



## MINUTES

Tuesday, March 12, 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 the Town Council were present: Mayor Taylor Clement; Bill Pate; Ann Petersen; Debra Gray; and Brandon Goodman.

### 2. PLEDGE OF ALLEGIANCE

### 3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

Moore County Board of Elections has informed us that they will be using the ES. Douglass Community Center for a runoff vote on May 14, 2024, Council will need to reschedule or change the location for the scheduled Business meeting on that day.

#### a. Consider Approval of Agenda

After discussion, the Council wishes to flip the order of 7a and 7b under Public Hearings as well as move Ordinance #3027 from the Consent Agenda to the Action Items section.

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

Motion passed.

### 4. PUBLIC COMMENTS

Anthony Maramarco, of Southern Pines, commented on the published Kimley-Horn traffic study of North Knoll Road and submitted a written statement to the Council as well.

### 5. CONSENT AGENDA

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

Motion passed.

#### a. Approve Appointments: Board of Adjustment

The Board of Adjustments has some expired terms, as well as an application from a resident interested in being appointed. The Planning Department recommends the following appointments:

- Robert Thompson (in Town): term to expire 3/31/26
- Mike Martin (ETJ): term to expire 3/31/26
- Steve Kastner (in Town): term to expire 3/31/27
- John McInerney (in Town): term to expire 3/31/27
- Nicholas Zeedyk (in Town alternate): term to expire 3/31/27

#### b. Approve Amendments to the FY 2023/2024 Budget

Staff requests approval for the following four ordinances:

- Ordinance #3027 in the amount of \$50,175 to accommodate merchant and processing fees associated with utility customer payments.

- Ordinance #3028 to fulfill GASB 96 requirements regarding subscription-based technology arrangements.
- Ordinances #3029 and #3030 allocating \$100,000 for the Bennett Street sidewalk project.

This item was moved to Action Items per vote.

Town Manager Parsons gave an overview of the request.

Mayor Pro Tem Pate would like to discuss options for the next fiscal year further at the budget retreat.

Councilmember Goodman questioned whether this money came from an enterprise fund and the Town's obligations for that type of fund. Town Manager Parsons clarified that because it is an enterprise fund, the Town had an obligation to collect enough money to cover expenses but not the specific cost.

Discussion ensued.

Mayor Pro Tem Pate moved to approve Ordinance #3027 - Amending the 2023/2024 Fiscal Year Budget (Utility Billing Card Fees), seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

**c. Appoint Ashley Tramontin to the Appearance Commission**

Resident Ashley Tramontin has applied for an open seat on the Appearance Commission. The members have reviewed her application and request appointment, with a term to expire on March 31, 2027.

**d. Approve Town Council Meeting Minutes for February 2024**

- February 14, 2024, Town Council Business Meeting
- February 27, 2024, Town Council Work Session

**e. Approve Ordinance #3032 - Updates to Chapter 154 Soil Erosion and Sedimentation Ordinance**

Staff has prepared Ordinance #3032 for approval to update Chapter 154 of the Town Code of Ordinances.

**6. ACTION ITEMS**

**a. Consider Partnership & Property Use Agreement with the AC Sandhills**

The Town partners with the AC Sandhills soccer organization by providing fields and supporting facilities at the Morganton Rd. Sports Complex for the organization's recreation soccer program. This agreement details the payment terms and responsibilities of both parties over the next three years.

Asst. Town Manager Jessica Roth updated the Council on the new agreement terms with AC Sandhills and clarified that the group not only used the fields but also provided an entire recreation soccer program for all the youths in the area at all skill levels. Ms. Cara Webb of Velocity Soccer Club was contacted and rented the fields for use but canceled before using them. Asst. Town Manager Roth also shared that the Town is also exploring additional agreements with other groups. Rugby has shown an interest in a use agreement. Asst. Town Manager Roth did point out some of the limitations when using the Morganton Fields would be lighting for night use, turf wear and tear, as well as limited parking availability.

Discussion ensued.

Councilmember Goodman moved to approve the Partnership & Property Use Agreement with AC Sandhills, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

**b. Consider 2024 Council Appointments**

Individual council members are appointed by the body each year to serve in various capacities and manage certain responsibilities. At the December 5th meeting, the Council appointed Bill Pate as

Mayor Pro-Tem and Ann Petersen as Treasurer. The included staff memo outlines more information on these appointments and their responsibilities.

Upon discussion, the Council made the following appointments:

- Vice-Treasurer - Councilmember Gray
- Central Pines Regional Council - Councilmember Petersen, Alternate Mayor Clement
- MPO - Mayor Clement, Alternate Councilmember Goodman
- Moore Economic Development Partnership - Mayor Clement and then rotate through all the other members of the Council so everyone can attend and learn more about the group
- Tri-Cities Work Group - Mayor Pro Tem Pate and then rotate through all the other members of the Council so everyone can attend and learn more about the group

Mayor Pro Tem Pate moved to approve the above Council appointments as stated, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

## **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 February 13, 2024 Regular Meeting.

Mayor Pro Tem Pate had previously been recused from this hearing and exited the meeting.

Councilmember Petersen moved to reopen the public hearing for SU-02-23, seconded by Councilmember Goodman; the vote was unanimous.

Motion passed.

Senior Planner Alaina Mallett presented an updated staff report dated March 12, 2024 (entered as Exhibit G) to the Council that includes a newly proposed table of uses from the applicant and a map amendment. The revised list of uses submitted by the applicant is entered into the record as Exhibit H.

Councilmember Petersen asked Senior Planner Mallett to confirm that the applicant had a deadline of March 7th to submit materials to the Town, yet the revised list of uses was not received until the afternoon of today, March 12th, which Senior Planner Mallett confirmed.

Town Manager Parsons asked the Town Attorney Mac McCarley to re-verify that no member of the Council had ex-parte communications with anybody connected to the case. All members of the Council responded that they had not.

Paul Saathoff of KoontzJones Design addressed the Council on behalf of the applicant and expanded on the revised list of uses that the applicant had submitted for approval.

Mayor Clement suggested including 2622 and 6125 into the six proposed uses in an effort to streamline the application.

Councilmember Goodman is concerned about the lack of definition for the term "nightclub" when striking it from the allowed uses.

Councilmember Petersen expressed her frustration with the applicant's late submittal and expressed her displeasure with the lack of respect for the staff and council's time.

Mayor Clement asked if modified TIA report had been submitted per the January hearing date. Mr. Saathoff testified that traffic engineer Travis Fluitt was still working with NCDOT to include the their suggested and Town Engineer/Asst. Public Works Director James Michel had indicated that he was satisfied with the direction the TIA is headed. Councilmember Petersen expressed her displeasure that the testimony being provided by Mr. Saathoff and not Town Engineer Michel. Senior Planner

Mallett advised that Town Engineer Michel's conditional approval was written into the staff's Findings of Fact and that Town Engineer testified to that fact earlier in the hearing. Discussion ensued regarding the completeness of the application and any remaining needs before approval.

Councilmember Goodman questioned the lack of a modified TIA and requested a definition of such.

Mr. Saathoff indicated that the numbers would be modified due to the signals being replaced by mini-roundabouts, as suggested by NCDOT, and once those plans were finalized then the numbers could be updated and submitted to Town Engineer Michel. Mayor Clement argued that the submitted TIA already included those numbers and Town Manager Parsons agreed with her. Town Manager Parsons added that the modification might be needed should some of the allowed uses be eliminated as that would change the numbers. Senior Planner Mallett advised that "there was an email on February 6th from Town Engineer Michel saying that the recommended improvement for the multi-use path from Mill Creek to Olive Tree does not specify a trigger in the TIA and this needs to be added for the below statement to be sufficient and update the date so that it is clear which TIA is being discussed. Town Engineer Michel then wrote that the roundabouts were not discussed in the January 2024 TIA and this is what we are still waiting for from NCDOT....".

Councilmember Petersen asked Senior Planner Mallett if she recommended that Council approve the application with the removal of nightclub? Senior Planner Mallett responded that yes, she did recommend approval but that the applicant has proposed removing more than just nightclub from the allowed use list so that would be for the Council to decide.

Mayor Clement asked for any public comments and none were voiced.

Mayor Clement closed the public hearing for SU-01-23.

Councilmember Goodman moved to adopt Attachment 1 of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-01-23, seconded by Councilmember Gray; the vote was unanimous.  
Motion passed.

Councilmember Goodman then moved to approve Special Use Permit SU-01-23 with the following conditions:

- Adopt Exhibit H
  - \* Add the two uses that are currently in the development, #2622 and #6125
  - \* Add use #2540, adding a definition to *nightclub* and then striking it from the allowable uses.
  - \* Add uses #2550, #2560, #4160, #6110 and #9920
  - \* Eliminate use #2331, #2630, #2721, #5371, #6410, #6420, #6430 and #7100

The motion was seconded by Councilmember Gray and the vote was unanimous.  
Motion Passed.

**b. OA-01-24: Amending UDO to increase the use 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 the use of Conditional Zoning Districts as well as 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.

Mayor Clement opened the public hearing.

Planning Director Grieve presented the staff report for OA-01-24 to the Council.

**Public Comments:**

Tom McCabe of 235 N Page Street shared his thoughts on the proposed changes and voiced his support for the Ordinance being approved.

