



AGENDA

Thursday, February 22, 2024: 6:00 PM

Planning Board

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. APPROVAL OF MINUTES

3. PUBLIC HEARINGS

a. OA-01-24: Amending UDO to increase the use, and usefulness, of Conditional Zoning Districts

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with text amendments related to increasing the use, and usefulness, of Conditional Zoning Districts and reducing the number of development approvals requiring quasi-judicial decisions throughout the Southern Pines planning jurisdiction. The proposed amendments are an implementation of Policies 3.3 and 3.4 in the town's new Comprehensive Plan.

4. UNFINISHED BUSINESS

5. NEW BUSINESS

6. PUBLIC COMMENTS

7. ADJOURNMENT

MINUTES
Planning Board Regular Meeting
E.S. Douglass Community Center, 1185 W. Pennsylvania Avenue
Thursday, December 21, 2023, at 6:00 PM

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

Members Diane Westbrook, Andy Bleggi, Matthew Walden, John Earp, Monica Harvey and Jennifer Garner were present.

Matthew Walden made a motion, which was seconded by Monica Harvey, to approve the Minutes of the November 2023 regular meeting. The motion carried.

PUBLIC FORUM:

SU-02-23: Special Use Permit for a Major Subdivision; Petitioner: PTAH, LLC by Crawford Design Company, Authorized Agent

Kevin Lindsay of Crawford Design Company, on behalf of PTAH, LLC, submitted Special Use Permit and Major Subdivision applications to subdivide the subject parcel into 13 townhomes. The subject property is located on S. Bennett Street between Bradford Village Court and W. Morganton Road. Per the Moore County tax records, the property is identified as PARID 00033063 and is owned by PTAH, LLC.

Andy Bleggi recused himself from the public forum due to a conflict of interest.

Matthew Walden made a motion, which was seconded by Monica Harvey, to open the public forum. The motion carried.

Senior Planner Alaina Mallette provided an overview of the staff report accompanied by a Power Point presentation and stated that the application included a request to deviate from the fence height standard. Approval of the project would also include approval of the Watershed Protection Permit.

Kevin Lindsay stated that the purpose of the proposed fence is to create separation from the adjacent daycare to define the residential area and they would like for the portion of the fence that will be adjacent to the park to be 4 ft. in height. He stated that staff had recommended a connection to Bradford Village but they did not see a benefit and the adjacent property owner had not expressed an interest in making that connection.

Chair Westbrook inquired about the traffic pattern.

Mr. Lindsay responded that they are going to use the existing driveway off of Bennett Street and a sidewalk will be installed along the front of the property for pedestrian access.

John Earp inquired about the size of the proposed townhomes and Mr. Lindsay responded that they will be two-bedroom units.

Mr. Earp asked Ms. Mallette if there was a reason for the 3 ft. max fence height standard and Ms. Mallette responded that she assumed it had to do with the aesthetics.

Mr. Lindsay stated that they were requesting a 6 ft. fence in the rear of the units and a 4 ft. fence adjacent to the park.

Jennifer Garner asked what type of fence was proposed and Mr. Lindsay responded black vinyl-coated chain link.

Richard Dana stated that he would like to see elevations of the buildings and inquired about parking, but that he was in favor of the fence.

Mr. Lindsay responded that the units will be 1,600 to 1,850 SF with a single-car garage and the driveways will provide a second parking space.

Andy Bleggi stated that the units will only be two story but will look very similar to the townhomes on Bennett Street with a brick and wood façade.

Monica Harvey inquired about the rationale for requesting a connection to Bradford Village.

Ms. Mallette responded that Engineering and Fire had stated during a TRC meeting that the connection was preferred to provide another means of ingress and egress.

Matthew Walden made a motion, which was seconded by Monica Harvey to close the public forum. The motion carried.

Matthew Walden made a motion, which was seconded by Monica Harvey, to adopt the following for transmission to the Town Council as a result of the December 21, 2023 preliminary forum on application SU-02-23:

The information presented at the forum indicated that the following issues be considered in applying the criteria for a SUP and Preliminary Plat to application SU-02-23:

1. Approval of the request will result in the creation of 13 townhomes, each on its own individual lot. The townhomes will include Common Area (see Attachment 4) that will be owned and managed by a homeowners' association. The two existing buildings with existing uses will need to be subdivided as well into two additional lots from the parent

tract unless the property owner intends to allow the townhome residents to partially own each building.

2. The applicant does request a deviation for a 6 ft. chain link fence in the Common Area behind the townhomes. According to UDO §3.5.8(C)(3), chain link fencing in the CB zoning district cannot be over 3'; however, UDO §4.7(D) allows for deviation requests from fencing requirements during a Special Use Permit review process. Only Town Council can permit a deviation from fencing standards.

The motion carried by a 6 - 0 vote.

PUBLIC FORUM:

PD-05-23: Planned Development District - Preliminary Development Plan for the tenth phase of the Morganton Park North Planned Development located between Pavilion Wavy and S. Carlisle Street; Petitioner: Pinehurst Surgical Clinic Realty, LLC by Koontz Jones Design, Agent

Bob Koontz, on behalf of Midland Atlantic Properties, submitted a Planned Development District – Preliminary Development Plan application pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for 160,000 SF of medical office space on 8.7 acres of the parcel identified as PIN 857100597408 (PARID 20190272). Per the Moore County tax record, the subject property is owned by Pinehurst Surgical Clinic Realty LLC.

