



MINUTES

Tuesday, February 13, 2024: 6:00 PM

Town Council Business Meeting

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

1. CALL TO ORDER

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

Mayor Clement recognized Black History Month and shared some related town history facts.

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

Congratulations to Assistant Town Manager Jessica Roth, who was recognized this month by the International City/County Management Association with the Credentialed Manager designation.

Mayor Pro Tem Pate moved to remove Item 6a - AC Sandhills Property Use Agreement, from the Consent Agenda and move it to the March Work Session. Councilmember Petersen seconded, and the vote was unanimous.

Motion Passed.

Mayor Pro Tem Pate made a motion to adopt the agenda as presented with the change to Item 6a, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

4. ORGANIZATIONAL MATTERS

a. Oath of Office: Brandon Goodman

Mayor Clement will execute the oath of office for Brandon Goodman, who was appointed by the Council on January 26th.

Mayor Clement swore in new Councilmember Brandon Goodman, who was accompanied by his sons. Councilmember Brandon Goodman then joined Council at the main table.

5. PUBLIC COMMENTS

Mayor Clement announced that there was not a sign-up sheet for those wishing to make a public comment and instructed those who wished to speak to simply raise their hand, and she would call them up one at a time.

Melissa Coleman of 782 Sundew Court, spoke about her concerns regarding the AC Sandhills Agreement that was removed from the Agenda prior to adoption. Ms. Coleman petitioned for the Carolina Velocity Club to somehow arrange or reserve time for the soccer fields prior to the Town signing the agreement and expressed her views on the fairness of the Town having a contract with just one entity.

Clayton Corel of 440 E Massachusetts spoke in support of Carolina Velocity Club getting a chance at field space.

- Mayor Pro Tem Pate advised Club Velocity to contact Asst. Town Manager Roth and Parks and Recreation Director King to further discussions.

Tony Marco of 16 Glen Devon Dr. advised the Town Council that the Board of Directors of Talamore Westside HOA recently conducted a survey of their property owners regarding the Knoll Road Project and shared the results.

Chuck Oleic of 100 Steeplechase Drive shared a handout with the Council and spoke regarding traffic on Knollwood Road.

Ken Howell a native of Southern Pines and former member of the Bicycle and Pedestrian Committee shared his support of the Knollwood Multi-Modal pathway project.

Peggy Ducharme declared her support for the Knollwood project as a way for everyone to be healthy and active.

Kathy Miner of 90 Paddock Lane shared a article from The Pilot newspaper regarding the continuing growth in Moore County and feels the proposed Knollwood project would be dangerous to residents and would negatively affect the property value. Ms. Miner also requested that the sidewalks in the Longleaf neighborhood be completed.

Mayor Clement advised that the Town is currently working on an engineering plan to explore the options for the Knollwood Multi-Modal Pathway project and that no plans are being voted on.

Jose Cangas of 120 St Joseph Rd. expressed his frustration with work being conducted near his property at 704 Morganton Road and claims the contractors have altered his property and continue to encroach upon it despite numerous attempts to correct them. Mr. Cangas requests any help the Town Council can provide him to help him correct these actions.

Lee Moore of 65 Steeplechase Court expressed his views against the Knollwood Multi-Modal project citing safety concerns.

Dave Williams of 192 Hunter Trail shared his experience on road improvement projects and his opinion that the Knollwood Project would negatively impact the Longleaf community.

Cara Webb of 234 SW Broad Street spoke against the AC Sandhills contract and questioned how the contract was written, why it has not been put out to bid and why no public input was asked for prior. Ms. Webb feels that the residents should have a say in how their fields are used.

Dennis Crook of 313 Magnolia Circle shared that he is against the Knollwood Multi-Modal Path project and asked town manager to get a history of accidents occurring on Knoll Road from the police department and asked if the town's engineering department could predict how many accidents will occur should the center land be taken out.

Mike Martin of 114 Heather Lane spoke as a former president of the AC Sandhill's Club and current member of the North County Youth Soccer Board of Directors and proposed a meeting with the Town staff, AC Sandhills, Club Velocity and any other groups to resolve the issues surrounding field use.

Carrie Gulivich, representing AC Sandhills soccer club, shared that the Club enjoys their partnership with the Town to provide a recreational soccer program and hopes to continue that partnership in the future.

6. CONSENT AGENDA

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

Motion passed.

a. Authorize Mayor to Execute a Property Use Agreement with the AC Sandhills

In 2022, the Town executed a two-year property use agreement with the AC Sandhills soccer organization for the fields and supporting facilities at the Morganton Rd. Sports Complex. This agreement proved beneficial to both the Town and ACS. Staff recommends that the agreement be renewed for a three-year term.

b. Approve Tentative Award of Warrior Woods Pump Station Project to Carolina Civil Works

Bids were received for this project and the design engineer recommended awarding to the low bidder, Carolina Civil Works. This project is funded by a low interest loan through the NC Division of Water Infrastructure (DWI) Additional Supplemental Appropriation for Disaster Relief Act (ASADRA) program and must be approved by DWI and LGC before a final award can be made.

c. Approve Town Council Meeting Minutes for January 2024.

Staff has prepared the following meeting minutes for approval.

- January 23, 2024

- January 26, 2024

7. PUBLIC HEARINGS

a. SU-01-23: Expansion of Authorized Land Uses in 1998 Mill Creek Mixed-Use Development Master Plan

EVIDENTIARY HEARING: Mr. Bob Koontz has applied for a Special Use Permit amendment application to expand the authorized land uses in the General Business conditional zoning district (GB-CD) portion of the Mill Creek development. The public hearing was continued at the January 23, 2024 Work Session.

Mayor Clement re-convened the public hearing for SU-01-23: Expansion of Authorized Land Uses in 1998 Mill Creek Mixed-Use Development Master Plan.

Mayor Pro Tem Pate is recused.

Senior Planner Alaina Mallette presented the updated staff report (Exhibit E).

Senior Planner Mallette entered the response letter to the traffic impact analysis (TIA) in the record as Exhibit F.

Town Engineer/Asst. Public Works Director James Michel addressed the Council regarding the response letter (Exhibit F) from the Department of Transportation.

Councilmember Petersen questioned jurisdiction and Town Engineer Michel advised that DOT would have the final say.

Councilmember Gray asked if the Town would be advised if DOT makes any updates to the TIA recommendations and was informed that yes the Town is the point of contact.

Councilmember Goodman questioned the triggers for road improvements and was advised that the triggers follow the property.