John McInerney of 460 Crest Rd shared that he supports moving away from the quasi-judicial format

but expressed concern with the range of some of the proposed expanded allowances. Councilmember Petersen voiced her appreciation for the Planning Department's hard work on the amendments.

Mayor Clement closed the public hearing.

Councilmember Gray voiced her support for the changes and thanked the staff for their hard work. Councilmember Goodman voiced his concern for the community college and the golf resorts, feeling that changing to conditional zoning should be something they want to do and worried that by doing so it would make their current use non-conforming. Councilmember Goodman expressed an interest in having further conversations with the school and golf resorts.

Attorney McCarley clarified that the current property use would be allowed as long as no changes were made to the properties.

Mayor Clement shared her concern with the citizen's opinions that this will change the zoning of their property.

Town Manager Parsons asserted that by approving the recommended UDO changes the Council would not be changing the zoning of the properties and create a non-conforming use. Approving the UDO change will only affect the procedure should they want to make any changes to the property by making the process legislative instead of quasi-judicial.

Councilmember Gray feels that approving the UDO change would allow the West Southern Pines community more opportunity for development.

Discussion ensued.

Mayor Pro Tem Pate shared that he approves of the changes yet understands the concerns of those against it and would be agreeable to the golf and school zoning staying the same.

Discussion ensued.

Councilmember Goodman 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 text amendments are consistent with the Comprehensive Plan and are a reasonable way to implement the Comprehensive Plan for the reasons set for in the Planning Board's resolution that was included as an attachment to the staff report for OA-01-24.

Councilmember Goodman then moved to approve OA-01-24 with modifications but with the following edits to the resolution:

- remove conditional zoning from uses #5353 and #6130 and replace with a special use process in the FRR zoning district,

- change CZ to MR for multi-family zoning

- correct typo in #6130 changing VZ to CZ

- 3.7.1 Letter F, #1 Multi-Family Structures = delete last sentence

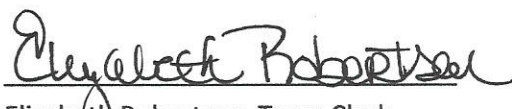
The motion was seconded by Councilmember Gray and the vote was unanimous.

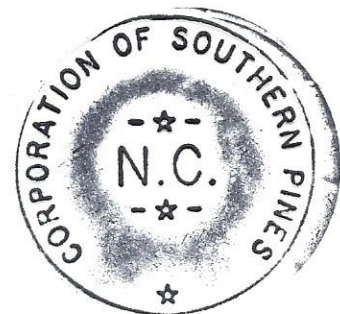
Motion Approved.

## **8. ADJOURNMENT**

Upon a motion by Councilmember Goodman, seconded by Councilmember Gray and carried unanimously, the Council adjourned at 9:35 pm.

Respectfully submitted:

  
Elizabeth Robertson, Town Clerk





**ORDINANCE #3031**  
**AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE**  
**TOWN OF SOUTHERN PINES**  
**OA-01-24**

**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 March 12<sup>th</sup>, 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.

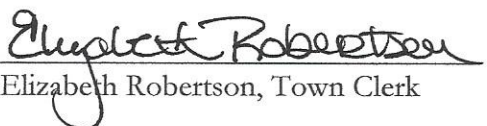
**NOW THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Town Council of the Town of Southern Pines, North Carolina at its Regular Business Meeting assembled on the 12<sup>th</sup> day of March, 2024:

**Section 1.** That multiple sections of the Unified Development Ordinance are 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 12<sup>th</sup> day of March, 2024.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on March 12<sup>th</sup>, 2024 as shown in the Minutes of the Town Council meeting for that date.

  
Elizabeth Robertson, Town Clerk



# Ordinance #3031

## ATTACHMENT A

Southern Pines Unified Development Ordinance

Chapter 2. Development Processes

| Development Application                                                                                                                      | Public Review Process | Recommendation        | Final Decision               | Appeal              | Section/Comments                  |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------|------------------------------|---------------------|-----------------------------------|
| Development Agreement (optional)                                                                                                             | Legislative Hearing   | Town Manager          | Town Council                 |                     | 2.20.7                            |
| Final Development Plan (includes final zoning approval and may include Final Plat approval)                                                  |                       | Planning Director/TRC | Planning Director            | Town Council        | 2.18.7                            |
| <b>Major Subdivision:</b>                                                                                                                    |                       |                       |                              |                     | 2.20                              |
| Pre-Application Conference (required)                                                                                                        | ---                   | ---                   | ---                          | ---                 | 2.20.2 / Advisory                 |
| Neighborhood Meeting (recommended)                                                                                                           | ---                   | ---                   | ---                          | ---                 | 2.20.3 / Applicant responsibility |
| Preliminary Plat (includes SUP approval)                                                                                                     | Evidentiary Hearing   | Planning Board        | Town Council                 | Superior Court      | 2.20.4                            |
| Development Agreement (optional)                                                                                                             | Legislative Hearing   | Town Manager          | Town Council                 |                     | 2.20.7                            |
| Final Plat ( <del>includes final SUP approval</del> )                                                                                        | ---                   | Planning Director/TRC | Planning Director            | Town Council        | 2.20.8                            |
| <b>Special Use Permit</b>                                                                                                                    | Evidentiary Hearing   | Planning Board        | Town Council                 | Superior Court      | 2.21                              |
| <b>Variance</b>                                                                                                                              | Evidentiary Hearing   | Planning Director     | Board of Adjustment          | Superior Court      | 2.22                              |
| <b>Appeals</b>                                                                                                                               | Evidentiary Hearing   | Planning Director     | Board of Adjustment          | Superior Court      | 2.23                              |
| <b>Vested Rights Determination</b>                                                                                                           | Evidentiary Hearing   | Planning Director     | Town Council                 | Superior Court      | 2.24                              |
| <b>Development Approval Revocation</b>                                                                                                       | Evidentiary Hearing   | Planning Director     | Planning Board               | Town Council        | 2.25                              |
|                                                                                                                                              |                       |                       |                              |                     |                                   |
| <b>Certificate of Appropriateness – Major Work</b>                                                                                           | Evidentiary Hearing   | Planning Director     | Historic District Commission | Board of Adjustment | 2.28                              |
| <b>Vacations of Streets and Alleys</b>                                                                                                       | Legislative Hearing   | Planning Director/TRC | City Council                 | Superior Court      | 2.29                              |
| <b>Approvals NOT Requiring a Public Hearing:</b>                                                                                             |                       |                       |                              |                     |                                   |
| <b>Architectural Compliance Permit (non-compliant with Section 4.10 and/or greater than or equal to 10,000 square feet Gross Floor Area)</b> | ---                   | Planning Director     | Town Council                 | Superior Court      | 2.26                              |
| <b>Architectural Compliance Permit (compliant with Section 4.10 and less than 10,000 square feet Gross Floor Area)</b>                       | ---                   |                       | Planning Director            | Town Council        | 2.26                              |
| <b>Minor Subdivision (includes Lot splits, Lot consolidation, dedications, and conveyances to the public)</b>                                | ---                   | TRC                   | Planning Director            | Town Council        | 2.32                              |
| <b>Vacations of, Easements or Plats</b>                                                                                                      | ---                   | Planning Director/TRC | Town Council                 | District Court      | 2.33                              |

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.

- (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. Where specifically allowed in this UDO, the regulations for the corresponding general zoning district may be modified by the Conditional Zoning District~~Any use permitted under this process must also conform to the regulations for the corresponding general 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 either by right or as Conditional Zoning as set forth in Exhibit 3-15~~in the underlying conventional zoning district.~~

- (E) Every petition for the reclassification of property to a Conditional Zoning district shall be accompanied by a Site Plan containing the requisite information specified in Appendix A 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 consistency of the Development 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.

# Ordinance #3031

## ATTACHMENT A

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.

(Ord. #3024)

### 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<br>(recommended)               |
| Neighborhood Meeting<br>(only under specified conditions) |
| Preliminary Plat<br>(includes preliminary SUP approval)   |
| Engineering Plan                                          |
| Improvement Guarantees and<br>Development Agreement       |
| Final Plat<br>(CUP becomes effective upon recordation)    |

(Ord. # 1716; Ord. # 1919)

#### 2.20.2. Pre-Application Conference

A pre-application conference is recommended.

#### 2.20.3. Neighborhood Meeting

A Neighborhood Information Meeting is encouraged, but optional for Subdivisions.

(Ord. # 1919)

#### 2.20.4. Preliminary Plat

(A) **Purpose**

- (1) The Preliminary Plat serves as a guide to future density, intensity, land uses, pedestrian and bicycle ways, trails, parks and open space, as well as Lot, street and drainage patterns. It is intended to ensure that a landowner investigates the broad effects that Subdivision of property will have on the site itself as well as on adjacent properties and public infrastructure systems.
- (2) Approval of a Preliminary Plat shall constitute acceptance of the ~~land use mix, Development intensity,~~ general street patterns, drainage patterns, Lot patterns, parks and open space lands, and the general layout of pedestrian and bicycle trails, provided that these may be modified in conjunction with subsequent approvals if additional information reveals Development constraints that are not evident during Preliminary Plat review.

~~(3) The Preliminary Plat also provides feedback on the Special Use Permit (CUP) application from the Planning Board and Town Council.~~

- ~~(4)~~(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.