Matthew Walden made a motion, which was seconded by Monica Harvey, to open the public forum. The motion carried.

Alaina Mallette stated that the application included a 40,000 SF surgery center and 120,000 SF of medical office building and provided an overview of the staff report accompanied by a Power Point presentation.

Bob Koontz stated that the application was consistent with all of the standards of the Conceptual Development Plan and provided a Power Point presentation of the request. A 20,000 SF surgery center will be constructed first as Phase B1. Phase B2 will be an expansion of that facility and Phase 3 will be a 120,000 SF medical office building with parking underneath. The Morganton Road Overlay standards allow additional parking spaces if a parking structure is utilized and based on their calculations, 846 parking spaces would be allowed. They have been working with the Town Engineer for several months regarding the traffic analysis to determine what traffic improvements will need to be made with each phase and the Town has also hired a third-party consultant to review the traffic analysis.

Andy Bleggi inquired about the timeline for development and Mr. Koontz responded that the applicant would like to start construction of the surgery center in August but the timeline for the last phase had not been established.

John Earp asked if there will only be the one entrance off of Morganton Road and Mr. Koontz responded that there will be an access off of Carlisle Street and also off of Patriot Way.

Jennifer Garner inquired about the use of the building to be constructed in Phase 3 and Mr. Koontz responded that had not yet been confirmed.

Mr. Bleggi asked if the height of the medical office building was going to be an issue and Mr. Koontz responded that the maximum height allowed is 50 ft. and the current plan was for a three-story building.

Tom McCabe of 235 N. Page Street expressed concerns regarding the lack of pedestrian access from Carlisle Street and that no consideration had been given to a pedestrian connection between buildings. He suggested situating the buildings closer to the street and the parking in the rear.

Mr. Koontz responded that there are sidewalks and streetlights along all of the streets throughout Morganton Park. The surgery center will serve several counties which will increase the demand for vehicular access to the building and parking.

Matthew Walden made a motion, which was seconded by Monica Harvey to close the public forum. The motion carried.

Monica Harvey made a motion, which was seconded by Matthew Walden to adopt the following for transmission to the Town Council as a result of the December 21, 2023 Preliminary Forum on application PD-05-23, Morganton Park North Phase 10 (Pinehurst Surgical Center Site 4N):

The following concerns were raised during the forum but do not seem to apply in determining whether the PDP criteria are satisfied: pedestrian safety and access to crosswalks from streets, between buildings, schools and adjacent apartments. The motion carried by a 6 - 0 vote.

PUBLIC HEARING:

OA-06-23: The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with text amendments covering three topics and is requesting Planning Board and Town Council review and approval per UDO §2.17. The three topics are as follows, with reference to applicable section(s) of the UDO proposed for amendment:

1. Amend UDO Exhibit 3-15 and §9.3 to more clearly distinguish between dwelling units that may be used for the lodging of transients and travelers for compensation for less than 30 days (Tourist Home) and dwelling units that are used for 30 days or longer for living purposes (Dwelling). This amendment, to clarify the definitions of terms already used in the UDO, will not impact what zones allow Tourist Homes (CB, GB and OS) and what zones do not allow Tourist Homes (all the rest).
2. Amend UDO §5.4(A) so that columns supporting fuel pump canopies are required to follow the brick requirements set forth in UDO 4.10.4(C) but the canopy itself is subject to the roof requirements set forth in UDO 4.10.4(G).
3. Amend UDO §2.19.4(A) with a minor correction to make the language of the section consistent with Exhibit 2-1 and UDO §2.20 regarding the process for approval of a Final Plat.

Monica Harvey made a motion, which was seconded by John Earp, to open the public hearing. The motion carried.

Alaina Mallette stated that the purpose of the first proposed amendment was to provide clarification as to what is considered a Tourist Home versus a Dwelling. A Dwelling that is rented for a period of 29 days or less would be considered a Tourist Home and if rented for 30 days or more it would be considered a Dwelling, whether owned or rented.

Discussion ensued regarding the difference between a Boarding House and a Tourist Home and potential impacts of the text amendments.

Ms. Mallette stated that the purpose of the second proposed amendment was to require that the columns of the fuel pump canopy comply with brick standards and that the fuel canopy comply with roof standards set forth in the UDO.

Ms. Mallette stated that the purpose of the third amendment was to clarify that the Planning Director reviews and approves Final Plats.

Tom McCabe of 235 N. Page Street asked if an Airbnb would be considered a Tourist Home.

Andy Bleggi responded that an Airbnb would be considered a Tourist Home if it was rented out for a period of less than 30 days.

Andy Bleggi made a motion, which was seconded by Matthew Walden, to close the public hearing. The motion carried.

Monica Harvey made a motion, which was seconded by Matthew Walden, 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, the proposed amendments are consistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report OA-06-23 and therefore, to recommend approval of OA-06-23 to the Town Council. The motion carried by a 6 – 0 vote.