Councilmember Petersen questioned staff view of KimleyHorn's recommendations that additional improvements to bicycle and pedestrian infrastructure are either recommended or required by the Town of Southern Pines as part of the proposed Mill Creek Development and asking if these should be made requirements instead of recommendations? Senior Planner Mallette advised that staff recommends approval of the plan considering that the applicant addressed the criteria mentioned related to infrastructure and orderly development in their updated narrative. Councilmember

Petersen reiterated that she prefers the conditions require rather than recommend improvements. Councilmember Petersen questioned who was responsible for calculating the trip number that triggers the improvements and if Town staff was qualified. Town Engineer Michel advised trip generated numbers are done with a standardized formula and would not be an issue.

Mayor Clement asked Town Engineer Michel to confirm that while the applicant has their TIA the end decision would always fall to DOT to confirm the data and Town Engineer Michel agreed in regards to roadway improvements.

Councilmember Petersen wished to remove the trigger for the multi-modal path and just make the path a requirement.

Mayor Clement asked Town Engineer Michel to share the thought behind including the multi-modal path in the plan. Town Engineer Michel advised that the Town's Uniform Development Code (UDO) defines an acceptable level of service for an intersection and should that level not be maintained the UDO provides a list of things that can be done to improve it and a multi-modal path is one of those. Given the restrictions by DOT on what is or is not allowed the multi-modal path was the next option to mitigate the issue.

Councilmember Goodman questioned the length of the proposed multi-modal path and was told 1500 ft - 1/4 mile approximately. Bob

Mayor Clement questioned the 1998 application zoning and was told by Senior Planner Mallette that there was a section of the plan that was labeled Offices & Condominiums and that the applicant wishes to clarify what else can go into that area by including the table of proposed uses.

Councilmember Petersen asked and Senior Planner Mallette confirmed that none of the improvements would include Warrior Woods.

Councilmember Petersen questioned if night clubs were allowed within the uses and was told they were included on the applicant's table.

Discussion ensued

Councilmember Petersen questioned if anything had been deleted from the original 4 page list of allowed uses previously presented. Senior Planner Mallette advised that there was confusion as to who was responsible for creating the list, the applicant or the Town. Councilmember Petersen feels the responsibility lies with the applicant.

Discussion ensued.

Bob Klug, representing the applicant, gave a history on allowed uses table and claims that the Town created the allowed use list and that they, the applicant, had actually reduced the number of allowed uses with the table they proposed.

Paul Saathoff shared his remarks regarding the use table.

Discussion ensued.

Travis Fluitt of KimleyHorn addressed the Council regarding his traffic analysis report and answered questions.

Councilmember Petersen questioned the calculation methods.

Mayor Clement questioned the scores for the intersections.

Discussion ensued.

A greenway requirement from the 1998 application was discussed and questioned.

No public comments were voiced.

Mayor Clement closed public hearing

Mayor Clement requested comments or thoughts from the Council.

Council Petersen wishes to remove nightclubs from the list of allowed uses and feels it the

responsibility of the applicant to shorten the list not Council.

Mayor Clement agrees that the applicant should be the one to prepare a final list and Councilmember Goodman concurs.

Discussion ensued.

The applicant is asked to refine the list to reflect the zoning General Business Conditional District and the Council feedback.

Councilmember Petersen moved to continue the Public Hearing SU-01-23 to the March 12, 2024, at 6:00 pm, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

b. OA-05-23: Amendments to traffic study content and review requirements in UDO.

LEGISLATIVE HEARING: The Town Engineer has proposed amendments to UDO §4.12, regarding the applicability of, and requirements for, the preparation and review of a Traffic Impact Analysis or Traffic Design Analysis during the development review process.

Mayor Clement opened the Public Hearing for OA-05-23: Amendment to traffic study content and review requirements in the UDO.

Planning Director Grieve presented the request and staff report.

Town Engineer/Asst. Public Works Director Michel presented the request in more detail and answered Council questions.

Travis Fluitt, traffic engineer, was consulted by the Council and staff for his input on the more technical questions.

Discussion ensued.

After discussion, the Council asked that the wording in 4.12.2(a2b be changed from 'concentrate' to 'result in'.

No public comments were voiced.

Mayor Clement closed the public hearing.

Mayor Pro Tem Pate moved that after considering the criteria for text amendment found in UDO §2.17.10, the first of which is consistency with the Comprehensive Plan, the Town Council finds that the proposed text amendment is consistent with the Comprehensive Plan and is a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning board's resolution regarding consistency with the Comprehensive Plan, with the exception that third-party review of Traffic Impact Analyses and charging applicants for this review has been removed from the amendments. With that change, the Town Council adopts the Planning Board resolution that is included as an attachment to the staff report for OA-05-23. The motion was seconded by Councilmember Gray and the vote was unanimous.

Motion passed.

Mayor Pro Tem Pate moved to approve OA-05-23, Modified Town Council Hearing Version as attached to the staff report with the following changes to §4.12.2(A)(2)(b) by replacing the word 'concentrated' with 'resulting in', seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

8. ACTION ITEMS

a. Consider PD-05-23: Written Decision for Morganton Park North Phase 10 (Pinehurst Surgical Site 4N) PDP

Staff has prepared a draft Written Decision for application PD-05-23, Morganton Park North Phase 10 (Pinehurst Surgical Site 4N) PDP, for the Town Council's review and approval.

The written decision for PD-05-23 reflects the actions taken by the Council at the last meeting.

Mayor Pro Tem Pate moved to approve the written decision for PD-05-23: Morganton Park North Phase 10 PDP, seconded by Councilmember Petersen; the vote was unanimous.
Motion passed.

b. Consider SU-02-23: Written Decision for 730 S. Bennett Townhomes

Staff has prepared a draft Written Decision for application SU-02-23, 730 S. Bennett Townhomes, for the Town Council's review and approval.

The written decision for SU-02-23 reflects the actions taken by the Council at the last meeting.

Mayor Pro Tem Pate moved to approve the written decision for SU-02-23: 730 S. Bennett Townhomes, seconded by Councilmember Petersen; the vote was unanimous.
Motion passed.

c. Consider Ordinance #3025: Registration & Regulation of Pedal Powered Passenger Vehicles

This is a proposed update to the Code of Ordinances to regulate pedal-powered vehicles, also known as "pedal pubs." These businesses will be required to register with the police department and will be limited to certain areas in which to operate.

Town Manager Parson gave a brief overview of the request.

Discussion ensued.

The Council questioned the map and staff will confirm the routes with Chief Polidori and update the map if needed.