# Ordinance #3031

## ATTACHMENT A

### 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<br>(from Application Submittal)    |
| Planning Board Preliminary Forum Notice                  | 25 days<br>(from Completeness Certification)       |
| Planning Board Decision                                  | 30 days<br>(from Planning Board Preliminary Forum) |
| Town Council Public Hearing                              | 30 days<br>(from Planning Board Decision)          |
| Town Council Decision <del>(includes SUP approval)</del> | 30 days<br>(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 Applicantsubdivider. 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.

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## 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.

### 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 dDistrict and establish additional use and or design standards if consented to by the petitioner(s) in writing. Conditional Zoning dDistricts shall be designated with the base corresponding conventional district designation and followed by the letters "CD".

(Ord. #1919)

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### (G) Public Health Regulations

- (1) Public health, in general. No activity, situation, structure or land use shall be allowed within the Watershed, which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and Hazardous Materials; the improper management of storm water runoff; or any other situation found to pose a threat to water quality.
- (2) Abatement. The Planning Director shall monitor land use activities within the Watershed areas to identify situations that may pose a threat to water quality.
- (3) Where the Planning Director finds a threat to water quality and the public health, safety and welfare the Planning Director shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.
- (4) Stormwater runoff from Development should be transported by vegetated conveyances to the maximum extent practicable

### 3.6.9. FHO - Flood Hazard Overlay

- (A) Purpose  
The **FHO** district is established as an overlay district of all general zoning districts for the purpose of protecting people and property from the hazards of flooding.
- (B) Areas of Applicability  
The flood hazard districts are further described in section 4.13 of this UDO.
- (C) District Development Standards  
All Development shall comply with the provisions of section 4.13 of this UDO.

### 3.7. USE MATRIX AND INTERPRETATION

#### 3.7.1. Table of Authorized Uses Established

Exhibit 3-15 lists the Principal Uses allowed by right within zoning districts as well as uses that may be authorized subject to approval of a 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 conditionsstandards for development of the listed use may be established in the zoning district standards or elsewhere in this UDO.
- (C) **Supplemental Conditions.** A “ZS” indicates that the listed use is allowed by right, but is also subject to supplemental use regulations established in the zoning district regulations and in Articles 4 and/or supplementary conditions for specific uses 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.

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Specific conditions for some of these uses are ~~established in chapter 6~~  
~~of set forth in Chapters 3, 4, 5, 6 and/or 9 as applicable 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 "~~ZGMR~~" means that:

- ~~(1) Development of apartments with fewer than ten (10) Dwelling Units may be established pursuant to a zoning permit. and Developments of (10) or more Dwelling Units shall be developed as part of a PD.~~
- ~~(2) Townhouses require a Special Use Permit when major Subdivision regulations apply and when six (6) or more Townhouse Lots are created. 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.~~
- ~~(3) Condominium Developments shall be developed as part of a PD when ten (10) or more Dwelling Units are proposed in a Development Project. Developments of forty-nine (49) or more Dwelling Units shall be developed as part of a PD.~~

(Ord. # 1919; Ord. #2000)

#### 3.7.2. Interpretation of Exhibit 3-15

- (A) **Uses Not Specifically Listed.** In the case where a use is not listed in the use matrix, either as a specific LBCS classification or as an example, and such

use is not otherwise prohibited by law, the Planning Director shall determine whether a substantially similar use exists in the use matrix. If the Planning Director determines that a substantially similar use exists, then the regulations governing that use shall apply to the particular use not listed. In making the Determination, the Planning Director shall endeavor to maintain the national standardization of the LBCS while addressing the Town's particular needs for zoning and land use classification, and shall refer to the following rules of construction:

- (1) If a use is listed for a general classification while a more specific classification within the same industry classification is also listed, the specific classification shall govern.
- (2) The presumption established by this chapter is that most uses of land are permissible within at least one zoning district in the Town's Planning Jurisdiction. Therefore, because the list of permissible uses set forth in Exhibit 3-15 cannot be all-inclusive; those uses that are listed shall be interpreted liberally by the Planning Director to include other uses that have similar impacts to the listed uses.
- (3) If the Planning Director determines that the LBCS Tables do not address the use at the appropriate level of specificity, then he shall refer to the North American Industry Classification System (NAICS), United States, 2007 or latest edition for guidance.
- (4) In referring to the NAICS, the Planning Director shall consider the industry description and illustrative examples of the most specific NAICS classification that may apply to the use, and shall compare uses across similar levels of specificity within the same NAICS classification and between NAICS and LBCS classifications.
- (5) If a use cannot be interpreted by the Planning Director for inclusion in Exhibit 3-15, that use shall be prohibited. Exhibit 3-15 shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.
- (6) If, when seeking periodic ratification of interpretations through text amendment to this UDO, the Planning Director's interpretation is reversed by action of the Board of Adjustment, then prior decisions

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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.

#### (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 |
|---------------------------------------------------|-------------|-------------------------------------------------------------------------------------------------------------------------------|----|-----------------|---------------|------|------|---------------|---------------|---------------|----|---------------|---------------|---|-----|
| <b>RESIDENCE OR ACCOMMODATION FUNCTIONS</b>       | <b>1000</b> | 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             | <del>ZS</del> |    | 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                              |    |                 |               |      |      | <del>ZS</del> | <del>ZS</del> | <del>ZS</del> |    | <del>ZS</del> | <del>ZS</del> |   |     |
| 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             | <del>ZS</del> |    |               |               |   |     |
| 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     |    | <del>CSU</del>  |               |      |      |               |               |               |    |               |               |   |     |
| Manufactured Home Park                            | 1116        | a group of three or more spaces for sale or lease that are designed to accommodate Manufactured Homes                         |    | <del>CSUZ</del> |               |      |      |               |               |               |    |               |               |   |     |
| Two-Family (double or Duplex)                     | 1120        |                                                                                                                               |    |                 | <del>CZ</del> |      |      | Z             | Z             | <del>ZS</del> |    | Z             | Z             |   |     |

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| Land Use                                                  | LBCS Code | Description                                                                                                                | RE             | RR             | RS-1           | RS-2           | RS-3           | RM-1             | RM-2             | CB/DTO           | GB               | NB               | OS               | I | FRR |
|-----------------------------------------------------------|-----------|----------------------------------------------------------------------------------------------------------------------------|----------------|----------------|----------------|----------------|----------------|------------------|------------------|------------------|------------------|------------------|------------------|---|-----|
| 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                                                                                               |                |                |                |                |                | Z <del>CMR</del> | Z <del>CMR</del> | Z <del>CMR</del> |                  | Z <del>CMR</del> | Z <del>CMR</del> |   |     |
| Multi-Family Conversion                                   | 1152      | Three or more Dwelling Units in a converted Single-Family home                                                             |                |                |                |                |                | Z <del>C</del>   | Z <del>C</del>   | Z <del>C</del>   |                  | Z <del>C</del>   | Z <del>C</del>   |   |     |
| 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 |                |                |                |                |                | Z <del>C</del>   | Z <del>C</del>   | Z <del>C</del>   |                  | Z <del>C</del>   | Z <del>C</del>   |   |     |
| Housing Services                                          | 1200      | Housing and custodial services for those who cannot care for themselves                                                    |                |                |                |                |                |                  |                  |                  |                  |                  |                  |   |     |
| Retirement housing services                               | 1210      | Offer minimal convenience services                                                                                         |                |                |                |                |                | Z <del>S</del>   | Z <del>S</del>   |                  |                  |                  |                  |   |     |
| Congregate living services                                | 1220      | Provide convenience services such as housekeeping, transportation, recreational programs                                   |                |                |                |                |                | Z <del>S</del>   | Z <del>S</del>   |                  |                  |                  |                  |   |     |
| Assisted-living board and care and adult care group homes | 1230      | Adult care, group homes, board and care (excludes rehab uses in code #6520)                                                | Z <del>S</del> | Z <del>S</del> | Z <del>S</del> | Z <del>S</del> | Z <del>S</del> | Z <del>S</del>   | Z <del>S</del>   |                  | Z <del>S</del>   | Z <del>S</del>   | Z <del>S</del>   |   |     |
| 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                                                                                   |                |                |                |                |                | Z <del>CCZ</del> | Z <del>CCZ</del> |                  | Z <del>CCZ</del> |                  |                  |   |     |
| 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                                                                             | <u>CZ</u>      | <u>CZ</u>      | <u>CZ</u>      | <u>CZ</u>      | <u>CZ</u>      | <u>CZ</u>        | <u>CZ</u>        | <u>CZ</u>        | <u>CZ</u>        | <u>CZ</u>        | <u>CZ</u>        |   |     |
| Tourist Home                                              | 1313      | A Dwelling Unit used for periods of less than 30 days                                                                      |                |                |                |                |                |                  |                  | Z <del>S</del>   | Z <del>S</del>   |                  | Z <del>S</del>   |   |     |
| Rooming and boarding                                      | 1320      | Dormitory, fraternity or sorority house or other specific group of members                                                 |                |                |                |                |                | Z                | Z                | Z <del>S</del>   |                  |                  | Z <del>S</del>   |   |     |
| Hotel or motel                                            | 1330      | Hotels or motels that do not have gambling services; includes extended-stay hotels                                         |                |                |                |                |                |                  |                  | Z <del>SCZ</del> | Z <del>SCZ</del> |                  | Z <del>SCZ</del> |   |     |
| GENERAL SALES OR SERVICES                                 | 2000      | Comprises the vast majority of establishments associated with commercial land use                                          |                |                |                |                |                |                  |                  |                  |                  |                  |                  |   |     |