UNFINISHED BUSINESS:

Discussion ensued regarding what constitutes a public meeting.

NEW BUSINESS:

Monica Harvey inquired about when the Town pursues a Tourist Home that is noncompliant and Ms. Mallette responded that investigations are complaint based, but that it is an important topic to think through and worthy of further discussion.

Matthew Walden made a motion, which was seconded by Monica Harvey, to adjourn the meeting. The motion carried.

The meeting adjourned at 7:35 PM.

An audio recording of the meeting and any related PowerPoint presentations are available upon request.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board

Agenda Item

To: Planning Board

From: BJ Grieve, Planning Director

Subject: OA-01-24: Conditional Zoning Districts Amendments to the Unified Development Ordinance (UDO).

Date: February 22, 2024

I. SUMMARY OF AMENDMENT REQUEST:

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with text amendments related to increasing the use, and usefulness, of Conditional Zoning Districts and reducing the number of development approvals requiring quasi-judicial decisions throughout the Southern Pines planning jurisdiction. The proposed amendments are an implementation of Policies 3.3 and 3.4 in the town's new Comprehensive Plan. The planning staff is requesting Planning Board and Town Council review and approval per UDO §2.17. The proposed amendments are as follows, with reference to applicable section(s) of the UDO proposed for amendment:

1. Amend UDO §2.17.11 and §3.3.2 to expand the design flexibility provided by using Conditional Zoning Districts and make clear that Conditional Zoning Districts are to be consistent with the Comprehensive Plan.
2. Eliminate the redundancy of requiring approval of both a Special Use Permit and a Major Subdivision Preliminary Plat for Major Subdivisions (UDO §2.20) by requiring approval of only the Major Subdivision Preliminary Plat (which will remain a quasi-judicial decision by the Town Council).
3. Revise UDO §3.7 to better describe and simplify the letters used to reflect different types of development approvals in Exhibit 3-15 and revise UDO §3.7.1(F) to require a Conditional Zoning District (instead of a Planned Development) for Multi-Family residential developments of between ten (10) and forty-eight (48) dwelling units. Similarly, revise letters in Exhibit 3-15 to reflect the changes to letters in UDO §3.7. For example, "C" that used to mean Special Use Permit will change to "SU" meaning the same thing.
4. Amend Exhibit 3-15 to gain greater public input and flexibility in project design by requiring Conditional Zoning Districts for Manufactured Home Parks in RR zones; Duplexes in RS-1 zones; Nursing Homes in RM-1, RM-2 and GB zones; Bed and Breakfast Inns in RE, RR, RS-1, RS-2, RS-3, RM-1, RM-2, CB, GB and NB zones; Hotels and Motels in CB, GB and OS zones; Food Truck Campuses in GB zones; Camps and Camping Establishments in RE and RR zones; Nursery Schools or Preschools in RE, RS-1, NB and OS zones; Elementary Schools, Middle or Junior High

Schools, Senior or High Schools, Special Needs Education Services and Colleges or Universities in RS-1, RS-2, RS-3, RM-1, RM-2, CB, GB, NB and OS zones; Child Daycares in RS-1, RS-2, RS-3, RM-1 and RM-2 zones; and Special Home Events in RE, RR, RS-1, RS-2, RS-3, RM-1, and RM-2 zones.

5. Amend UDO §4.2.1 Height, §4.2.2 Setbacks, §4.2.3 Lot Size, Density and Lot Width, §4.3.2 (Landscaping) Applicability, §4.5.2 (Off-Street Parking) Applicability, §4.6.2 (Sign) Applicability, §4.9.1 Usable Open Space Required, §4.10.1 (Development Design Standards) Applicability and §4.11 Transportation to allow flexibility from these standards in a manner consistent with the design goals and policies in the Comprehensive Plan when rezoning to a Conditional Zoning District.
6. Amend UDO §4.9.1 to expand the applicability of the Usable Open Space requirement to new commercial, industrial, institutional and Multi-Family development and Major Subdivisions to increase the percentage of open space required from 5% of the total area of the development to 10% of the total area of the development, and to expand the applicability of open space requirements in subdivisions by reducing the number of lots that are exempt from open space requirements from less than 25 to only subdivisions with five (5) or fewer lots (Minor Subdivisions).

The specific text of each proposed amendment, along with margin comments providing explanatory context for many of the changes, may be found in the attachments to this staff report. Planning staff will provide further explanation at the public hearing on February 22, 2024.

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:

All of the proposed amendments to the UDO are depicted using ~~strikeout~~ for proposed deletions and underline for proposed additions on a copy of the UDO that is attached to this staff report. Furthermore, margin comments explain the reason for the proposed amendment and the policy or policies from the 2040 Comprehensive Plan being implemented with each proposed change. Planning staff is available during regular business hours prior to the Planning Board public hearing on February 22, 2024 for questions and/or to discuss any of the proposed amendments. Each topic will be presented to the Planning Board and public at the February 22, 2024 Planning Board Regular meeting.