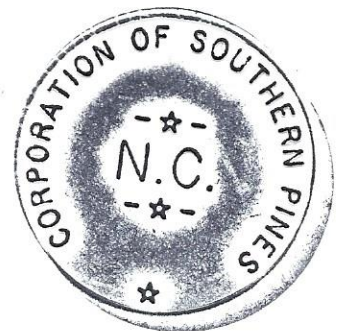
Mayor Pro Tem Pate moved to approve Ordinance #3025: Registration & Regulation of Pedal Powered Passenger Vehicles as presented in the meeting packet, reserving the right to update the attached map routes for potential crossovers or turnarounds upon the Chief of Police's approval.
The motion was seconded by Councilmember Gray; the vote was unanimous.
Motion passed.

9. ADJOURNMENT

Upon motion by Councilmember Petersen, seconded by Councilmember Gray and carried unanimously, Council adjourned at 9:47pm.

Respectfully submitted:


Elizabeth Robertson, Town Clerk





ORDINANCE # 3026
AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE
TOWN OF SOUTHERN PINES
OA-05-23

THAT WHEREAS, after notice being duly given according to law, a public hearing was held before the Town Council of Southern Pines, North Carolina, at its regular meeting held on February 13th, 2024 at 6:00 PM for the purpose of considering an Ordinance amending the Unified Development Ordinance of the Town of Southern Pines, North Carolina; and.

WHEREAS, after the completion of said public hearing, and upon consideration of any comments, objections or presentations at the hearing, the Town Council of the Town of Southern Pines deems it advisable and in the best interest of the Town of Southern Pines that the Unified Development Ordinance of the Town of Southern Pines be amended as herein set forth below.

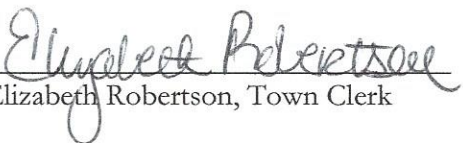
NOW THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina at its Regular Business Meeting assembled on the 13th day of February, 2024:

Section 1. That §4.12. of the Unified Development Ordinance is hereby amended as depicted on Attachment A to this Ordinance, wherein deletions to the current text are depicted as ~~stricken~~ and additions to the text are depicted as underlined.

Section 2. That this Ordinance shall be and shall remain in full force and effect from the date of its adoption.

Adopted this 13th day of February 2024.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on February 13th, 2024 as shown in the Minutes of the Town Council meeting for that date.


Elizabeth Robertson, Town Clerk



ATTACHMENT A

posts that differ from standard Town type materials usually required by and used by the Town.

- (F) If approved by the Town, the use of specialty Signs and posts in any Subdivision or any site, that approval is subject to the Town receiving a letter from the owner Developer or homeowners association specifically agreeing to each of the following:

- (1) All Sign faces shall be made of reflective Sign material conforming to the requirements of NCDOT. The Sign face dimensions and the positioning of the Sign and post with respect to the street pavement and/or the intersection must conform to the requirements of the Manual for Uniform Traffic Control Devices. The location of each specialty Sign and post must be approved by the Town of Southern Pines prior to installation of that Sign and post.
- (2) The Developer, the owner, or the homeowners association shall be responsible for all installation costs associated with the specialty Signs and posts.
- (3) The Developer, the owner, or the homeowners association shall be responsible for the perpetual maintenance of specialty Signs and posts for which they requested Town approval.
- (4) If the Developer, the owner, or the homeowners association fails to fulfill its responsibility for maintenance of these specialty Signs and posts, the Town of Southern Pines shall install its standard Sign materials and the Developer, the owner or the homeowners association shall be required to remove the specialty Signs and posts and at no cost to the Town. The cost of materials and installation of the standard street name Signs, standard traffic control Signs and posts needed to replace the specialty street name Signs, specialty traffic control Signs and posts that have not been properly maintained shall be borne by the owner, the Developer or the homeowners association of the Subdivision of the site, whichever is appropriate.

- (5) The Developer, the owner or the Applicant shall inform purchasers of its property of the conditions and responsibilities of the homeowners association pertaining to perpetual maintenance responsibility for the specialty Signs and posts within the Subdivision or on that site.

4.11.23. Pavement Markings and Pavement Materials

All pavement markings and materials in Public Street pavement shall be approved by the Permit Issuing Authority for the Public Street. Pavement markings and material changes to street pavement shall be limited to pedestrian crossings, lane markings, edge of pavement marking and traffic warning or control markings or materials approved by the Town Engineer and should be consistent with the standards of the Manual on Uniform Traffic Control Devices.

4.11.24. Sidewalk Accessibility

If there is an existing or proposed sidewalk adjacent to a proposed or developing piece of property then such Development must extend such a sidewalk to the primary entrance of the Building.

4.12. TRANSPORTATION /TRAFFIC ANALYSES

4.12.1. Purpose.

The intent of this section is to provide the information necessary to allow decision-makers to assess the adequacy of available capacity to meet existing, projected and proposed demand at adopted levels of service. Traffic Impact Analyses (TIA) are intended for Developments having traffic impacts on major streets, multiple streets or multiple intersections. Traffic Design Analyses (TDA) are intended for Developments having more localized impacts. Where there is not sufficient available capacity to meet these demands, the traffic study should identify improvements required to accommodate proposed demand and maintain adopted levels of service. A traffic study will be required for Development applications exceeding specific trip generation thresholds established in this section.

4.12.2. Types of Studies and Applicability

(A) Traffic Impact Analysis (TIA)

- (1) Purposes: The purposes of a TIA will be to:
 - (a) Evaluate traffic operations and impacts at site access points under projected traffic loads;
 - (b) Evaluate the impact of site-generated traffic on affected intersections in the impact area;
 - (c) Evaluate the impact of site-generated traffic on the quality of traffic flow on public streets located in the Impact area;
 - (d) Evaluate the impact of the proposed Development on ~~residential~~ streets in the impact area;
 - (e) Ensure that site access and other improvements needed to mitigate the traffic impact of the Development meet commonly accepted engineering design standards;
 - (f) Ensure that adequate facilities for pedestrians, transit users and bicyclists have been provided; and
 - (g) Identify transportation infrastructure needs and related costs created by the Development and cost sharing for needed improvements.
- (2) Applicability: A TIA will be required prior to approval of a Preliminary Plat; ~~Preliminary Development Plan; Architectural Compliance Permit~~ Site Plan (when not completed previously in the development review process for the proposed Development), ~~Zoning Map Amendment~~ Conditional Zoning District, or Special Use Permit for Development that exceeds the following thresholds in one or more Development Applications submitted for a Parcel or contiguous Parcels under common ownership at the time of the adoption of this UDO or at the time of the Development application:

- (a) The proposed Development will generate more than 1,000 average daily trips or more than one hundred (100) am or pm peak hour trips at full occupancy, according to ~~the~~ most current version of the ITE Trip Generation Informational Report or comparable research data approved by the Town Engineer; or
- (b) The proposed Development will ~~concentrate result in three hundred (300) or more trips per day or thirty (30) five hundred (500) or more trips per day or fifty (50) am or pm peak hour trips~~ through a single access point.