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| Land Use                                               | LBCS Code    | Description                                                                                                                         | RE | RR | RS-1 | RS-2 | RS-3 | RM-1 | RM-2 | CB/DTO | GB | NB | OS | I | FRR |
|--------------------------------------------------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------|----|----|------|------|------|------|------|--------|----|----|----|---|-----|
| <b>Retail Sales or Service and Repair</b>              | <b>2100</b>  | Establishments with displays of merchandise sold to the general public and other businesses, or after-sales services such as repair |    |    |      |      |      |      |      |        |    |    |    |   |     |
| <b>Automobile sales or service establishment</b>       | <b>2110</b>  | Motor vehicle and parts dealers including repair and maintenance                                                                    |    |    |      |      |      |      |      |        |    |    |    |   |     |
| <b>car dealer</b>                                      | <b>2111</b>  | New or used automobiles and light trucks such as SUV's                                                                              |    |    |      |      |      |      |      |        | Z  |    |    |   |     |
| <b>bus, truck, mobile homes, or large vehicles</b>     | <b>2112</b>  | New or used larger vehicles such as buses, RV's, and trucks                                                                         |    |    |      |      |      |      |      |        | Z  |    |    |   |     |
| <b>motorcycle, atv</b>                                 | <b>2113a</b> | New or used motorcycles or motorbikes                                                                                               |    |    |      |      |      |      |      |        | Z  |    |    |   |     |
| <b>bicycle sales and repair</b>                        | <b>2113b</b> | New or used bicycles sales or repair                                                                                                |    |    |      |      |      |      |      | Z      | Z  | Z  |    |   |     |
| <b>boat or marine craft dealer</b>                     | <b>2114</b>  | New or used boats and related repair services                                                                                       |    |    |      |      |      |      |      |        | Z  |    |    |   |     |
| <b>parts, accessories, or tires</b>                    | <b>2115</b>  | Automotive parts and supply stores, automotive stereo stores, tire and tube shops                                                   |    |    |      |      |      |      |      |        | Z  |    |    |   |     |
| <b>gasoline service</b>                                | <b>2116</b>  | Gas stations with or without convenience stores or food marts, includes truck stops                                                 |    |    |      |      |      |      |      |        | Z  |    |    |   |     |
| <b>automotive repair and maintenance</b>               | <b>2117</b>  | Repair garages, body and paint shops, oil change, car wash                                                                          |    |    |      |      |      |      |      |        | Z  |    |    |   |     |
| <b>Heavy consumer goods sales or service</b>           | <b>2120</b>  | Heavy or durable goods sales or services                                                                                            |    |    |      |      |      |      |      |        |    |    |    |   |     |
| <b>furniture or home furnishings</b>                   | <b>2121</b>  | Furniture, flooring, bedding stores, window treatment                                                                               |    |    |      |      |      |      |      | Z      | Z  |    |    |   |     |
| <b>hardware, home center</b>                           | <b>2122</b>  | Home building and repair supplies, lighting supply                                                                                  |    |    |      |      |      |      |      |        | Z  |    |    |   |     |
| <b>lawn and garden supplies</b>                        | <b>2123</b>  | Nursery and garden products predominantly grown elsewhere, outdoor power equipment sales or services                                |    |    |      |      |      |      |      |        | Z  |    |    |   |     |
| <b>department store, warehouse club, or superstore</b> | <b>2124</b>  | Large variety of goods                                                                                                              |    |    |      |      |      |      |      |        | Z  |    |    |   |     |
| <b>electronics and appliances</b>                      | <b>2125</b>  | Household-type appliances, tv's, stereos, including repair shops and cell phone stores                                              |    |    |      |      |      |      |      |        | Z  |    |    |   |     |
| <b>lumber yard and building materials</b>              | <b>2126</b>  | Lumber yards and heavy building materials                                                                                           |    |    |      |      |      |      |      |        | Z  |    |    |   |     |

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

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|-------------------------------------------------------------|-----------|-----------------------------------------------------------------------------------------------------------------------|----|----|------|------|------|------|------|--------|----|----|----|---|-----|
| 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  |
| Finance and Insurance                                       | 2200      | Use this category when difficult to differentiate an establishment into a subcategory                                 |    |    |      |      |      |      |      |        |    |    |    |   |     |
| Bank, credit union, or savings institution                  | 2210      | Central banking functions                                                                                             |    |    |      |      |      |      |      | ZS/Z   | Z  | Z  | Z  |   |     |
| Credit and finance establishment                            | 2220      | Credit card, sales financing, unsecured consumer lending, real estate credit, international trade financing           |    |    |      |      |      |      |      | ZS/Z   | Z  | Z  | Z  |   |     |
| Investment banking, securities, and brokerages              | 2230      | Securities underwriting, brokering, exchange services, managing portfolios                                            |    |    |      |      |      |      |      | ZS/Z   | Z  | Z  | Z  |   |     |
| Insurance-related establishment                             | 2240      | Insurance underwriting, selling insurance                                                                             |    |    |      |      |      |      |      | ZS/Z   | Z  | Z  | Z  |   |     |
| Fund, trust, or other financial establishment               | 2250      | Pool assets on behalf of shareholders or beneficiaries                                                                |    |    |      |      |      |      |      | ZS/Z   | Z  | Z  | Z  |   |     |
| Pawn shop                                                   | 2260      |                                                                                                                       |    |    |      |      |      |      |      |        | Z  |    |    |   |     |
| Real Estate, and Rental and Leasing                         | 2300      | Rent or lease assets                                                                                                  |    |    |      |      |      |      |      |        |    |    |    |   |     |
| Real estate services                                        | 2310      | Lease real estate (except Buildings) such as Manufactured Home sites and vacant Lots; includes real estate appraisers |    |    |      |      |      |      |      | ZS/Z   | Z  | Z  | Z  |   |     |
| Property management services                                | 2320      | Manage real property for others                                                                                       |    |    |      |      |      |      |      |        |    |    |    |   |     |

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|----------------------------------------------------------------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|------|------|------|------|------|------------------|----|----|----|---|-----|
| 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                                                                                                                             |    |    |      |      |      |      |      | <del>ZS</del> /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                                                                          |    |    |      |      |      |      |      | <del>ZS</del> /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                                                                                                                              |    |    |      |      |      |      |      | <del>ZS</del> /Z | Z  | Z  | Z  |   |     |
| accounting, tax, bookkeeping, payroll services                 | 2412      |                                                                                                                                                                |    |    |      |      |      |      |      | <del>ZS</del> /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)                  |    |    |      |      |      |      |      | <del>ZS</del> /Z | Z  | Z  | Z  |   |     |
| graphic, industrial, interior design services                  | 2414      | Interior, industrial, and graphic design                                                                                                                       |    |    |      |      |      |      |      | <del>ZS</del> /Z | Z  | Z  | Z  |   |     |

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|-------------------------------------------------------------------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------|----|----|------|------|------|------|------|------------------|----|----|----|---------------|-----|
| consulting services (management, environmental technical)         | 2415      | Advise and assist businesses on management, scientific, and technological issues                                                                   |    |    |      |      |      |      |      | <del>ZS</del> /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                              |    |    |      |      |      |      |      | <del>ZS</del> /Z | Z  | Z  | Z  |               |     |
| veterinary services                                               | 2418      | Veterinary medicine, testing services for veterinary practitioners                                                                                 |    |    |      |      |      |      |      |                  | ZS | ZS |    | <del>ZS</del> |     |
| 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                                                          |    |    |      |      |      |      |      | <del>ZS</del> /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.                  |    |    |      |      |      |      |      | <del>ZS</del> /Z | Z  | Z  | Z  |               |     |
| employment agency                                                 | 2423      | Provide employee placement, temporary help                                                                                                         |    |    |      |      |      |      |      | <del>ZS</del> /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.                                         |    |    |      |      |      |      |      | <del>ZS</del> /Z | Z  | Z  | Z  |               |     |
| collection agency                                                 | 2425      | Collect payments, compile credit information, repossess tangible assets                                                                            |    |    |      |      |      |      |      | <del>ZS</del> /Z | Z  |    |    |               |     |
| Travel arrangement and reservation services                       | 2430      | Promote or sell travel, includes convention and visitors' bureaus                                                                                  |    |    |      |      |      |      |      | <del>ZS</del> /Z | Z  | Z  | Z  |               |     |
| Investigation and security services                               | 2440      | Provide detective, guard and patrol services, picking up and delivery of money, selling of security systems, remote monitoring of security systems |    |    |      |      |      |      |      |                  | Z  |    |    |               |     |
| Services to Buildings and Dwellings                               | 2450      | Provide pest control, janitorial services, landscaping, carpet cleaning, etc.                                                                      |    |    |      |      |      |      |      |                  |    |    |    |               |     |
| extermination and pest control                                    | 2451      |                                                                                                                                                    |    |    |      |      |      |      |      |                  |    |    |    | Z             |     |
| janitorial                                                        | 2452      |                                                                                                                                                    |    |    |      |      |      |      |      |                  |    |    |    | Z             |     |
| landscaping                                                       | 2453      |                                                                                                                                                    |    |    |      |      |      |      |      |                  | Z  |    |    | Z             |     |
| carpet and upholstery cleaning                                    | 2454      |                                                                                                                                                    |    |    |      |      |      |      |      |                  | Z  |    |    | Z             |     |