The Planning Board's primary role when reviewing proposed amendments to the UDO is to advise and comment on whether the proposed amendment is consistent with the Comprehensive Plan. In this case, the proposed amendments to the UDO are primarily to move towards greater use of Conditional Zoning Districts, a direct implementation of Policies 3.3 and 3.4 in the 2024 Comprehensive Plan. Some of the proposed changes to the UDO are also implementation of other policies in the Comprehensive Plan and these policies are referenced in margin notes where applicable.

D. Outside Agency Comments:

A request for comment was emailed to representatives from the Regional Land Use Advisory Commission (RLUAC), North Carolina Department of Transportation (NCDOT), U.S. Fish and Wildlife Service, Moore County Airport and representatives of the Town of Southern Pines on February 8, 2024.

As of the completion of the staff report on February 15, 2024 responses have been received from RLUAC and the Southern Pines Utility Superintendent stating that they have no comment on the proposed amendments. Any responses received from other agencies following completion of this staff report but prior to the public hearings will be provided verbally at the hearings.

III. ATTACHMENTS:

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

IV. PLANNING BOARD ACTION:

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

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

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

1. The proposed amendments are consistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report OA-01-24;
2. The proposed amendments are consistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report OA-01-24 and as revised by the Planning Board as follows;
3. The proposed amendments are inconsistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report OA-01-24 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-01-24 to the Town Council.
2. Recommend denial of OA-01-24 to the Town Council.



ATTACHMENT A

PLANNING BOARD RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION FOR ORDINANCE AMENDMENT APPLICATION OA-01-24

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 February 22, 2024 to listen to public comments, ask questions of the Town's Planning staff and to consider ordinance amendment application OA-01-24.

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

The 2040 Comprehensive Plan supports growth and development as long as it retains the character of the community. Policies 3.3 and 3.4 call for greater utilization of conditional zoning districts as a zoning tool that can be used to accommodate growth and development while enhancing design through voluntary conditions of approval. The proposed change to UDO Section 2.17.11 directly implements Policies 3.3 and 3.4. The amendment to UDO Section 2.17.11 also allows the use of conditional zoning districts to achieve well-designed day care facilities and schools in more than just business zones (Policies 5.1, 6.1, 8.9), development of smaller-scale multi-family residential projects that match neighborhood scale and character (Policy 5.4), duplexes that are consistent with the design characteristics of the Comprehensive Plan in RS-1 zones (Policy 7.1, 7.5) and better design of Food Truck Campuses (Policies 9.3 and 9.4).

To further achieve development design consistent with the 2040 Comprehensive Plan, modifications to many design standards may be recommended by the Planning Board and

approved by the Town Council when rezoning to a conditional zoning district. Modifications to building height (Policy 3.1, 3.2), setbacks (Policy 3.1), lot size, density and lot width (Policy 3.1), landscaping, parking (Policy 3.9), signage (Policy 3.9), development design standards and street standards may be used to achieve better design when an applicant also volunteers conditions to maintain consistency with the 2040 Comprehensive Plan, maintain and enhance existing neighborhood characteristics and to mitigate neighborhood impacts.

Finally, additional open space requirements implement multiple policies in the 2040 Comprehensive Plan (Policies 3.2, 3.8, 4.1, 7.2). This open space requirement can be applied when critical open space exists to preserve, or used as a tool to further incentivize development design that is consistent with the 2040 Comprehensive Plan.

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

ADOPTED this the 22nd day of February, 2024.

Diane T. Westbrook, Chair

ATTEST:

Cindy Williams
Secretary to the Planning Board

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.

Amended

10-10-23

- (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~~ Comprehensive 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 consistency~~ of the use ~~Development~~ with the Comprehensive Plan and 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 consistency~~ of the use ~~Development~~ with the Comprehensive Plan and surrounding properties. ~~Any use permitted under this process must also conform to the regulations for the corresponding general zoning district~~ Where specifically allowed in this UDO, the regulations for the corresponding general zoning district may be modified by the Conditional Zoning District.
- (C) Conditional ~~Z~~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 nor shall it be used to relieve hardships that would otherwise be handled using a variance procedure.
- (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~~ either by right or as Conditional Zoning as set forth in Exhibit 3-15.

Commented [BG1]: "Compatibility," as defined in Chapter 9 of the UDO, isn't a great word to use when statute and rezoning criteria clearly state "Consistency" with the Comprehensive Plan. Legal review agreed with this.

Commented [BG2]: Legal review confirmed this is appropriate language.

Commented [BG3]: This is the most significant part of the changes to 2.17.11. Note that later, in Chapter 4, certain design requirements may be modified with the use of a CZD. See amendments to the various design standards (such as building height, parking, landscaping, etc.) in Chapter 4. This section was reviewed and reworked a number of times by legal review to address multiple issues.

2-23

- (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 as well as a text document establishing those standards that deviate from this UDO. 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.
- (F) The Council may approve the reclassification of property to a Conditional Zoning district only upon determining that the proposed use will either meet all standards and requirements in these regulations that are applicable to the proposed use or will establish and meet unique standards created by the Conditional Zoning district that assure the Compatibility of the use with the Comprehensive Plan and surrounding properties.
- (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) Amendments to the site plan or standards for development in a Conditional Zoning District shall be considered pursuant to Section 2.8.4 of this Ordinance ~~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 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)~~(K) 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.