(Ord. # 1919)

- (B) **Traffic Design Analysis (TDA).** All Development projected to generate two hundred (200) average daily trips or twenty (20) am or pm peak hour trips more than existing conditions that does not require a TIA shall be required to complete a Traffic Design Analysis (TDA). The purposes of a TDA will be to:
 - (1) Ensure that the proposed street layout is consistent with adopted road design standards;
 - (2) Ensure the proper design and spacing of site access points and identify where limitations on access should be established;
 - (3) Ensure that potential safety problems have been properly evaluated and addressed;
 - (4) Ensure that internal circulation patterns will not interfere with traffic flow on existing public streets;
 - (5) Ensure that appropriate facilities for pedestrians, transit users and bicyclists have been provided in plans for the Development; and
 - (6) Identify the transportation infrastructure needs and related costs created by the Development.

4.12.3. Waiver

Requirements of this section for a TIA or TDA may be waived by the Engineer upon determining that such report is not necessary to determine needed road improvements, that adequate capacity exists to serve the proposed Development, and that no unsafe or hazardous conditions will be created by the Development as proposed.

4.12.4. Preparation

The cost of TIA or TDA preparation shall be the responsibility of the Applicant. The Applicant shall retain the services of a qualified traffic engineer approved by the Town Engineer. A TIA shall be sealed by a licensed professional engineer.

4.12.5. Traffic Level of Service Standards

The standards for traffic service that shall be used to evaluate the findings of a TIA or TDA are:

- (A) Level of Service. Level of Service (LOS) D (LOS D) or less congested shall be maintained at all arterial and collector street intersections. LOS C or less congested shall be maintained at all other street intersections. For multi-phase Developments, the applicable levels of service shall be maintained for each phase. No Development shall result in the following unless specifically approved by the Town Council:
- (1) The total average delay at an intersection increases by 25% or greater, resulting in LOS D or more congested for arterial and collector streets, or resulting in LOS C or more congested for all other streets;
 - (2) The intersection LOS degrades by at least one level, resulting in LOS E or more congested for arterial and collector streets, or LOS D or more congested for all other streets;
 - (3) The intersection LOS degrades by more than two (2) letters; or

- (4) Any individual approach delay increases by 10% or greater, resulting in LOS E or worse;
- ~~(1) the decline in the level of service of an adjacent street by more than two (2) letters (e.g., a drop from LOS A to LOS D) unless specifically approved by the Town Council.~~

- (B) Number of Access Points. The spacing of access points shall comply with applicable Town, ~~s~~State, and AASHTO standards.
 - (C) Internal Circulation. On-site vehicle circulation and parking patterns shall be designed so as not to interfere with the flow of traffic on any public street and shall accommodate all anticipated types of site traffic at projected volumes.
 - (D) Safety. Access points shall be designed to provide for adequate sight distance and appropriate facilities to accommodate acceleration and deceleration of site traffic pursuant to section 4.11.5.
 - (E) Curb Space Use Plan. Details shall be provided on curb space use on public streets along the edge of the Development site when it is intended that such areas be used for parking, parking space access, delivery and loading zones, passenger zones, bus stops, fire zones and/or other official/emergency zones. This review shall include a description of existing conditions prior to Development, and proposed changes resulting from the Development, including a description of any loss or gain in curb space use by the activities intended.
- (Ord. #1745)

4.12.6. Traffic Analysis Contents

- (A) A TIA shall be based on peak hour traffic and shall contain information addressing the factors listed below.
 - (1) Project and Site Description. The analysis shall contain illustrations and narratives that describe the characteristics of the site and adjacent land uses as well as expected Development in the Impact area that will influence future traffic

conditions. A description of the proposed Development including access plans, phasing plans and an indication of land use and intensity, shall be provided.

- (2) Study Area. The analysis shall identify the geographic area under study and identify the critical intersections and access points to be analyzed. Unless an alternative is approved the Town Engineer, the study shall include: all intersections and driveways on or within 150 feet of the site; all unsignalized intersections along collector or arterial streets within one-quarter (¼) mile of the site driveways; and all intersections along arterial streets that the proposed Development is projected generate five (5) percent or more of the peak hour traffic; and all signalized intersections along collector or arterial streets within one-half (1/2) mile of the site driveways. Additional intersections may be requested or deleted at the discretion of the Town Engineer.
- (3) Existing Traffic Conditions. The analysis shall contain a summary of the data used in the analysis of existing traffic conditions, including:
 - (a) Existing Demand, including traffic count and turning movement information, including the source of and date when traffic count information was collected;
 - (b) Roadway characteristics, including the design configuration of existing roadways, existing traffic control measures (speed limits, traffic signals, etc.) and existing driveways and turning movement conflicts in the Impact area; and
 - (c) The existing LOS for roadways and intersections without project Development traffic using methods documented in the Special Report 209: Highway Capacity Manual, published by the Transportation Research Board, or comparable accepted methods of evaluation. LOS shall be calculated for the weekday am and pm peak hours and, in the case of uses

generating high levels of weekend traffic, the Saturday or Sunday peak hour as determined by the Town Engineer.

- ~~(4)~~ (4) Projected Traffic Volume. The TIA shall identify projected peak hour traffic volumes for applicable intersections and driveways in the study area. The pProjected trip generation shall be based on latest data from the ITE Trip Generation Manual or other studies approved in writing by the Town Engineer. The analysis shall be based on buildout projections and a minimum ten (10) year background projections from the current year. The analysis shall compare existing demand plus projected demand plus proposed demand with planned capacity for the applicable projections.
- (5) Traffic Assignment and Distribution. The TIA shall identify projected peak hour traffic volumes for applicable intersections and driveways in the study area. The Town Engineer analysis shall identify applicable intersections, driveways and traffic distribution assumptions prior to completion of the study. ~~Projected trip generation shall be based on latest data from the ITE or other studies approved in writing by the Town Engineer.~~ This section will document all assumptions affecting the direction, volume, and mode split of traffic generated by the project.
- (6) The projected LOS for roadways and intersections without project Development traffic, and with the project Development traffic, using methods documented in the Special Report 209: Highway Capacity Manual, published by the Transportation Research Board, or comparable accepted methods of evaluation. LOS shall be calculated for the weekday am and pm peak hours and, in the case of uses generating high levels of weekend traffic, the Saturday or Sunday peak hour as determined by the Town Engineer. LOS of service and delays shall be provided for the intersection and for each approach.