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|-------------------------------------------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|------|------|------|------|------|--------|--------------------|----|----|----|-----|
| packing, crating, and convention and trade show | 2455        |                                                                                                                                                       |    |    |      |      |      |      |      |        | Z                  |    |    |    |     |
| <b>Food Services</b>                            | <b>2500</b> | 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                                                                  |    |    |      |      |      |      |      |        | <del>ZS</del><br>€ | ZS |    | ZS |     |
| <u>Food Truck Campus</u>                        |             |                                                                                                                                                       |    |    |      |      |      |      |      |        | <u>CZ</u>          |    |    |    |     |
| 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.        |    |    |      |      |      |      |      |        |                    |    |    |    |     |

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|--------------------------------------------------------------|-----------|--------------------------------------------------------------------------------------------------------------------|-----------|-----------|------|------|------|------|------|------------------|-----------|-----------|----|-----------|-----|
| 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      |                                                                                                                    |           |           |      |      |      |      |      | <del>ZS</del> /Z | Z         | Z         |    |           |     |
| dry cleaning and laundry                                     | 2622      |                                                                                                                    |           |           |      |      |      |      |      | <del>ZS</del> /Z | Z         | Z         |    |           |     |
| linen and uniform supply                                     | 2623      |                                                                                                                    |           |           |      |      |      |      |      |                  | Z         |           |    | Z         |     |
| Photofinishing                                               | 2630      | Primarily engaged in developing film or making slides, etc.                                                        |           |           |      |      |      |      |      |                  | Z         |           |    | Z         |     |
| Parking Lot and parking garage                               | 2640      |                                                                                                                    |           |           |      |      |      |      |      | Z                | Z         |           |    |           |     |
| Special Services                                             | 2650      |                                                                                                                    |           |           |      |      |      |      |      |                  |           |           |    |           |     |
| massage therapist                                            | 2651      |                                                                                                                    |           |           |      |      |      |      |      | Z                | Z         |           |    |           |     |
| tattoo parlor                                                | 2652      |                                                                                                                    |           |           |      |      |      |      |      | Z                | Z         |           |    |           |     |
| adult establishment                                          | 2653      |                                                                                                                    |           |           |      |      |      |      |      |                  | ZS        |           |    |           |     |
| adult cabaret                                                | 2654      |                                                                                                                    |           |           |      |      |      |      |      |                  | ZS        |           |    |           |     |
| Pet and Animal Sales or Service (except Veterinary)          | 2700      | Retails pets and other animals (except for farming purposes) and pet supplies, grooming, training, and care taking |           |           |      |      |      |      |      |                  |           |           |    |           |     |
| Pet or pet supply store                                      | 2710      | Retail pets, pet foods, pet supplies                                                                               |           |           |      |      |      |      |      | Z                | Z         | Z         |    |           |     |
| Animal and pet services and kennels                          | 2720      | Boarding, grooming, sitting, and training (except veterinary and horse boarding)                                   |           |           |      |      |      |      |      |                  |           |           |    |           |     |
| animal services                                              | 2721      | grooming and training                                                                                              | <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         |           |    |           |     |

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|------------------------------------------------------------------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|------|------|------|------|------|--------|----|----|----|-----|-----|
| <b>MANUFACTURING AND WHOLESALE TRADE</b>                               | <b>3000</b> | When captive services such as accounting are provide by a separate establishment, they are classified in the appropriate function code and not in manufacturing |    |    |      |      |      |      |      |        |    |    |    |     |     |
| <b>Foods, Textiles, and Related Products</b>                           | <b>3100</b> | 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   |     |
| <b>Wood, Paper, and Printing Products</b>                              | <b>3200</b> |                                                                                                                                                                 |    |    |      |      |      |      |      |        |    |    |    |     |     |
| 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                 |    |    |      |      |      |      |      |        | ZE |    |    | Z   |     |
| Furniture and related products                                         | 3230        | Includes mattresses, window blinds, cabinets, fixtures                                                                                                          |    |    |      |      |      |      |      |        |    |    |    | Z   |     |
| <b>Chemicals, and Metals, Machinery, and Electronics Manufacturing</b> | <b>3300</b> | Transform or refine chemicals or metals, and manufacture products from chemicals or metals                                                                      |    |    |      |      |      |      |      |        |    |    |    |     |     |
| Petroleum products                                                     | 3310        | Transform crude petroleum into usable products                                                                                                                  |    |    |      |      |      |      |      |        |    |    |    | ESU |     |
| Chemicals, plastics, and rubber products                               | 3320        |                                                                                                                                                                 |    |    |      |      |      |      |      |        |    |    |    | ESU |     |
| Nonmetallic mineral products                                           | 3330        | Manufacture bricks, ceramics, glass, cement, concrete, statuary, stone products                                                                                 |    |    |      |      |      |      |      |        |    |    |    | ESU |     |
| Primary metal manufacturing                                            | 3340        | Manufacture basic metal products, such as bars, rods, wires, and castings or finished products                                                                  |    |    |      |      |      |      |      |        |    |    |    | ESU |     |

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|---------------------------------------------------------------|-----------|-------------------------------------------------------------------------------------------------------------|----|----|------|------|------|------|------|--------|----------------|----|----|----------------|----------------|
| 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           |    |    |      |      |      |      |      |        |                |    |    | <del>ESU</del> |                |
| Transportation equipment                                      | 3370      |                                                                                                             |    |    |      |      |      |      |      |        |                |    |    | Z              |                |
| Miscellaneous Manufacturing                                   | 3400      | Use for manufacturing establishments not classified elsewhere                                               |    |    |      |      |      |      |      |        |                |    |    |                |                |
| Jewelry and silverware                                        | 3410      |                                                                                                             |    |    |      |      |      |      |      |        | Z <del>E</del> |    |    | <del>ESU</del> |                |
| Dolls, toys, games, and musical instruments                   | 3420      |                                                                                                             |    |    |      |      |      |      |      |        | Z <del>E</del> |    |    | Z              |                |
| Office supplies, inks, etc.                                   | 3430      | Except paper                                                                                                |    |    |      |      |      |      |      |        | Z <del>E</del> |    |    | Z              |                |
| Signs                                                         | 3440      |                                                                                                             |    |    |      |      |      |      |      |        | Z <del>E</del> |    |    | Z              |                |
| Wholesale Trade Establishment                                 | 3500      | Normally operate from a warehouse or office, selling or arranging the purchase of goods to other businesses |    |    |      |      |      |      |      |        | Z <del>E</del> |    |    | Z              |                |
| Warehousing and Storage Services                              | 3600      | Operate warehouse and storage facilities for general merchandise, refrigerated goods                        |    |    |      |      |      |      |      |        |                |    |    |                |                |
| Office and warehousing                                        | 3610      |                                                                                                             |    |    |      |      |      |      |      |        | Z <del>E</del> |    |    | Z              |                |
| Warehousing                                                   | 3620      |                                                                                                             |    |    |      |      |      |      |      |        |                |    |    | Z              |                |
| Tankfarm                                                      | 3630      |                                                                                                             |    |    |      |      |      |      |      |        |                |    |    | <del>ESU</del> |                |
| 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                                        |    |    |      |      |      |      |      |        |                |    |    |                | <del>ESU</del> |
| air freight transportation                                    | 4112      | Provide scheduled and nonscheduled air transportation of cargo without transporting passengers              |    |    |      |      |      |      |      |        |                |    |    |                | <del>ESU</del> |

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|---------------------------------------------------------------------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|------|------|------|------|------|--------|----|----|----|---|---------------------|
| airport and support establishment                                   | 4113      | Provide air traffic control, operate airports and support airport operations such as rental of hangar space                                                                                                        |    |    |      |      |      |      |      |        |    |    |    |   | <a href="#">CSU</a> |
| aircraft and accessories                                            | 4114      | Aircraft maintenance and repair (except factory conversions)                                                                                                                                                       |    |    |      |      |      |      |      |        |    |    |    |   | <a href="#">CSU</a> |
| other air transportation                                            | 4115      | Hot air balloon rides, helicopter rides, aerial tram and cable cars                                                                                                                                                |    |    |      |      |      |      |      |        |    |    |    |   | <a href="#">CSU</a> |
| 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 |                     |

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|-------------------------------------------------------------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|------|------|------|------|------|--------|----|----|----|---|-----|
| Courier and messenger services                                    | 4160      | Provide air, surface, or combined courier delivery services of Parcels and messages                                                                                                                                               |    |    |      |      |      |      |      |        | Z  |    |    | Z | CSU |
| 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 posses 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 |     |
| Tele-communications and broadcasting                              | 4230      | Provide point-to-point communications; if multiple services are shared between the same facilities, use this general category; if separate facilities are maintained for each type of service, then use a specific classification |    |    |      |      |      |      |      |        |    |    |    |   |     |
| radio and television broadcasting                                 | 4231      | Operate broadcasting studios and facilities for over the air or satellite delivery of radio and television programs                                                                                                               |    |    |      |      |      |      |      | Z      | Z  |    |    | Z |     |
| cable networks and distribution                                   | 4232      | Operate studios and facilities or cable systems, direct-to-home satellite systems                                                                                                                                                 |    |    |      |      |      |      |      |        | Z  |    |    | Z |     |