Commented [BG5]: This language inserted to make clear that per G.S. 160D-703(b) administrative approvals of minor modifications are allowed per UDO 2.8.4. But no reason for CZDs to have a separate provision.

Commented [BG6]: Explanatory Note: First, section (H) is very clear that a CZD must follow the approved site plan and design requirements. Second, section (K) is unnecessary because §2.8.4 deals with amendments to development approvals and a CZD is a development approval. Third, section (K) has some awkward procedural language about appeals going to the Planning Board, which is inconsistent with the appeal process. Better to just delete (K) because it is unnecessary.

Commented [BG4]: This is adequately addressed in (B) and (F) above so can just be deleted here.

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 (SUP 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, 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 (SUP) application from the Planning Board and Town Council.~~
- ~~(4)~~(3) 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.

Commented [BG7]: No reason for a Special Use Permit that is in addition to the Major Subdivision Preliminary Plat review and approval process described herein. Confirmed by legal review.

Commented [BG8]: The underlying zoning establishes the land use mix, not a subdivision preliminary plat.

Commented [BG9]: Recommended for deletion as well by legal review due to "Development intensity" typically being a function of zoning.

Commented [BG10]: Planning staff is not sure what this sentence means.

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)

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 Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;
- (2) The proposed Subdivision complies with the UDO and applicable state and federal regulations;
- (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;
- (4) The proposed Subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and
- (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.

(Ord. #2052)

(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/subdivider. The Town Council also shall approve, conditionally approve or deny the SUP based on the criteria~~

~~established in the preceding paragraphs and in Section 2.21.6.~~ The SUP subdivision 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:
- (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 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.

Chapter 3. Zoning

Chapter 3 Contents

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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.

Amended

10-10-23

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 Zoning Districts

Where the Town Council finds that the application of conventional district rules may be contrary to either the purposes of this UDO or to implementation of the Comprehensive Plan 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 eConditional Zoning district and establish additional use and or design standards if consented to by the petitioner(s) in writing. Conditional Zoning districts shall be designated with the base corresponding conventional district designation and followed by the letters "CD".

(Ord. #1919)

Commented [BG11]: See policies 3.3 and 3.4 in Comp Plan.

Commented [BG12]: Change made per legal review to make clearer that CZDs are not an overlay zoning

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.

(A)(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

2.1.2.3.6.9. 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.

2.2.3.7. USE MATRIX AND INTERPRETATION

2.2.1.3.7.1. Table of Authorized Uses Established

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

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

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Chapter 3. Zoning

(C) **Supplemental Conditions.** A “ZS” indicates that the listed use is allowed by right, but is also subject to supplemental supplementary conditions for specific uses use regulations established in the zoning district regulations and in Articles 4 and/or set forth in Chapter 5 of this UDO.

(D) **Conditional Zoning.** A “CZ” indicates that the use is only allowed in a Conditional Zoning district in accordance with the procedures established in Chapter 2.

~~(D)(E)~~ **Special Uses.** A “CSU” 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 set forth in chapter 6 of elsewhere in this UDO.

~~(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 Townhouses.** 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
- (2) Developments of between ten (10) and forty-eight (48) Dwelling Units, with no more than sixteen (16) Dwelling Units in a single building, shall only be permitted in a Conditional Zoning District.
- (4)(3) Developments of forty-nine (4049) or more Dwelling Units shall be developed as part of a PD.

~~(2)~~ Townhouses 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)

2.2.2.3.7.2. 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 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

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Commented [BG13]: No one in the planning office understands what a “Combination Use” is or why it’s here.

Commented [BG14]: This is a direct implementation of Policy 5.4 in the new Comprehensive Plan and is intended to incentivize smaller-scale multi-family projects that are designed to be more consistent with the surroundings of the development.

Amended

10-10-23

3-36

Southern Pines Unified Development Ordinance

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.

Chapter 3. Zoning

(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
DEPENDENCE 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	Z		Z	Z		
Single-Family attached (Townhouses) (Ord. # 1716)	1112	Each Dwelling Unit on a separate Lot; fire wall may protrude from roof or roofs may be staggered						Z	Z	Z		Z	Z		
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	Z					

Amended

10-10-23

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
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		CSU											
Manufactured Home Park	1116	a group of three or more spaces for sale or lease that are designed to accommodate Manufactured Homes		CSU CZ											
Two-Family (double or Duplex)	1120				CZ			Z	Z	ZS		Z	Z		
Accessory Dwelling	S1130		ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS		
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						CZZC	CZZC		CZZC				
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	ZCZ	ECZ	ECZ	ECZ	ECZ	ECZ	ECZ	ZCZ	ZCZ	ZCZ			
Rooming and boarding	1320	Dormitory, fraternity or sorority house or other specific group of members						Z	Z	ZS			ZS		

Commented [BG15]: Encourage improved design that mitigates impacts to adjoining land uses and allows for greater neighborhood input by changing manufactured home parks from Special Uses to Conditional Zoning Districts.