~~(B) Turn Lane Warrant Analysis. At new site driveways and intersections, a turn-lane warrant analysis shall be performed in accordance with the NCDOT Driveway Manual or other approved industry standards.~~

~~(4) —~~

~~(B) Analysis. The analysis shall be based on buildout and ten (10) year projections. The analysis shall compare existing demand plus projected demand plus proposed demand with planned capacity for the applicable projections.~~

(C) Mitigation Alternatives. In situations where the LOS standards are projected to be exceeded ~~for the buildout year for residential and the 10 year projection for commercial and mixed use Developments~~, the analysis shall evaluate each of the following alternatives for achieving the traffic service standards:

- (1) Identify additional Right-of-Way and street improvements needed to implement mitigation strategies;
- (2) Identify suggested phasing of Development and transportation improvements where needed to maintain compliance with LOS standards;
- (3) For Developments impacting constrained facilities, identify access, pedestrian, transit or other improvements required to mitigate the impacts of the proposed Development on the constrained facility.
- (4) In the event that the proposed mitigation is not permitted by NCDOT, the Development shall provide the most effective mitigation to improve LOS allowed by NCDOT.

(D) A TDA shall include the information required for a TIA, except as modified by the Town Engineer. The study area for a TDA shall include all street segments, intersections and driveways on or within 150 feet of the site driveway(s).

(Ord. #1745)

4.12.7. Process for the Review and Preparation

The following steps provide an outline of the steps to be included in the preparation and review of a Traffic Impact Analysis:

- (A) The Applicant shall meet or correspond with the Town Engineer to determine whether a TIA needs to be prepared for a proposed Development application, and to identify study issues, assumptions, projections and time periods to be analyzed, analysis procedures, available sources of data, past and related studies, report requirements and other topics relevant to study requirements. NCDOT shall be contacted and coordinated with as appropriate when the TIA includes state or federal highways as points of access for a Development.
- (B) Following initial completion of a TIA, the report shall be submitted to the Planning Director and the Town Engineer and the Applicant shall be responsible for distribution to all jurisdictions involved in the construction and maintenance of public roadways serving the Development. If direct access is being proposed to a State Highway, the Applicant shall also submit the TIA to NCDOT, if not previously submitted.
- (C) Within five (5) business days, the Town Engineer shall complete an initial review to determine the completeness of the analysis and shall provide a written summary to the Applicant outlining the need for any supplemental study or analysis to adequately address any deficiencies. A meeting to discuss the contents and findings of the report and the need for additional study may be requested by the Applicant. NCDOT approval shall be required for any traffic mitigation involving the state system.
- (D) Within thirty (30) days of submittal of a complete application, the Town Engineer shall prepare a report outlining recommendations that have been developed to address the findings and conclusions included in the analysis regarding the proposed Development's access needs and impacts on the transportation system. Depending on the type of

Application, the recommendations may be presented to the Planning and/or Town Council.

(E) In the case of a TIA or TDA showing deficiencies requiring mitigation within the public Right-of-Way, ~~negotiations based on the conclusions and finding resulting from the TIA or TDA shall be held with appropriate Town staff. If~~ the subsequent Development Approval ~~or, at the option of the Applicant, a Subdivision Performance Guarantee or Development Agreement,~~ shall identify the Applicant's and the Town's responsibilities for implementing identified mitigation measures. A Subdivision Performance Guarantee or Development Agreement may be used to assure completion of required mitigation.

(Ord. #1745; Ord. #1919)

4.12.8. Findings

- (A) If the proposed Development; ~~either residential, commercial, or mixed-use,~~ meets the applicable service level standards and the project only affects Town or private streets, the Town Engineer shall recommend acceptance of the traffic analysis and its findings.
- (B) If the proposed Development; ~~either residential, commercial, or mixed-use,~~ meets the applicable service level standards and the project affects any NCDOT street, the Town Engineer shall not make a recommendation to either accept or deny the traffic analysis until the Town Engineer is in receipt of an official comment from NCDOT.
- (C) If the proposed residential Development will not meet applicable ~~service level LOS standards at the buildout projections or if the proposed commercial or mixed-use Development will not meet applicable service level standards at the buildout or 10-year projections,~~ the Town Engineer shall recommend denial of the traffic analysis unless the Applicant submits a mitigation plan that, in the opinion of the Town Engineer, addresses the deficiencies through one or more of the following actions:

- (1) Reduce the size, scale, scope or density of the Development to reduce traffic generation;
- (2) Divide the project into phases and with only one phase at a time being authorized until traffic capacity is adequate for the next phase of Development;
- (3) Dedicate Right-of-Way for street improvements;
- (4) Construct new street improvements;
- (5) Expand the capacity of existing streets and/or intersections;
- (6) Redesign ingress and egress to the project to reduce traffic conflicts;
- (7) Alter the use and type of Development to reduce peak hour traffic;
- (8) Reduce background traffic;
- (9) Eliminate the potential for additional traffic generation from undeveloped properties in the impact area; or
- (10) Integrate non-vehicular design components (e.g., pedestrian and bicycle paths or transit improvements) to reduce trip generation.

(Ord. #1745)

4.13. FLOOD HAZARD AREAS

4.13.1. Statutory Authorization, Purpose, Objectives

- (A) The Flood Hazard Overlay District (FHO), as established in section 3.6.9 is designed for the purpose of protecting people and property from the hazards of flooding in accordance with the authority provided in Part 6, Article 21 of Chapter 143; Article 8 of Chapter 160A; and Articles 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes. This section 4.13 shall be known as the Town of Southern

TOWN OF SOUTHERN PINES

WORK SESSION MEETING OF THE TOWN COUNCIL

January 23, 2024

3:00 pm

E.S. Douglass Community Center

1185 W Pennsylvania Ave, Southern Pines, NC 28387

DECISION OF THE BOARD

Case Number: PD-05-23

Written Decision of the Board for PD-05-23: A Planned Development District - Preliminary Development Plan for Morganton Park North Phase 10

An evidentiary hearing regarding a proposed Planned Development Preliminary Development Plan (PDP) for Morganton Park North Phase 10 was called to order with four members present on January 23, 2024 (a fifth member had not yet been appointed). The hearing was held on this date after having been scheduled for January 9, 2024 because the Regular Meeting on January 9, 2024 had been cancelled due to weather. The Mayor administered the oath to all witnesses choosing to speak. BJ Grieve, Planning Director, briefly introduced the application. Bob Koontz with KoontzJones, PLLC, representing the applicant, then made an applicant presentation that was entered into the record as Exhibit A. Travis Fluitt, Traffic Engineer with Kimley Horn, then addressed the Traffic Impact Analysis. BJ Grieve, Planning Director, then made a brief staff presentation and recommendation for approval as submitted and as described in the PDP narrative documents. No members of the public spoke regarding the application. For detailed minutes on the topics discussed during the evidentiary hearing, see the Town Clerk's minutes for each meeting.