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|-----------------------------------------------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------|----|-----|------|------|------|------|------|--------|-----|----|----|---|-----|
| 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 |     |
| Utilities and Utility Services                      | 4300      | Provide utility services such as electric power, gas, water and sewage removal                                                                |    |     |      |      |      |      |      |        |     |    |    |   |     |
| Electric power                                      | 4310      | Provide electric power generation, transmission, control, and distribution                                                                    |    |     |      |      |      |      |      |        |     |    |    |   |     |
| service distribution lines                          | 4315      |                                                                                                                                               | Z  | Z   | Z    | Z    | Z    | Z    | Z    | Z      | Z   | Z  | Z  | Z | Z   |
| electric substations                                | 4316      |                                                                                                                                               |    |     |      |      |      |      |      |        | Z   |    |    | Z | Z   |
| Natural gas, petroleum, fuels                       | 4320      | Operate gas distribution systems, gas marketers, gas brokers, transmit and distribute gas                                                     |    |     |      |      |      |      |      |        |     |    |    |   |     |
| natural gas service                                 | 4329      | Provide natural gas service distribution to retail customers (includes distribution lines and valves)                                         | Z  | Z   | Z    | Z    | Z    | Z    | Z    | Z      | Z   | Z  | Z  | Z |     |
| Water, steam, air conditioning supply               | 4330      | Public and private utility establishments that offer drinking water, water treatment, water supply, or hot or cool air supply                 |    |     |      |      |      |      |      |        |     |    |    |   |     |
| drinking water                                      | 4331      | Operate water treatment plants, filtration plants, pumping stations                                                                           |    |     |      |      |      |      |      |        |     |    |    | Z | Z   |

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|----------------------------------------------|-----------|------------------------------------------------------------------------------------------------------------------------------|----|----|------|------|------|------|------|--------|------------|----|----|------------|-----|
| 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   |
| ARTS, ENTERTAINMENT, AND RECREATION          | 5000      |                                                                                                                              |    |    |      |      |      |      |      |        |            |    |    |            |     |
| Performing Arts or Supporting Establishments | 5100      | Produce or organize and promote live presentations, excludes nightclubs                                                      |    |    |      |      |      |      |      |        |            |    |    |            |     |
| Theater, dance or music establishment        | 5110      | Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment |    |    |      |      |      |      |      | Z      | Z          |    |    |            |     |
| Sports team or club                          | 5120      | Professional or semi-professional sports teams or clubs participating in live sporting events                                |    |    |      |      |      |      |      |        |            |    |    |            |     |

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|-------------------------------------------------------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|------|------|------|------|------|--------|------------|----|----|------------|-----|
| Racetrack establishment                                     | 5130      | Operate racetracks for events                                                                                                                         |    |    |      |      |      |      |      |        |            |    |    |            |     |
| horse track                                                 | 5131      |                                                                                                                                                       | Z  | Z  |      |      |      |      |      |        |            |    |    |            |     |
| dog track                                                   | 5132      |                                                                                                                                                       |    |    |      |      |      |      |      |        |            |    |    |            |     |
| automotive track                                            | 5133      |                                                                                                                                                       |    |    |      |      |      |      |      |        |            |    |    |            |     |
| Promoter of sports, performing arts, similar events         | 5140      | Organize, promote, and manage performances, events                                                                                                    |    |    |      |      |      |      |      |        |            |    |    |            |     |
| Agent for management services                               | 5150      | Agents representing artists, athletes, entertainers, etc.                                                                                             |    |    |      |      |      |      |      | Z      | Z          | Z  | Z  | Z          |     |
| Independent artist, writer, or performer                    | 5160      | Independent individuals engaged in art, productions                                                                                                   |    |    |      |      |      |      |      | Z      | Z          | Z  | Z  | Z          |     |
| Museums and Other Special Purpose Recreational Institutions | 5200      | Public and private museums, historical sites, zoos, and similar establishments                                                                        |    |    |      |      |      |      |      |        |            |    |    |            |     |
| Museum                                                      | 5210      |                                                                                                                                                       |    |    |      |      |      |      |      | Z      | Z          | Z  | Z  |            |     |
| Historical or archeological institution                     | 5220      | Archeological sites, battlefields                                                                                                                     |    |    |      |      |      |      |      | Z      | Z          | Z  | Z  |            | Z   |
| Zoos, botanical gardens, arboreta                           | 5230      |                                                                                                                                                       |    |    |      |      |      |      |      |        |            |    |    | <u>CSU</u> | 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                                                                         |    |    |      |      |      |      |      |        | <u>CSU</u> |    |    |            |     |
| 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   |

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|------------------------------------------------------------------------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---|------------|
| 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                 |           |           |           |           |           |           |           |           |           |           |           |   | <u>CSU</u> |
| 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 | <u>CZ</u> | <u>CZ</u> |           |           |           |           |           |           |           |           |           |   |            |
| Natural and other Recreational Parks                                         | 5500      | All parks without special economic functions                                                                                                                | Z         | Z         | Z         | Z         | Z         | Z         | Z         | Z         | Z         | Z         | Z         | Z | Z          |
| <b>EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS</b> |           |                                                                                                                                                             |           |           |           |           |           |           |           |           |           |           |           |   |            |
| Educational Services                                                         | 6100      | Offer teaching and learning                                                                                                                                 |           |           |           |           |           |           |           |           |           |           |           |   |            |
| Nursery or preschool                                                         | 6110      |                                                                                                                                                             | <u>CZ</u> | Z         | <u>CZ</u> | Z         | Z         | Z         | Z         | Z         | Z         | <u>CZ</u> | <u>CZ</u> |   |            |
| Grade school                                                                 | 6120      | Comprises all public, private, and specialty schools between the preschool and university level                                                             |           |           |           |           |           |           |           |           |           |           |           |   |            |
| elementary                                                                   | 6121      |                                                                                                                                                             | <u>E</u>  | <u>E</u>  | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> |   | <u>CZ</u>  |
| middle or junior                                                             | 6122      |                                                                                                                                                             |           |           | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> |   | <u>CZ</u>  |
| senior or high                                                               | 6123      |                                                                                                                                                             |           |           | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> |   | <u>CZ</u>  |

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|---------------------------------------------|-----------|----------------------------------------------------------------------------------------------------------------------------------|----|----|-----------|-----------|-----------|-----------|-----------|---------------|---------------|-----------|-----------|---|------------|
| 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>CZ</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>CZ</u>     | <u>CZ</u> |           |   | <u>CSU</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             |           |           |   |            |
| Public Administration                       | 6200      | All government functions, includes federal, state and local government agencies                                                  |    |    |           |           |           |           |           |               |               |           |           |   |            |
| Legislative and executive functions         | 6210      | Government and public administrative offices                                                                                     |    |    |           |           |           |           |           | Z             | Z             | Z         | Z         |   |            |
| Judicial functions                          | 6220      | Civilian courts of law and correctional institutions                                                                             |    |    |           |           |           |           |           | Z             | Z             | Z         | Z         |   |            |
| court                                       | 6221      |                                                                                                                                  |    |    |           |           |           |           |           | Z             |               |           |           |   |            |
| correctional institution or jail            | 6222      | Facilities for the confinement, correction, and rehabilitation of offenders sentenced by a court                                 |    |    |           |           |           |           |           |               |               |           |           | Z |            |
| Other Government Functions                  | 6300      | Use this category for government owned establishments not classified elsewhere such as defense and national guard establishments |    |    |           |           |           |           |           | <del>ZS</del> | <del>ZS</del> |           |           | Z |            |
| Public Safety                               | 6400      | Government-owned establishments providing fire and rescue, police, and emergency response services                               |    |    |           |           |           |           |           |               |               |           |           |   |            |
| Fire and rescue                             | 6410      |                                                                                                                                  | Z  | Z  | Z         | Z         | Z         | Z         | Z         | Z             | Z             | Z         | Z         | Z | Z          |