Commented [BG16]: Any development of a duplex will require a Conditional Zoning District rezoning. This will ensure that this type of “missing middle” housing is developed in an appropriate location (per Chapter 2 of Comp Plan) and with an appropriate design per pages 72- and 73 of Comp Plan. See policies 7.1, 7.5,

Commented [BG17]: The definition of “Multi-Family Conversion” in Chapter 9 limits the number of dwelling units to no more than 4, so this use will always be a by right and isn’t subject to (F) above. Plus the Comprehensive Plan’s Guiding Principles support small infill apartments in older buildings like this.

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Commented [BG18]: Distinguishing land uses LBCS 1151 from 1153 based solely on the nature of ownership is not appropriate. Per the definitions section, a “Condominium Residence” is a multi-family residential land use. So it is simply subject to the same requirements as LBCS 1151 here and above.

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Hotel, motel, Tourist Home or Tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels								ZSCZ	ZSCZ		ZSCZ		
GENERAL SALES OR SERVICES	2000	Comprises the vast majority of establishments associated with commercial land use													
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													
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				

Commented [BG19]: Change made due to increased popularity of this inquiry and need for good design per multiple sections of Comp Plan (Focus Area C for example).

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
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				
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													

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
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													
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,								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
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				
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		

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
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	
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													
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		

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
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		
veterinary services	2418	Veterinary medicine, testing services for veterinary practitioners									ZS	ZS		ZS	
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	

Commented [BG20]: Outside kennels, which may or may not exist with veterinary services, have standards in Chapter 5.

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
carpet and upholstery cleaning	2454										Z			Z	
packing, crating, and convention and trade show	2455										Z				
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			
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/ €	ZS		ZS	
Food Truck Campus	2551										CZ				
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.													

Commented [BG21]: Policy 9.3 & 9.4.

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
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														
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				
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	<u>ZS</u>								<u>ZS</u>	<u>ZS</u>			
animal boarding	2722	sitting and boarding	<u>ZS</u>	<u>ZS</u>							<u>ZS</u>			<u>ZS</u>	
pet cemetery	2723										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
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													
Food, 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	
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, 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												CSU	
Chemicals, plastics, and rubber products	3320													CSU	
Nonmetallic mineral products	3330	Manufacture bricks, ceramics, glass, cement, concrete, statuary, stone products												CSU	
Primary metal manufacturing	3340	Manufacture basic metal products, such as bars, rods, wires, and castings or finished products												CSU	

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
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												<u>ESU</u>	
Transportation equipment	3370													Z	
Manufacturing	3400	Use for manufacturing establishments not classified elsewhere													
Jewelry and silverware	3410										ZC			<u>ESU</u>	
Dolls, toys, games, and musical instruments	3420										ZC			Z	
Office supplies, inks, etc.	3430	Except paper									ZC			Z	
Signs	3440										ZC			Z	
Retail 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	
Ranch	3630													<u>ESU</u>	
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													<u>ESU</u>
Air freight transportation	4112	Provide scheduled and nonscheduled air transportation of cargo without transporting passengers													<u>ESU</u>

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
airport and support establishment	4113	Provide air traffic control, operate airports and support airport operations such as rental of hangar space													ESU
aircraft and accessories	4114	Aircraft maintenance and repair (except factory conversions)													ESU
other air transportation	4115	Hot air balloon rides, helicopter rides, aerial tram and cable cars													ESU
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					
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	

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Courier and messenger services	4160	Provide air, surface, or combined courier delivery services of Parcels and messages									Z			Z	ESU
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													
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	
Telecommunications 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	

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
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			ESU							ESU				ESU
telephone and other wired telecommunications	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	
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	
Electric 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

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
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												<u>ESU</u>	
hazardous waste treatment and disposal	4342	Remediate and clean contaminated Buildings, soil, or ground water, abate asbestos, lead paint and other toxic material												<u>ESU</u>	
solid waste collection	4343	Collect or haul hazardous waste, non-hazardous waste, or recyclable materials, operate waste transfer stations									<u>ESU</u>			<u>ESU</u>	Z
solid waste combustor or incinerator	4344	Operate combustors and incinerators for the disposal of non-hazardous solid waste, includes compost dumps												<u>ESU</u>	
solid waste landfill	4345	Operate landfills for the disposal of non-hazardous solid wastes												<u>ESU</u>	
waste treatment and disposal	4346	Operate facilities for separating and sorting recyclable materials from non-hazardous waste streams												<u>ESU</u>	Z
septic tank and related services	4347	Pump septic tanks and cesspools, rent or service portable toilets												<u>ESU</u>	
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
RECREATION, 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													

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
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 Institutional Institutions	5200	Public and private museums, historical sites, zoos, and similar establishments													
Museum	5210									Z	Z	Z	Z		
Historical or archeological institution	5220	Archeological sites, battlefields								Z	Z	Z	Z		Z
Zoos, botanical gardens, arboreta	5230													ESU	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									ESU				
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

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
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													ECZ
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				
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	ECZ	ECZ											
Recreational 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		CZ	Z	CZ	Z	Z	Z	Z	Z	Z	CZ	CZ		
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level													
elementary	6121		E	E	ECZ	ECZ	ECZ	CZ	CZ	CZ	ZCZ	CZ	CZ		
middle or junior	6122				CZ	CZ	CZ	CZ	CZ	CZ	ZCZ	CZ	CZ		
senior or high	6123				CZ	CZ	CZ	CZ	CZ	CZ	ZCZ	CZ	CZ		