Town Council Action:

Having heard all evidence submitted by those wishing to speak, the Town Council then closed the public hearing. After closing the public hearing and discussing the application and information presented at the hearing, the Town Council approved the following findings of fact on the application by a vote of 4-0:

The Council voted on the following Findings of Fact and Conclusions of Law as required by UDO Section 2.18.5(H) and as presented in Attachment 1 of PD-05-23:

Finding of Fact #1:

The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Development Plan approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Development Plan, and the

evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

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

1. The application demonstrates that it will achieve the purposes of the PD district and the UDO.

The Morganton Park North CDP is a mixed-use development that was approved in 2018. The CDP does not set forth a clear “purpose” for the development but does describe allowable land uses as General Business and Office Services. Prior phases of development have resulted in an elementary school, four medical office buildings, three apartment complexes and one vertical mixed-use building containing restaurants, medical and real estate office, and other land uses.

The purposes of a PD district are described in UDO §3.5.14. Based on the planning staff’s review of §3.5.14 PD - Planned Development District in the UDO and based on testimony and evidence presented at the evidentiary hearing held January 9, 2023, the Town Council does not find significant inconsistency between the proposed land uses in Morganton Park North Phase 10 and the text of either document.

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

Based on statements made in the revised application materials attached to the Planning Department’s staff report dated January 9, 2024, the Town Council feels that the application contains enough information and commitments to be deemed generally consistent with the CDP and UDO. Therefore, the PDP is appropriate given the specific mix of uses and character of the development and achieves an efficient, safe, or economical land use without detracting from the quality of the overall Morganton Park North development or the community as a whole.

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

The proposed development is the tenth phase of the mixed-use Morganton Park North CDP. The area being developed is designated “Traditional Mixed-Use” in the Comprehensive Long-Range Plan (CLRP) under which this project is vested. The proposed land use will provide additional medical services and will further expand a substantial growing job base within walking distance of nearly 700 apartment units, a traditional residential community, an elementary school, restaurants, a grocery store and eateries. Building heights are restricted to 50’; it is noted by the Town Council that a 50’ building will be noticeable in this location as a high point in the Morganton Park North development. However, medical facilities in excess of 10,000 square feet are allowed to be up to 50’ in height per UDO 4.2.1(H)(6) and this was not modified when the CDP was approved.

The Town Council finds that given the prior nine phases of development of Morganton Park North, the CLRP designation and the relative convenience of the location near a variety of existing and planned land uses, the proposed development is located in an appropriate area of town. Furthermore, the development is located in an area of town with existing access to necessary infrastructure and where the street system is adequate, or will be improved to be adequate, to accommodate the projected traffic volumes.

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

Town Council finds that the proposed PDP includes efficient extensions of public facilities, utilities and services because sewer and water facilities exist near the proposed development and any necessary extensions or improvements will be made by the developer. Furthermore, Development of the subject property in the manner proposed is an efficient way to increase jobs and tax based and provide additional medical care for the community and region.

Decision of the Council:

By a vote of 4-0 the Town Council voted to approve the Preliminary Development Plan Application PD-05-23 with no additional conditions.

This is the 13th day of February, 2024.

FOR THE TOWN COUNCIL:


Taylor Clement, Mayor

cc: Pinehurst Surgical Clinic Realty, LLC cgregg@pinehurstsurgical.com
Robert Koontz, KoontzJones Design, bkoontz@koontzjones.com

TOWN OF SOUTHERN PINES

REGULAR MEETING OF THE TOWN COUNCIL

February 13, 2024

6:00 pm

E.S. Douglass Community Center

1185 West Pennsylvania Avenue, Southern Pines, NC 28387

DECISION OF THE BOARD

Case Number: SU-02-23

Matter at Issue: Special Use Permit for a Major Subdivision of 13 Townhomes with Common Area Adjacent to Two Existing On-Site Uses at 730 S. Bennett St. (Total of 16 Lots); Petitioner: PTAH, LLC by Crawford Design Company, Agent

Mr. Kevin Lindsay of Crawford Design Company, on behalf of PTAH, LLC, submitted a Special Use Permit and Major Subdivision application pursuant to §2.20 Major Subdivision and §2.21 Special Use Permit of the Town of Southern Pines Unified Development Ordinance (UDO) to subdivide the parent tract into 13 townhomes with a homeowners association and two additional lots for existing land uses for a total of 16 lots. The parent tract contains two existing buildings: a 1,700-square foot warehouse that is a non-conforming land use and a 1,160-square foot mixed-use building. 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.

A public hearing regarding the proposed Special Use Permit was held on January 23, 2024. The oath was administered to all witnesses choosing to speak. Alaina Mallette, Senior Planner for the Town of Southern Pines presented the staff report and BJ Grieve, Planning Director for the Town of Southern Pines, entered the applicant's preliminary plat into the record as Exhibit A and staff's report as Exhibit B. Kevin Lindsay of Crawford Design Company, authorized agent for the applicant and property owner PTAH, LLC, presented and entered a list of key points into the record as Exhibit C. The applicant, Andy Bleggi of PTAH, LLC, addressed several questions from town council regarding lot sizes and building design. Two additional members of the public swore in as witnesses expressing concern over the impact of the proposed development on gentrification. After closing the hearing on January 23, 2023, Town Council discussed and voted on the draft findings of fact.

Town Council Action on SU-02-23:

Finding of Fact #1

The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Special Use Permit approval has fully met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants

have submitted adequate evidence addressing criteria for a Special Use Permit, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2

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

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

The application is compliant with all regulations of the CB and DTO district standards. The applicant has submitted a concurrent application for a Watershed Protection Permit for 5/70 allocation credits. The applicant will be able to develop up to 70% of the parent tract.

The applicant requests a deviation to allow 6' chain-link fencing along the side lot lines in the Common Area behind the town homes as well as a 4' chain-link fence along the rear lot line. According to UDO §3.5.8(C)(3), chain-link fencing in the CB cannot be over 3'. However, UDO §4.7(D) allows for deviation requests from fencing requirements during a special use permit review process. A 4' fence in the rear adjacent to Memorial Park is reasonable to dissuade users from climbing over the fence rather than using the pedestrian connection (i.e., gate). A 6' fence along the side lot lines is reasonable to provide privacy between townhomes and adjacent landowners.

