund may be used only to offset the Department's costs in providing essential records management and archival services for public records pursuant to Chapter 121 and Chapter 132 of the General Statutes. (1907, c. 714, s. 5; C.S., s. 6145; 1939, c. 249; 1943, c. 237; 1945, c. 55; 1953, c. 224; 1955, c. 543, s. 1; 1959, c. 1162; 1973, c. 476, s. 48; 1979, c. 361; c. 801, s. 95; 1981, c. 406, ss. 1, 2; 1993, c. 539, s. 916; 1994, Ex. Sess., c. 24, s. 14(c); 1997-309, s. 13; 2001-427, s. 3(a); 2009-451, s. 20B.3(b); 2012-79, s. 2.19(a); 2015-241, s. 14.30(s); 2017-57, s. 14.3(a).)

§ 132-8. Assistance by and to Department of Natural and Cultural Resources.

The Department of Natural and Cultural Resources shall have the right to examine into the condition of public records and shall give advice and assistance to public officials in the solution of their problems of preserving, filing and making available the public records in their custody. When requested by the Department of Natural and Cultural Resources, public officials shall assist the Department in the preparation of an inclusive inventory of records in their custody, to which shall be attached a schedule, approved by the head of the governmental unit or agency having custody of the records and the Secretary of Natural and Cultural Resources, establishing a time period for the retention or disposal of each series of records. Upon the completion of the inventory and schedule, the Department of Natural and Cultural Resources shall (subject to the availability of necessary space, staff, and other facilities for such purposes) make available space in its Records Center for the filing of semicurrent records so scheduled and in its archives for noncurrent records of permanent value, and shall render such other assistance as needed, including the microfilming of records so scheduled. (1935, c. 265, s. 8; 1943, c. 237; 1959, c. 68, s. 2; 1973, c. 476, s. 48; 2015-241, ss. 14.30(s), (t).)



MEMORANDUM

To: Reagan Parsons, Town Manager
From: Tess Brubaker-Spies, Finance Director
Re: Budget Amendments
Date: December 29, 2022

The following budget amendments have been prepared by staff and are included in the January 2023 Town Council Packet:

- Ordinance #2042 - The CP63 is to place the \$4,999,950 in grants funds in the CPF. I've also attached the award letter we received in August 2022.
- Ordinance #2047 - The amendment to the MSD is for the additional \$49 in tax revenue reported from the County. I guess we will have to do this every year. This year we were severely delayed in getting this before council due to the audit & personnel being out for medical reasons.
- Ordinance #2048 - The lease budget amendment reflects the changes to reporting for GASB 87 – removing lease payments from the departments and moving it to debt. We are not changing how the invoices get approved because we have the schedules for the split of principal and interest and do a journal entry. I mention this because during budget review we will need to remove it at the department level.
- Ordinance #2049 - The water plant Veolia transfer from retained earnings was work budgeted for in the prior fiscal year (2021-2022). The work was not completed prior to year-end. At the time we were preparing and presenting the FY 2022-23 budget the team was not aware this work would not be completed and invoiced.
- Ordinance #2050 - The budget amendment for ARPA shows the transfer in being recognized in the Enterprise & General Funds.
- Ordinance #2051 - The ARPA transfer is to finish out the transfer or reimbursement for salaries through December 2022 out of the grant fund. There will also be some interest that can be transferred when we close this fund. The interest can go into the General CPF. It is not considered restricted.

We respectfully request that the above ordinances be approved by the Town Council.

TOWN OF SOUTHERN PINES ORDINANCE #2042
AMENDING THE SANITARY SEWER MODERNIZATION CAPITAL PROJECT FUND

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

Section 1: The project authorized is to establish a fund for the purpose to identify, investigate, rehabilitate and/or replace the Town’s sewer infrastructure.

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

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

Sewer Rehabilitation Grant Expense	<u>\$ 4,999,950</u>
Total Additional Project Appropriation	<u>\$ 4,999,950</u>

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

Grant Proceeds	<u>\$ 4,999,950</u>
Total Additional Project Revenues	<u>\$ 4,999,950</u>

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

Section 6: This amended ordinance becomes effective January 10, 2023.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 10, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

TOWN OF SOUTHERN PINES ORDINANCE # 2047
MUNICIPAL SERVICE DISTRICT SPECIAL REVENUE FUND

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

- Section 1: The project authorized is the Municipal Service District #1, described in Ordinance #1993, dated the 12th of April, 2022 and approved at two meetings, May 10th, 2022 and June 14th, 2022.
- Section 2: The officers of this unit are hereby directed to proceed with the project within the terms of the ordinance documents, the rules and regulations of the appropriate state laws and the budget contained herein.
- Section 3: The following additional revenue is anticipated to be available for the project:
- | | |
|-------------------------|-------------|
| Ad Valorem Tax Revenue | <u>\$49</u> |
| Total Project Revenues: | <u>\$49</u> |
- Section 4: The following additional amount is appropriated for the project:
- | | |
|----------------------|-------------|
| Parkway Expenses | <u>\$49</u> |
| Total Project Costs: | <u>\$49</u> |
- Section 5: The Finance Officer will hereby maintain a separate special revenue fund for the Municipal Service District project. The Finance Officer is hereby directed to maintain within the Special Revenue Fund sufficient specific detailed accounting records to provide accounting to the agency required by the agreement and federal and state regulations.
- Section 6: Copies of the special revenue project ordinance shall be made available to the Finance Officer for direction in carrying out this project.
- Section 7: The Finance Officer is directed to report annually on the financial status of each project element in Section 4 and on the total revenues received or claimed.
- Section 8: The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission made to this board.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 10, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