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Chapter 3. Zoning

| Land Use                                                              | LBCS Code   | Description                                                                                                                                                                                                                                                                                           | RE         | RR         | RS-1      | RS-2      | RS-3      | RM-1      | RM-2      | CB/DTO    | GB         | NB        | OS | I | FRR |
|-----------------------------------------------------------------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|------------|-----------|----|---|-----|
| <b>Police</b>                                                         | <b>6420</b> | Includes combined police and fire departments                                                                                                                                                                                                                                                         | Z          | Z          | Z         | Z         | Z         | Z         | Z         | Z         | Z          | Z         | Z  | Z | Z   |
| <b>Emergency response</b>                                             | <b>6430</b> | Provide ground or air transportation for medical relief purposes                                                                                                                                                                                                                                      | Z          | Z          | Z         | Z         | Z         | Z         | Z         | Z         | Z          | Z         | Z  | Z | Z   |
| <b>Health and Human Services</b>                                      | <b>6500</b> | Provide health care, social assistance, and associated services                                                                                                                                                                                                                                       |            |            |           |           |           |           |           |           |            |           |    |   |     |
| <b>Ambulatory or outpatient care services</b>                         | <b>6510</b> | Offer health care services directly to patients without providing inpatient services                                                                                                                                                                                                                  |            |            |           |           |           |           |           |           |            |           |    |   |     |
| <b>clinics and health spas (Ord. # 1716)</b>                          | <b>6511</b> | Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and other licensed or certified health care providers                                                                                                                                                  |            |            |           |           |           |           |           |           | Z          | Z         | Z  |   |     |
| <b>family planning or outpatient care clinic</b>                      | <b>6512</b> | Provide outpatient family planning services and outpatient care                                                                                                                                                                                                                                       |            |            |           |           |           |           |           |           | Z          | Z         | Z  |   |     |
| <b>medical or diagnostic laboratory</b>                               | <b>6513</b> | Provide analytic or diagnostic services including medical imaging                                                                                                                                                                                                                                     |            |            |           |           |           |           |           |           | Z          |           |    |   |     |
| <b>blood or organ bank</b>                                            | <b>6514</b> |                                                                                                                                                                                                                                                                                                       |            |            |           |           |           |           |           |           | Z          |           |    |   |     |
| <b>Nursing, supervision and other rehabilitative services, except</b> | <b>6520</b> | 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 | <u>ESU</u> | <u>ESU</u> | ZS        |           |           |           |           |           | ZS         |           |    |   |     |
| <b>Hospital</b>                                                       | <b>6530</b> |                                                                                                                                                                                                                                                                                                       |            |            |           |           |           |           |           |           | <u>ESU</u> |           |    |   |     |
| <b>Health care facility</b>                                           | <b>6540</b> | Maximum of 25 beds for overnight care                                                                                                                                                                                                                                                                 |            |            |           |           |           |           |           |           | <u>ZS</u>  | <u>ZS</u> |    |   |     |
| <b>Social assistance, welfare, and charitable services</b>            | <b>6560</b> | Provide social assistance directly to individuals, does not offer residential or accommodation services except for Homeless Shelters                                                                                                                                                                  |            |            |           |           |           |           |           |           |            |           |    |   |     |
| <b>child and youth services</b>                                       | <b>6561</b> | Offer services such as adoption, foster care, drug prevention services                                                                                                                                                                                                                                |            |            |           |           |           |           |           |           | Z          | Z         | Z  |   |     |
| <b>child daycare</b>                                                  | <b>6562</b> | Provide care for infants and preschool children, offer pre-kindergarten education programs                                                                                                                                                                                                            | <u>CZ</u>  | <u>CZ</u>  | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | <u>CZ</u> | ZS         | ZS        | ZS |   |     |
| <b>community food services</b>                                        | <b>6563</b> | Collect, prepare, and deliver food for the needy, food banks, meal delivery programs and soup kitchens                                                                                                                                                                                                |            |            |           |           |           |           |           |           | Z          | Z         |    |   |     |

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Chapter 3. Zoning

| 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                             |    |    |      |      |      |      |      |        | <u>CSU</u> |    |    |   |     |
| 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         |    |    |   |     |
| Death Care Services                             | 6700      | Funeral homes, crematories, cemeteries                                              |    |    |      |      |      |      |      |        |            |    |    |   |     |
| Funeral home and services                       | 6710      | Includes funeral homes combined with crematories                                    |    |    |      |      |      |      |      |        | Z          | Z  |    |   |     |
| Cemetery or cremation services                  | 6720      |                                                                                     |    |    |      |      |      |      |      |        |            |    |    |   |     |
| cemetery accessory to religious institution     |           |                                                                                     | ZS | ZS |      |      |      |      |      |        | ZS         | ZS |    |   |     |
| free-standing cemetery                          |           |                                                                                     |    |    |      |      |      |      |      |        |            |    |    |   | Z   |
| crematorium                                     |           |                                                                                     |    |    |      |      |      |      |      |        | <u>CSU</u> |    |    | 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  |   |     |

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| Land Use                                             | LBCS Code   | Description                                                                                                                                                                                           | RE | RR | RS-1 | RS-2 | RS-3 | RM-1 | RM-2 | CB/DTO | GB | NB | OS | I | FRR |
|------------------------------------------------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|------|------|------|------|------|--------|----|----|----|---|-----|
| <b>CONSTRUCTION-RELATED BUSINESSES</b>               | <b>7000</b> | Build or demolish Buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services                           |    |    |      |      |      |      |      |        |    |    |    |   |     |
| <b>Building, Developing, and General Contracting</b> | <b>7100</b> | Custom builders, general contractors, Developers, land Applicants, and construction management firms                                                                                                  |    |    |      |      |      |      |      |        | Z  |    |    | Z |     |
| <b>Machinery Related</b>                             | <b>7200</b> | Contractors that install or utilize specialized machinery not generally used by other contractors, machinery installation, excavation, wrecking and demolition, structural steel erection contractors |    |    |      |      |      |      |      |        |    |    |    | Z |     |
| <b>Special Trade Contractor</b>                      | <b>7300</b> | Specialize in construction activities such as plumbing, painting and electrical work                                                                                                                  |    |    |      |      |      |      |      |        |    |    |    |   |     |
| <b>Carpentry, floor, and tile contractor</b>         | <b>7310</b> |                                                                                                                                                                                                       |    |    |      |      |      |      |      |        | Z  |    |    | Z |     |
| <b>Concrete contractor</b>                           | <b>7320</b> |                                                                                                                                                                                                       |    |    |      |      |      |      |      |        |    |    |    | Z |     |
| <b>Electrical contractor</b>                         | <b>7330</b> |                                                                                                                                                                                                       |    |    |      |      |      |      |      |        | Z  |    |    | Z |     |
| <b>Glass and glazing contractor</b>                  | <b>7340</b> | Excludes automotive glass establishments                                                                                                                                                              |    |    |      |      |      |      |      |        | Z  |    |    | Z |     |
| <b>Masonry and drywall contractor</b>                | <b>7350</b> | Includes bricklaying, drywall, and plaster work                                                                                                                                                       |    |    |      |      |      |      |      |        | Z  |    |    | Z |     |
| <b>Painting and wall covering</b>                    | <b>7360</b> |                                                                                                                                                                                                       |    |    |      |      |      |      |      |        | Z  |    |    | Z |     |
| <b>Plumbing, heating, and air conditioning</b>       | <b>7370</b> |                                                                                                                                                                                                       |    |    |      |      |      |      |      |        | Z  |    |    | Z |     |
| <b>Roofing, siding, or sheet metal contractor</b>    | <b>7380</b> |                                                                                                                                                                                                       |    |    |      |      |      |      |      |        | Z  |    |    | Z |     |
| <b>Heavy Construction</b>                            | <b>7400</b> | Provide heavy non-Building construction                                                                                                                                                               |    |    |      |      |      |      |      |        |    |    |    | Z |     |
| <b>MINING AND EXTRACTION ESTABLISHMENTS</b>          | <b>8000</b> |                                                                                                                                                                                                       |    |    |      |      |      |      |      |        |    |    |    |   |     |
| <b>Oil and Natural Gas</b>                           | <b>8100</b> | Operate and develop oil and gas field properties                                                                                                                                                      |    |    |      |      |      |      |      |        |    |    |    |   |     |
| <b>AGRICULTURE, FORESTRY, FISHING, AND HUNTING</b>   | <b>9000</b> | Grow crops, raise animals, harvest timber, and harvest fish and other animals, may be described as farms, greenhouses, nurseries, or hatcheries                                                       |    |    |      |      |      |      |      |        |    |    |    |   |     |

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| Land Use                                                      | LBCS Code   | Description                                                                                     | RE | RR | RS-1 | RS-2 | RS-3 | RM-1 | RM-2 | CB/DTO | GB | NB | OS | I | FRR |
|---------------------------------------------------------------|-------------|-------------------------------------------------------------------------------------------------|----|----|------|------|------|------|------|--------|----|----|----|---|-----|
| <b>Crop Production</b>                                        | <b>9100</b> |                                                                                                 |    |    |      |      |      |      |      |        |    |    |    |   |     |
| Outdoor Production                                            | 9110        |                                                                                                 | Z  | Z  | Z    | Z    | Z    | Z    | Z    | Z      | Z  | Z  | Z  | Z | Z   |
| <b>Greenhouse Production</b>                                  | <b>9140</b> |                                                                                                 |    |    |      |      |      |      |      |        |    |    |    |   |     |
| 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  |    |   |     |
| <b>Support Functions for Agriculture</b>                      | <b>9200</b> | Includes dusting, spraying, fertilizing                                                         |    |    |      |      |      |      |      |        |    |    |    | Z |     |
| <b>Animal Production</b>                                      | <b>9300</b> | Keep, graze, breed or feed animals in farms or feedlots                                         |    |    |      |      |      |      |      |        |    |    |    |   |     |
| Cattle ranch                                                  | 9310        |                                                                                                 | Z  | Z  |      |      |      |      |      |        |    |    |    |   |     |
| Dairy cattle                                                  | 9320        |                                                                                                 | Z  | Z  |      |      |      |      |      |        |    |    |    |   |     |
| Hog farm                                                      | 9330        |                                                                                                 | Z  | Z  |      |      |      |      |      |        |    |    |    |   |     |
| Poultry and egg production                                    | 9340        | Commercial facilities                                                                           | Z  | Z  |      |      |      |      |      |        |    |    |    |   |     |
| 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  |      |      |      |      |      |        |    |    |    |   |     |