Considering compliance with all other regulations of the applicable zoning district and applicable supplemental regulations, the Town Council finds the application to be compliant and the requested deviation reasonable.

2. **The proposed special use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;**

The parent tract is in the Downtown Adjacent Neighborhood character district, which promotes mixed land uses and walkable developments that provide in-town living. Therefore, the Town Council believe that townhomes are an appropriate residential building type for the character of the Downtown Adjacent Neighborhood.

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

The Town's geographic information systems spatial data layers show both sewer gravity main and water main lines along S. Bennett Street in front of the parent tract. Furthermore, the applicant intends to extend water and sewer lines into the townhomes along the private drive at the developer's expense. In the applicant's narrative, additional power, trash, natural gas, and cable/internet services are listed. Considering this information, Town Council consider the proposed properties to have adequate public facilities.

4. **The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;**

No analysis has been submitted on the potential impact of the expanded permitted uses on property values within the neighborhood. However, the applicant did state that “13 townhomes are estimated to produce around 146 trips per day. The Southern Pines UDO requires a traffic design analysis (TDA) for over 200 trips. Therefore, neither a TIA or [TDA] are required.” The applicant included a sidewalk adjacent to S. Bennett Street, which will improve connectivity with the downtown area as well as pedestrian connections to Bradford Village and Memorial Park. Based on evidence presented, Town Council do not identify any indication that the proposed major subdivision will impede orderly development.

5. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare;

Based on evidence presented, Town Council did not identify any indication that the proposed major subdivision will be detrimental to or endanger the public health, safety, comfort or general welfare.

6. The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use;

The applicant claims that the addition of townhomes will increase housing options in an area relatively housing scarce. Town Council find that additional housing in the downtown adjacent neighborhood, in effect, assists the town in implementing the goal to “Expand Housing Options to Help Maintain Affordability in a Way that Protects Neighborhood Character.” There are other townhome developments in the downtown adjacent neighborhood. Therefore, Planning staff believe that the public interest and welfare, if constructed, outweigh individual interests that are adversely affected by the establishment of the proposed use.

Finding of Fact #3

The Town Council finds that the application complies with UDO §2.20.4(G) Criteria for a Major Subdivision Preliminary Plat, Criteria 1-5, in that:

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;

Town Council finds that the proposed townhomes will provide additional housing diversity in the area and the proposed subdivision is consistent with the General Framework Map and Conservation and Development Maps, which each categorize the site as an Area to Strengthen and Mixed-Use Area within the Downtown Activity Center. The Public Works Department has plans to extend curb, gutter, and sidewalk down S. Bennett Street and the applicant will be adding curb and gutter throughout the site including sidewalk in the right-of-way. Therefore, the mix of uses, additional housing, and sidewalk are consistent with the 2040 Comprehensive Plan as well as street plans.

2. The proposed Subdivision complies with the UDO and applicable state and federal regulations;

The application is compliant with all regulations of the CB and DTO district standards. The applicant has submitted a concurrent application for a Watershed Protection Permit for 5/70 allocation credits. If approved, the applicant will be able to develop up to 70% of the parent tract.

The applicant does request a deviation to allow 6' chain-link fencing along the side lot lines in the Common Area behind the town homes as well as a 4' chain-link fence along the rear lot line. According to UDO §3.5.8(C)(3), chain-link fencing in the CB cannot be over 3'. However, UDO §4.7(D) allows for deviation requests from fencing requirements during a special use permit review process. A 4' fence in the rear adjacent to Memorial Park is reasonable to dissuade users from climbing over the fence rather than using the pedestrian connection (i.e., gate). A 6' fence along the side lot lines is reasonable to provide privacy between townhomes and adjacent landowners.

Considering compliance with all other UDO regulations, the Town Council finds the application to be compliant and the requested deviation reasonable.

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;

The Technical Review Committee did state a preference for the private drive to connect to Bradford Village, but the applicant states that the adjacent property owner is not interested in a connection and that the applicant prefers a pedestrian connection, solely. The applicant added a comment on the preliminary plat that states, "Lot purchasers will be adjacent to a town park, which holds events, programming, and the like, that may create more noise than is typically expected in a residential neighborhood." The Planning Department requested this note considering that future homeowners should be aware of the higher ambient noise levels associated with public parks. Therefore, the Town Council find the lot sizes, density, access, and circulation are compatible with the zoning and adjacent properties.

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

A drainage impact analysis was submitted with the application, in which the applicant states "the 10-year storm runoff leaving the site shall be reduced from a current flow of 4.2 cubic feet per second to 3.3 cubic feet per second." The proposed stormwater facility on-site will reduce runoff onto adjacent properties during heavy rain events despite having more impervious surface. Therefore, no detrimental impact on safety or viability of the permitted uses on adjacent properties have been identified based on the Planning Department's routine site visit and desktop review of the site.

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.

The applicant states that no public sewer mains aside from private sewer main connections to the townhomes will be required. The applicant is proposing a new fire hydrant, and water

main along the proposed private drive. All the proposed extensions are efficient and adequate to serve normal and emergency demands.

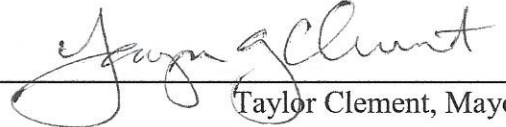
Decision of the Council:

Therefore, by a vote of 4-0 (a fifth member had not yet been appointed to fill a vacancy), the Town Council voted to approve Special Use Permit SU-02-23 and the accompanying Major Subdivision Preliminary Plat with a deviation as requested by the applicant, to the standard in UDO §4.7(D), to allow 6' chain-link fencing along the side lot lines in the Common Area behind the town homes as well as a 4' chain-link fence along the rear lot line, as permitted during special use permit review by UDO §4.7.

Furthermore, by a vote of 4-0 (a fifth member had not yet been appointed to fill a vacancy), the Town Council voted to approve Watershed Protection Permit WP-04-23, granting the 1.19 acres-site 5/70 watershed exemption allocation.

This is the 13th day of February, 2024.

FOR THE TOWN COUNCIL:


Taylor Clement, Mayor



ORDINANCE #3025
REGISTRATION AND REGULATION OF PEDAL POWERED
PASSENGER VEHICLES

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines North Carolina in regular session assembled on the 13th day of February 2024, the Code of Ordinances be amended as follows:

Section 1. The Code of Ordinances for the Town of Southern Pines is hereby amended by adding a new Chapter 74, entitled Pedal Powered Passenger Vehicles, as set out fully below in Section 2 of this Ordinance.

Section 2. Chapter 74 of the Code of Ordinances for the Town of Southern Pines shall read as follows:

Chapter 74: Pedal Powered Passenger Vehicles

74.01. Definitions.

Driver or operator shall mean any person who drives or operates a Pedal Powered Passenger Vehicle on the streets of the Town and who is responsible for the safe operation of the vehicle, including but not limited to the steering and braking and maintaining compliance with all state and local traffic regulations.

Owner shall mean any person engaged in a Pedal Powered Passenger Vehicle business and who has registered with the Town as required by this Chapter.

Pedal Powered Passenger Vehicle shall mean a pedal powered vehicle designed to carry four (4) or more passengers and an operator which may have a motor capable of propelling the vehicle in the absence of human power, and generally used for tourism or entertainment purposes.

74.02 Pedal Powered Passenger Vehicle Registration

Before commencing operation of a Pedal Powered Passenger Vehicle business within the Town limits the Owner must register the business and the vehicle with the Town on a registration form provided by the Southern Pines Police Department. The registration form shall require, at a minimum, the name(s) of the Owner or Owners, the addresses, email addresses and phone numbers of the Owners, the name and address of the business entity authorized to do business in North Carolina, a description or photograph of the vehicle or vehicles that will be used in the Town, and certificates of insurance as provided in Section 74.04.

74.03 Areas of Operation

(a) When carrying passengers, Pedal Powered Passenger Vehicles shall be permitted to operate only on streets or portions of streets designated by the Town Council and published on a map available to the Owner and Driver of Pedal Powered Passenger Vehicles through the Police Department (the Operating Area). However, the Driver or Operator may transit other streets and highways when traveling between storage or maintenance locations and the Operating Area as long as no passengers (other than Owners, Drivers, Operators, or employees of the business) are on board. Further, if the Owner, Driver or Operator of a Pedal Powered Passenger Vehicle wishes to operate the Vehicle outside the Operating Area while carrying passengers an Outdoor Special Events Permit shall be required pursuant to Section 32.092 of the Southern Pines Code of Ordinances.

(b) Operation of Pedal Powered Passenger Vehicles is specifically prohibited in the following locations:

- (1) On any street with a posted speed limit greater than 35 miles per hour;
- (2) On any sidewalk, pedestrian walkway, greenway or Town park;

- (3) On any street closed in connection with an approved special event permit unless approved to operate in conjunction with the event by the Town and the permit holder;
 - (4) On any street when weather conditions are sufficiently adverse or inclement as to endanger passengers, the motoring public, or others;
- (c) Pedal Powered Passenger Vehicles are not permitted to stop, stand, or park on public property except as follows:
- (1) At a traffic light or stop or yield sign;
 - (2) In a legal parking space;
 - (3) In loading/unloading zones;
 - (4) In the public parking lot designated by the Chief of Police as the exclusively authorized loading and unloading location for Pedal Powered Passenger Vehicles;
 - (5) In any other location authorized by the Chief of Police.

74.04 Insurance Requirements.

No Pedal Powered Passenger Vehicle may be operated unless the Owner has provided the Town with proof of a comprehensive general liability insurance policy or comparable pedicab liability insurance policy issued by an insurance company licensed to do business in North Carolina, protecting the business and the Town from all claims for damages to property and bodily injury, including death, which may arise from operations of the Pedal Powered Passenger Vehicles. The policy shall name the Town as an additional insured and shall provide that the policy may not be terminated or cancelled prior to the expiration date without advance notice to the Town. The policy shall provide coverage in an amount not less than one million dollars (\$1,000,000.00) per occurrence

74.05 Standard Operating Regulations.

No person shall drive or operate a Pedal Powered Passenger Vehicle upon the streets of the Town and no Owner shall permit it to be so driven or operated unless the vehicle is operated in compliance with the requirements of this Section.

- (a) No Driver or Operator under the age of eighteen (18) shall operate a Pedal Powered Passenger Vehicle.
- (b) No Driver or Operator shall operate a Pedal Powered Passenger Vehicle unless that person has a current valid North Carolina driver's license.
- (c) No Driver or Operator shall operate a Pedal Powered Passenger Vehicle in an unsafe manner.
- (d) No Driver or Operator shall operate a Pedal Powered Passenger Vehicle in excess of fifteen (15) miles per hour.
- (e) No Driver or Operator shall stop to load or unload passengers or their belongings in travel lanes, intersections of any street, crosswalk, or in any other location that would be considered unsafe.
- (f) Pedal Powered Passenger Vehicles shall stay to the far right of the traveled portion of the road and yield the right of way to overtaking motor vehicles.
- (g) No Driver or Operator shall consume any alcoholic beverage while on duty or operate a Pedal Powered Passenger Vehicle while impaired in any way.
- (h) No Driver or Operator of a Pedal Powered Passenger Vehicle shall allow a passenger or other individual to drive the vehicle.
- (i) No Driver or Operator shall operate a Pedal Powered Passenger Vehicle unless all passengers are seated in a seat designated for that purpose and there are no passengers in excess of the maximum seating capacity of the vehicle.
- (j) A Driver or Operator shall actively and affirmatively manage the behavior of the passengers of the Pedal Powered Passenger Vehicle so that their behavior remains law-abiding during the ride, both while the vehicle is in motion and at a stop.
- (k) Music may be played on a Pedal Powered Passenger Vehicle as long as the volume is within the restrictions of the Town Noise Ordinance.
- (l) The Driver or Operator of any Pedal Powered Passenger Vehicle shall immediately report to the Southern Pines Police Department any accident arising in connection with the operation of the vehicle.
- (m) No glassware of any kind shall be allowed on the Pedal Powered Passenger Vehicle unless it is stored in a designated storage area.

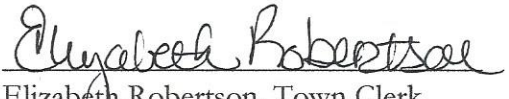
- (n) The Driver or Operator of any Pedal Powered Passenger Vehicle shall properly collect and dispose of any trash attributable to the excursion.
- (o) Operating hours for Pedal Powered Passenger Vehicles shall be between 11a.m. and 10 p.m., unless different hours are permitted by the Police Chief for special events.

Section 3. The Map attached to this Ordinance is hereby adopted as the area of allowed operation for Pedal Powered Passenger Vehicles.

Section 4. This Ordinance shall be effective upon adoption.

Adopted this the 13th day of February, 2024.

I certify that this Ordinance was adopted by the Town Council of Town of Southern Pines at its meeting on February 13, 2024, as shown in the minutes of the town Council meeting for that date.


Elizabeth Robertson, Town Clerk





- Approved Street Access
- Service Area

Legend



Pedal Bike Map
Town of Southern Pines