**TOWN OF SOUTHERN PINES ORDINANCE #2048
AMENDING THE 2022/2023 FISCAL YEAR BUDGET**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 10th day of January, 2023 that the Operating Budget for the Fiscal Year 2022/2023 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
IT	Telephone	10-430-1300		4,800.00
Recreation	Leased Equipment	10-620-2200		7,017.00
Recreation	Leased Equipment – Interest	10-620-2250		983.00
General Fund	Lease Financing	10-692-1000	11,809.00	
General Fund	Debt Interest	10-691-7200	991.00	
General Fund	Rents	10-331-0000		354,013.00
Recreation	Reservoir Park Revenue	10-366-0400		6,662.00
General Fund	Lease Revenue	10-331-0200	360,675.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 10, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

**TOWN OF SOUTHERN PINES ORDINANCE #2049
AMENDING THE 2022/2023 FISCAL YEAR BUDGET**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 10th day of January, 2023 that the Operating Budget for the Fiscal Year 2022/2023 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
Water Plant	Equipment Maintenance	60-710-1600	\$ 114,218.00	
Utility Fund	Retained Earnings Appropriations	60-397-6000	\$ 114,218.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 10, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

**TOWN OF SOUTHERN PINES ORDINANCE #2050
AMENDING THE 2022/2023 FISCAL YEAR BUDGET
ARPA**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 10th day of January, 2023 that the Operating Budget for the Fiscal Year 2022/2023 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Fund Balance Appropriations	10-397-1000		859,096
General Fund	Transfer In – ARPA	10-397-2400	859,096	
Utility Fund	Retained Earnings	60-397-6000		171,790
Utility Fund	Transfer In – ARPA	60-397-2400	171,790	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 10. 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

**TOWN OF SOUTHERN PINES ORDINANCE #2051
AMENDING THE AMERICA RESCUE PLAN ACT (ARPA)
GRANT SPECIAL REVENUE FUND**

BE IT ORDAINED by the town council of the Town of Southern Pines, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby amended:

Section 1: This ordinance is to amend the budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF). The Town of Southern Pines has received a total of \$4,671,148 of CSLFRF funds. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

- 1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- 2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- 3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- 4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- 5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Section 2: The Town has elected to take the standard allowance, as authorized by 31 CFR Part 35.6(d)(1) and expend all its ARP/CSLFRF funds for the provision of government services.

Section 3: The following amounts are appropriate for the project and authorized for expenditure:

Internal Project Code	Project Description	Expenditure Category (EC)	Cost Object	Appropriation of ARP/CSLFRF Funds
001	General Administration services for period of March 3, 2021 through December 31, 2022	6.1	Salaries 3/3/21 – 6/30/22	\$1,174,568
			Salaries 7/1/22 - 12/31/22	\$353,889
002	Cultural and Recreation services for period of March 3, 2021 through December 31, 2022	6.1	Salaries 3/3/21 – 6/30/22	\$774,200
			Salaries 7/1/22 - 12/31/22	\$185,357
003	Public Safety services for period of March 3, 2021 through December 31, 2022	6.1	Salaries 3/3/21 – 6/30/22	\$918,842
			Salaries 7/1/22 - 12/31/22	\$256,621
004	Economic and Physical Development services for period of March 3, 2021 through December 31, 2022	6.1	Salaries 3/3/21 – 6/30/22	\$195,504
			Salaries 7/1/22 – 12/31/22	\$63,229
005	Utility Fund services for period of March 3, 2021 through December 31, 2022	6.1	Salaries 3/3/21 – 6/30/22	\$577,148
			Salaries 7/1/22 – 12/31/22	\$171,790
	TOTAL			\$4,671,148

Section 4: Previously, Project Ordinance #2022 dated September 13, 2022 amending the American Rescue Plan Act Grant Special Revenue Fund was approved by the Town Council to transfer \$3,063,114 to the General Fund and to transfer \$577,148 to the Enterprise Fund. The following remaining revenues are anticipated to be available to complete the project:

ARP/CSLFRF Remaining Funds:	\$1,030,886
General Fund Transfer:	\$ 859,096
Enterprise Fund Transfer:	\$ 171,790
Total Remaining:	\$ 0

Section 5: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements, including payroll documentation, in accordance with 2 CFR 200.430 & 2 CFR 200.431 and the Town’s Uniform Guidance Allowable Costs and Cost Principles Policy.

Section 6: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to Town Council.

Section 7: This grant project ordinance expires on December 31, 2026, or when all the ARP/CSLFRF funds have been obligated and expended by the Town, whichever occurs sooner.

Section 8: This amended ordinance becomes effective January 10, 2023.

Adopted this 10th day of January 2022.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting January 10, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk