



AGENDA

Thursday, June 22, 2023: 6:00 PM

Planning Board

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. APPROVAL OF MINUTES

3. OATH OF OFFICE

4. PUBLIC HEARING

a. OA-01-23: Amendments to the Architectural Compliance Permit process in Section 2.26 of 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 related to the review process for Architectural Compliance Permit and is requesting Planning Board and Town Council review and approval per UDO §2.17.

5. UNFINISHED BUSINESS

6. NEW BUSINESS

7. PUBLIC COMMENTS

8. ADJOURNMENT

Agenda Item

To: Planning Board

From: BJ Grieve, Planning Director

Subject: OA-01-23: Text Amendments to the Unified Development Ordinance (UDO).

Date: June 22, 2023

I. SUMMARY OF AMENDMENT REQUEST:

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with a variety of text amendments related to the review process for Architectural Compliance Permit and is requesting Planning Board and Town Council review and approval per UDO §2.17. The proposed amendments are as follows, listed with reference to applicable section(s) of the UDO proposed for amendment:

1. Amend Exhibit 2-1 Review Process Overview to clarify different review procedures for Architectural Compliance Permits. Projects that are non-compliant with architectural standards in UDO §4.10 and/or greater than or equal to 15,000 square feet gross floor area will be reviewed by Town Council. Projects that are compliant with architectural standards in UDO §4.10 and less than 15,000 square feet gross floor area, will be reviewed administratively.
2. Amend UDO §2.26 with changes to efficiency of Architectural Compliance Permit review for commercial structures that meet the town's architectural standards. Changes include:
 - Increase the size of commercial structures that qualify for administrative review of Architectural Compliance Permits from 3,500 square feet or more Gross Floor Area to 15,000 square feet or more Gross Floor Area.
 - Clarify that an application for an Architectural Compliance Permit must provide a dimensioned site plan, elevation drawings and color renderings.
 - Remove two subjective criteria for review of Architectural Compliance Permits that are not consistent with state statutes regarding the effect of comprehensive plans or with the use of administrative, more objective permit review.
 - Remove the entire subsection UDO §2.26.8 regarding amendments because many of the changes listed have nothing to do with architecture and because Architectural Compliance Permits are a type of Development Approval and amendments to Development Approvals are covered broadly under UDO §2.8.4.

The specific text of each proposed amendment, as well as comments about each proposed amendment, may be found in the attachments to this staff report.

II. APPLICATION REVIEW:

A. Review Process:

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

B. Criteria for Review:

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

2.17.10. Criteria for UDO Text Amendments

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

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

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

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

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

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

C. Staff Comments:

The Town of Southern Pines Unified Development Ordinance (UDO) presently requires Town Council review and approval for all Architectural Compliance Permit (AR) applications involving buildings greater than 3,500 square feet. The Council's review of buildings larger than 3,500 square feet is required regardless of whether or not the buildings comply with architectural design standards set forth in UDO §4.10. This requirement for Town Council review, and the time it takes for the process, can be a disincentive for projects to comply. In practice, applicants may feel that if they have to go to Town Council anyways, they might as well ask for multiple deviations from the architectural standards. Furthermore, over the last few months, the Town Council has occasionally expressed concerns with the public cost associated with spending staff and Council time reviewing and discussing so many AR applications when projects either already fully comply with the standards or could be made to comply with just a few small changes.

Planning staff has therefore prepared a package of text amendments to the UDO to address some issues raised by planning staff and by Town Council. The primary objective of the proposed amendments is to incentivize greater compliance with architectural standards in UDO §4.10 by having faster review of AR applications that comply with the town's architectural standards. The proposed amendments would increase the size of buildings that qualify for administrative review from 3,500 square feet to 15,000 square feet. Other proposed changes to UDO §2.26 are related to this primary objective of greater compliance and faster administrative review and to ensuring the efficiency and defensibility of the administrative permit review process.

Reducing the cost of public service delivery (in this case staff time reviewing an AR application and preparing materials for a decision by Town Council) is a goal found throughout the current Comprehensive Long-Range Plan (CLRP). Efficient public services is part of Southern Pines' Vision (page 2-5) and providing public services in a fiscally responsible manner is a specific policy of the town (Policy P-16). Reducing the cost of public service delivery in a way that also increases compliance with the town's architectural standards will also advance goals related to protecting the aesthetic character of the town (Goal G-3) and protecting the character of commercial neighborhoods (Goal G-4). The proposed amendments are also consistent with policies related to architectural compatibility in commercial neighborhoods (Policy P-2) and fostering an economy consistent with the character of the community (Policy P-11). The proposed amendments are therefore very consistent with multiple goals and policies set forth in the current CLRP.

D. Outside Agency Comments:

A request for comment was emailed to representatives from the Regional Land Use Advisory Commission (RLUAC), North Carolina Department of Transportation (NCDOT), U.S. Fish and Wildlife Service, and representatives of the Town of Southern Pines on June 12, 2023.

As of the completion of the staff report on June 15, 2023, no responses were received. Any responses received following completion of this staff report but prior to the public hearings will be provided verbally at the hearings.

III. ATTACHMENTS:

1. Draft Planning Board Resolution to Adopt a Written Recommendation
2. Current sections of the UDO, showing edits in red text with comments in margins.

IV. PLANNING BOARD ACTION:

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

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

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

1. The proposed amendments are consistent with the Comprehensive Long Range Plan for the reasons set forth in Attachment A of staff report OA-01-23;
2. The proposed amendments are consistent with the Comprehensive Long Range Plan for the reasons set forth in Attachment A of staff report OA-01-23 and as revised by the Planning Board as follows;
3. The proposed amendments are inconsistent with the Comprehensive Long Range Plan for the reasons set forth in Attachment A of staff report OA-01-23 as revised by the Planning Board as follows;

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

- 1.

And, therefore, I move to:

1. Recommend approval of OA-01-23 to the Town Council.
2. Recommend denial of OA-01-23 to the Town Council.



ATTACHMENT A

PLANNING BOARD RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION FOR ORDINANCE AMENDMENT APPLICATION OA-01-23

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 June 22, 2023 to listen to public comments, ask questions of the Town's Planning staff and to consider ordinance amendment application OA-01-23.

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

The amendments will allow a greater number of commercial buildings to have Architectural Compliance Permit (AR) applications reviewed and approved administratively if the buildings fully meet the architectural standards set forth in UDO §4.10. This change will increase the efficiency of public service delivery by significantly reducing the amount of time planning staff spend preparing AR applications for Town Council review and attending night meetings. The change will also encourage greater compliance with the town's standards by using faster administrative review as an incentive to comply with the town's architectural standards.

Reducing the cost of public service delivery is a goal found throughout the current Comprehensive Long-Range Plan (CLRP). Efficient public services is part of Southern Pines' Vision (page 2-5) and providing public services in a fiscally responsible manner is a specific policy of the town (Policy P-16). Reducing the cost of public service delivery in a way that also increases compliance with the town's architectural standards will also advance goals related to protecting the aesthetic

character of the town (Goal G-3) and protecting the character of commercial neighborhoods (Goal G-4). The proposed amendments are also consistent with policies related to architectural compatibility in commercial neighborhoods (Policy P-2) and fostering an economy consistent with the character of the community (Policy P-11).

Therefore, the proposed text amendments are reasonable and in the public interest and consistent with the CLRP.

ADOPTED this the 22nd day of June, 2023.

Diane Westbrook, Chair

ATTEST:

Cindy Williams
Secretary to the Planning Board

Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
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
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:					

Commented [BG1]: The process, as described in UDO 2.26, does not require a public hearing, so not sure why it's listed here under this category.

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Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
<u>Architectural Compliance Permit (non-compliant with Section 4.10 and/or greater than or equal to 15,000 square feet Gross Floor Area)</u>		<u>Planning Director</u>	<u>Town Council</u>	<u>Superior Court</u>	<u>2.26</u>
<u>Architectural Compliance Permit (compliant with Section 4.10 and less than 15,000 square feet Gross Floor Area.</u>		<u>---</u>	<u>Planning Director</u>	<u>Town Council</u>	<u>2.26</u>
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
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

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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)

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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, institutional~~, commercial or mixed-use Development project to collaborate on the project design, thereby providing flexibility from the strict application of the Town's Commercial Design Standards.

(Ord. # 1716)

2.26.2. Applicability

- (A) Town Council approval of an Architectural Compliance Permit is required for:
 - (1) New construction of any Multi-Family, institutional, commercial or mixed use Building with ~~three thousand five hundred (3,500)~~ fifteen thousand

~~(15,000) 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 resulting in a Building with a total of fifteen thousand (15,000) square feet of Gross Floor Area; 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 Multi-Family, institutional, commercial or mixed-use Building that, in the opinion of the Planning Director does not comply with the commercial Building design standards in section 4.10.

(Ord. # 1716)

- (B) All other Multi-Family, institutional, commercial and mixed-use Building permit applications shall be reviewed by the Planning Director for compliance with the standards established in this UDO.

2.26.3. Architectural Compliance Permit Process Overview

- (A) The approval process and typical timing for Town Council decision on Architectural Compliance Permits (if required per this section) are summarized in Exhibits 2-23 and 2-24. Actual timing may vary based on the date of submittal and scheduled hearing dates.
- (B) **Subsequent Applications.** If the Architectural Compliance Permit is denied, a new application proposing the same Development architecture 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 <u>DecisionHearing</u>

Exhibit 2-24: Timing

Architectural Compliance Permit Timing	
Completeness Review	5 business days (from Application Submittal)
Town Council <u>HearingMeeting</u>	30 days (from Completeness Certification)
Town Council Decision	30 days (from <u>HearingMeeting</u>)

2.26.4. Initiation

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

Commented [BG2]: Changes here and elsewhere are to make the buildings listed consistent across the rest of this section. Important note: all one- and two-family dwellings are exempt from building design requirements per NCGS 160D-702(b).

Commented [BG4]: After 160D changes, the definition of "Development" is now more broad than it was when this was originally written. This could be interpreted to mean that if an AR is denied, they can't make changes and come back with improved architecture AND they can't move forward with any other development approvals on the property. This is just a clarification.

Commented [BG3]: Explanation of deletion: If a modification to an existing building will result in a building that is still 1) under 15,000 square feet of total gross floor area and 2) compliant with the design standards in Section 4.10, then why would it have to go to Town Council just because of these six things, when new construction would not? In other words, this requires TC to review a project just because it's an addition that requires 20 parking spaces, even if it's still under 15,000 square feet and the architecture fully complies.

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

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

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)(A) 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)(B) The application is consistent with applicable conditions of prior Development Approvals; ~~and~~
- (D)(C) ~~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 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;~~

Commented [BG5]: I feel that simply removing this is the best option overall. Reviewing individual permits (as opposed to zoning amendments) for consistency with the CLRP is not good practice per language regarding the effect of adopted plans in NCGS 160D-501(c).

Commented [BG6]: If an applicant carefully designs a building that adheres to the straightforward architectural standards set forth in UDO 4.10, additionally measuring it (and therefore possibly denying it) based on compatibility with neighboring development is difficult.

Commented [BG7]: Two issues lead to a recommendation to simply delete this "Amendments" section:
 1.If you read the 11 changes currently listed here, most of them have nothing to do with the architectural code. It's weird, don't know how this list was generated. "Reduction in the number of platted lots?"
 2.This is now covered broadly for all "Development Approvals" under UDO 2.8.4 and the language in that section works for amending an AR. Plus this removes a five business day shot clock that is not required for any reason I can find. We typically respond within that timeframe, but why have these self-imposed tripwires if they aren't necessary?

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~~(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.~~

~~(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)

2.26.9.2.26.8. Effect of Approval

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

(Ord. #1919)

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

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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.