Commented [BG22]: Right now the zoning regulations are pushing schools to only existing in low-density residential zones and General Business zones, all but guaranteeing future generations will have to drive long distances to school and have long pickup and drop off lines. This is an outdated model of land uses. Future schools should be allowed in more zones closer to where people live provided they are developed with appropriate mitigating design that is assured by the Conditional Zoning process. Policy 8.9, 6.1

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
special needs education services	6125	Offer specialized services such as for the physically or mentally disabled			<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>ZCZ</u>	<u>CZ</u>	<u>CZ</u>		
adult education services	6126										Z				
College or university	6130				<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>CZ</u>	<u>ZCZ</u>	<u>CZ</u>	<u>CZ</u>		<u>CCZ</u>
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				
sports and recreation education	6147	Offer instruction in athletic activities									Z				
Government 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	
Government Functions	6300	Use this category for government owned establishments not classified elsewhere such as defense and national guard establishments								ZS	ZS			Z	
Government 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

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
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				
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	CSU	CSU	ZS						ZS				
Hospital	6530										CSU				
Health care facility	6540	Maximum of 25 beds for overnight care									ZS	ZS			
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			CZ	CZ	CZ	CZ	CZ	CZ	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			

Commented [BG23]: Our community is in need of more daycare facilities. The economics of daycare are challenging, but zoning is also very restrictive. Allowing day care facilities to be opened in more zones WITH appropriate mitigating design assured through the Conditional Zoning process will be a benefit to the community. Policy 5.1

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
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									ESU				
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				
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											ESU			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		

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
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	
Plumbing, Electrical, and 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	
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													

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
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			
Port 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											
Log farm	9330		Z	Z											
Poultry and egg production	9340	Commercial facilities	Z	Z											
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											

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Classifiable or No Function	9900	Temporary placeholder until a code can be assigned													
Special Events	9910														
Special Home events (Ord. # 1716)	9911		ZSCZ	ZSCZ	ZSCZ	ZSCZ	ZSCZ	ZSCZ	ZSCZ						ECZ
Other (Ord. # 1716)	9912	-	ZS	ZS											
Temporary Uses (Ord. # 1716)	9920	Temporary uses specifically authorized in applicable zoning districts by section 5.25 or 5.265.22	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Subdivisions	9930	-													
Major	9934	-	€	€	€	€	€	€	€	€	€	€	€	€	€
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	ZS		
Development Patterns	9960														
Cluster Subdivisions (sec. 6.1)	9961				ZS	ZS	ZS	ZS	ZS						
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; Ord. #2096)

Amended

10-10-23

3-59

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Commented [BG24]: This is not necessary. Subdivision of land is addressed under 2.19 and 2.20 and 2.32. The authorization to regulate the subdivision of land need not be nested in a table of authorized land uses. Doing so creates confusion and unnecessary layers of process (SUP plus Subdivision).

Commented [BG25]: Again, no member of planning staff knows why this is here.

~~Chapter 3.~~**Chapter 4. Development and Design Standards**

Chapter 4 Contents

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3.1.4.1. 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.

3.2.4.2. 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).

3.2.1.4.2.1. Height

- (A) Subject to the provisions of this section, unless specifically authorized as part of a PD or Conditional Zoning District, 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, and 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)

Commented [BG26]: In order to exceed base building height requirements, a development will need to demonstrate consistency with the Comp Plan and it will be a legislative process to get a CZD approved. See Policy 3.1, 3.2. This will dovetail with adoption of Character Districts wherein taller buildings will be allowed in some character districts with a CZD.

- (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.

3.2.2.4.2.2. Setbacks

- (A) **Setbacks Required.** Except as specifically provided in this section, or as authorized as part of a Variance, PD or Certificate of Appropriateness approval~~Conditional Zoning District~~, or allowed for in 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.

Commented [BG27]: Policy 3.1.

(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.

3.2.3.4.2.3. Lot Size, Density and Lot Width

- (A) **Minimum Lot Size Established.** Except as specifically provided in this section, or as authorized as part of a PD or Conditional Zoning District approval, or as 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~~Calculating Dwelling Units density.** When a ~~Combination-Use~~Development 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) Except as specifically provided in this section, or as authorized as part of a Variance, PD or Conditional Zoning District, 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)

Commented [BG28]: Policy 3.1.

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 Townhouse Development.

(Ord. #1714; Ord. #1716; Ord #1775; Ord. #1871, 8-24-20; Ord. #1887, 11-23-20; Ord. #1890, 1-6-21)

3.3.4.3. LANDSCAPING

This section shall be known as the Town of Southern Pines Landscaping Code or Landscaping Code.

3.3.4.3.1. 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.

3.3.4.3.2. 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, ~~Architectural Compliance Permit~~ Conditional Zoning District 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.

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.

3.4.7.4.4.7. 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.

3.5.4.5. OFF-STREET PARKING AND LOADING

3.5.4.5.1. 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.

3.5.4.5.2. 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, PD, Conditional Zoning District or Certificate of Appropriateness approval, or allowed for a Development Pattern authorized in a specific zoning district.

3.5.4.5.3. 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

Commented [BG29]: The Comprehensive Plan calls for parking that respects existing development patterns. In some areas of Southern Pines, a CZD will be used to put caps on parking lot size in exchange for other design flexibility such as increased building heights or reduced setbacks. Until the parking code is reviewed for the appropriateness of minimum parking quantities, implementing the Comp Plan will likely require reasonable parking maximums during CZD review. See Policy 3.9.

- (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.

3.6.2.4.6.2. Applicability

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

3.6.3.4.6.3. 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)

3.6.4.4.6.4. 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)

3.6.5.4.6.5. 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.

3.6.6.4.6.6. 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.

Commented [BG30]: Note that use of a Conditional Zoning District will only be allowed in furtherance of implementing the Comprehensive Plan, so a CZD that includes signage standards must be consistent with multiple design suggestions in the plan.

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)

3.8.4.8. LIGHTING

3.8.1.4.8.1. 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).

3.8.2.4.8.2. 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~~ Liberty 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)

3.8.3.4.8.3. 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

Commented [BG31]: Planning staff cannot think of a situation where a CZD used to exceed the minimum standards set forth in UDO 4.8 (as measured at property line or elsewhere as specified herein) would result in better development design pursuant to the Comp Plan, so no allowance for flexibility to this code using a CZD is being proposed at this time. If a situation arises in the future wherein this may be desirable, staff can modify at that time via text amendment process.

- (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.

3.8.8.4.8.8. 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.

3.9.4.9. OPEN SPACE / GREENSPACE

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

3.9.1.4.9.1. Usable Open Space Required

- (A) Except as provided in paragraph (C) of this section or within a PD district, Conditional Zoning District or authorized Development Pattern, every residential new commercial, industrial, institutional and Multi-Family Development and Major Subdivision shall be developed so that at least five-ten (510) 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

Commented [BG32]: There are many circumstances where altering this open space requirement may result in better development design per the Comp Plan so allowing use of a CZD to encourage better design is appropriate.

Commented [BG33]: Staff is aware that this change is significant and may be controversial. However, without modifying the applicability of open space requirements, the town will not be able to implement many policies in the Comp Plan (such as 3.2, 3.8, 4.1, 7.2) OR have a requirement in place than can be reduced when consistent with the comp plan in exchange for other desirable design features as set forth in the Comp Plan. Making it applicable to major subdivision review (combined with change to (D) below), increases consistency.

Commented [BG34]: This is now consistent with the amount of open space required from multi-family developments. Again, a CZD can be used to deviate from this when appropriate to implement the Comp Plan.

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 ~~five (5) or 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.~~

3.9.2.4.9.2. 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.

3.9.3.4.9.3. 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 ~~fiveten~~ (510) 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 ~~fiveten~~ (510) 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;

Commented [BG35]: This change is proposed for multiple reasons:

- 1) In 2024 there are many smaller subdivided residential developments of less than 25 dwelling units (such as townhome developments) that could benefit from small areas of open space where children can at least throw a football or play tag and/or where neighbors can gather to have a picnic or a small meeting.
- 2) Many smaller developments may have existing vegetated areas that can be set aside to meet this requirement.
- 3) If there is no solution to providing functional open space, or in circumstances where the open space is inefficient, then this requirement may be modified through the use of a CZD rezoning and alternate development design features can be used by the developer to be consistent with the Comprehensive Plan. Either way, the town sees better development design over time. Policy 3.2, 3.8, 4.1, 7.2,

3.9.8.4.9.8. 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;

3.10.4.10. DEVELOPMENT DESIGN STANDARDS

(Ord. #1716)

3.10.1.4.10.1. 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, Conditional Zoning District 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)

3.10.2.4.10.2. 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.

3.10.3.4.10.3. 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.

Commented [BG36]: The use of a CZD to modify any standards within 4.10 to something more consistent with the Comprehensive Plan. The preceding sentence will be modified in the near future when special "Character Districts" are adopted for certain areas of the town's planning jurisdiction.

(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)

3.11.4.11. TRANSPORTATION (STREETS)**3.11.4.11.1. 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. The transportation standards of this section are applicable as described in each subsection and may be modified only as authorized as part of a PD or Conditional Zoning District.~~

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

3.11.4.11.2. 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;

Commented [BG37]: These two sentences describing what the regulations "address" are nice, but are not regulatory statements and are therefore of little value in the regulations.

Commented [BG38]: The standards of 4.11 apply to a variety of circumstances as noted in each subsection so this sentence makes sense to add and makes all of this more consistent with other "Generally" sections.

- (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.

4.9.2.5.9.2. 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 Conditional Zoning district and~~ subject to the performance standards listed below.

(Ord. #1919)

- (B) **Location Requirements**

Amended

10-10-23

- (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.

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

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

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

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

Amended

10-10-23

Chapter 9. Definitions

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
- (B) Is designed to attract the attention of such persons or communicate information to them.

Commented [BG41]: This change is to be consistent with Exhibit 3-15. Townhomes are a single-family attached land use.

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