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| Land Use                                        | LBCS Code       | Description                                                                                       | RE              | RR              | RS-1            | RS-2            | RS-3            | RM-1            | RM-2            | CB/DTO        | GB            | NB            | OS            | I             | FRR           |
|-------------------------------------------------|-----------------|---------------------------------------------------------------------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|---------------|---------------|---------------|---------------|---------------|---------------|
| <b>Unclassifiable or No Function</b>            | <b>9900</b>     | Temporary placeholder until a code can be assigned                                                |                 |                 |                 |                 |                 |                 |                 |               |               |               |               |               |               |
| <b>Special Events</b>                           | <b>9910</b>     |                                                                                                   |                 |                 |                 |                 |                 |                 |                 |               |               |               |               |               |               |
| 1716) special home events (Ord. # 1716)         | 9911            |                                                                                                   | <del>ZSCZ</del> | <del>ZSCZ</del> | <del>ZSCZ</del> | <del>ZSCZ</del> | <del>ZSCZ</del> | <del>ZSCZ</del> | <del>ZSCZ</del> |               |               |               |               |               | <del>CZ</del> |
| <del>Other (Ord. # 1716)</del>                  | <del>9912</del> |                                                                                                   | <del>ZS</del>   | <del>ZS</del>   |                 |                 |                 |                 |                 |               |               |               |               |               | <del>ZS</del> |
| 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             |
| <del>Subdivisions</del>                         | <del>9930</del> |                                                                                                   |                 |                 |                 |                 |                 |                 |                 |               |               |               |               |               |               |
| <del>major</del>                                | <del>9931</del> |                                                                                                   | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>  | <del>€</del>  | <del>€</del>  | <del>€</del>  | <del>€</del>  | <del>€</del>  |
| <del>minor</del>                                | <del>9932</del> |                                                                                                   | <del>Z</del>    | <del>Z</del>    | <del>Z</del>    | <del>Z</del>    | <del>Z</del>    | <del>Z</del>    | <del>Z</del>    | <del>Z</del>  | <del>Z</del>  | <del>Z</del>  | <del>Z</del>  | <del>Z</del>  | <del>Z</del>  |
| <del>Combination Uses</del>                     | <del>9940</del> |                                                                                                   | <del>ZC</del>   | <del>ZC</del>   | <del>ZC</del>   | <del>ZC</del>   | <del>ZC</del>   | <del>ZC</del>   | <del>ZC</del>   | <del>ZC</del> | <del>ZC</del> | <del>ZC</del> | <del>ZC</del> | <del>ZC</del> | <del>ZC</del> |
| 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; Ord. #3024)

## Chapter 4. Development and Design Standards

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### 4.1. GENERALLY

The standards in this section are intended to be minimum standards for Development of Buildings, sites and infrastructure. Stricter standards or relief from standards may be established through the procedures in chapter 2, the zoning district standards in chapter 3, the specific use standards in chapter 5 or the Development Patterns in chapter 6.

### 4.2. LOT DEVELOPMENT STANDARDS

Lot development standards are summarized in Exhibit 4-1. Guidance for applying these is included in sections 4.2.1 (height), 4.2.2 (Setbacks), and 4.2.3 (lot size, density and width).

#### 4.2.1. Height

- (A) Subject to the provisions of this section, 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)

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- (G) In the I districts, Buildings are limited to a maximum of four (4) stories. Buildings must have pitched or mansard roofs, or provide a parapet along any side facing a street. Buildings that are taller than thirty-five (35) feet shall not be located within two-hundred (200) feet of a residential zoning district.

(Ord. #1959; Ord. #2040)

- (H) The following Buildings, where authorized by Exhibit 3-15, may be constructed to a Height of fifty (50) feet provided a sprinkler system and fire-resistant stairway enclosures shall be provided as required in the North Carolina State Building Code:

- (1) Government Offices;
- (2) Schools;
- (3) Religious Institutions;
- (4) Libraries, Museums, Art Galleries, Art Centers and Similar Uses;
- (5) Golf Course Club House, provided that the Building shall be located no closer than 500 feet to any property line or public Right-of-Way; that there shall be no occupied Floor height above 28 feet; that the Building shall not be more than three (3) stories; and that no Living Quarters shall be in the golf course club house;
- (6) Hospitals, Clinics and Other Medical Facilities in Excess of 10,000 square feet of Floor area; and
- (7) Post Offices.

- (I) Chimneys, church spires, water tanks, elevator shafts, scenery lofts and similar structural appendages not intended as places of occupancy are exempt from the height limitation set forth in this section, provided that not more than one-third (1/3) of the roof area is covered by such structures.
- (J) Heating and air conditioning equipment, solar collectors and similar equipment, fixtures and devices are exempt from the height limitation

set forth in this section, provided that they are set back from the edge of the roof a minimum distance of one (1) foot for every foot the feature extends above the roof surface. Screen or parapet walls shall be constructed to the height of any fixture taller than three (3) feet in height that would be visible from a street or residential property abutting the property.

- (K) Towers and antennas are allowed in all zoning districts to the extent authorized in Exhibit 3-15 (table of authorized land uses), and subject to the provisions of section 5.23.

- (L) Light standard heights shall not exceed the limits established in section 4.7(G).

- (M) Flagpoles and similar devices shall be limited to thirty-five (35) feet in Height.

### 4.2.2. Setbacks

- (A) **Setbacks Required.** Except as specifically provided in this section, or as 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, 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.

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### (C) **Setback Measurement**

- (1) Setback distances shall be measured from the property line or street Right-of-Way line to a point on the Lot that is directly below the nearest extension of any part of the Building that is substantially a part of the Building itself and not a mere appendage to it (such as a flagpole, etc.).
- (2) If the street Right-of-Way line is readily determinable (by reference to a recorded map, set irons, or other means), the Setback shall be measured at a right angle to such Right-of-Way line. If the Right-of-Way line is not so determinable, the Setback shall be measured from the street centerline.

(D) All Setbacks are subject to compliance with adopted Fire Code provisions.

(E) The following structures shall comply with all Setback requirements:

- (1) Gas pumps and overhead canopies or roofs; and
- (2) Substantially opaque fences or walls that exceed (6) six feet in height.

(F) Private roads or driveways that serve more than three (3) Lots, more than three (3) Dwelling Units or any non-residential use projected to generate traffic equivalent to three (3) or more Dwelling Units shall be treated as public streets for purposes of measuring front and exterior Side Setbacks.

### 4.2.3. **Lot Size, Density and Lot Width**

(A) **Minimum Lot Size Established.** Except as specifically provided in this section, or as authorized as part of a PD approval or Conditional Zoning district, 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.

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(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)

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

### 4.3. LANDSCAPING

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

#### 4.3.1. Findings and Purpose

The Council finds that:

- (A) The natural conditions (topography, vegetation and wildlife) typify the North Carolina Sandhills and Longleaf Pine Ecosystems, which are unique within North Carolina. These elements are of economic value to the Town and make it a desirable place for both residents and visitors.
- (B) The natural conditions are a strong aspect of the visual character of the Town and contribute to the economic prosperity.
- (C) The purposes of the landscaping standards are, in part:
  - (1) To create an appearance in all zoning districts, where manmade Development is situated within an urban forest; or
  - (2) To create plantings that screen or buffer visual pollution within the Town.
- (D) Development should preserve and/or create landscape conditions typical of the surrounding ecosystem and site conditions using native and culturally adapted plant materials in appropriate settings.
- (E) Growth and Development necessitates removal of trees, shrubs and soils. The landscaping plans shall address preservation of existing vegetation and soils.
- (F) The general goal is to improve property and community appearance, allow for the ecological benefits provided by plants, prevent the

overcrowding of land and enhance the privacy and welfare of citizens by providing transition between differing land uses.

#### 4.3.2. Applicability

- (A) The landscaping and buffering standards of this section shall apply to the following Development, except as specifically provided in this section, authorized as part of a Variance, PD, ~~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.

#### **4.4.7. Preservation and Removal on Private Property**

The following provisions apply to Specimen Trees on private land:

- (A) Specimen trees shall be shown on all Preliminary Development Plans and located by survey on required Site Plans. The Planning Director may visit the site to determine the accuracy of identification. The location and identification of specimen trees shall be required if such trees are within one hundred (100) feet of areas of a Development site where soil disturbance or construction activity is proposed.
- (B) Proposed Development should be designed to maximize the preservation of specimen trees. Where specimen trees exist, flexible approaches such as adjustments to Lot layout, placement of Buildings and paved surfaces and location of utilities should be pursued in order to save them.
- (C) Saving a specimen tree shall constitute sufficient evidence that the requirements have been met for a variance application.
- (D) No soil disturbance from construction, trenching or grading, or paving, or storage of equipment or materials shall take place within the critical root zone of any specimen tree to be preserved unless during Development application review it is determined there is no reasonable way the property can be developed without such disturbance.

### **4.5. OFF-STREET PARKING AND LOADING**

#### **4.5.1. Generally**

This section 4.5 establishes the minimum requirements for the number of spaces and the design of parking areas. This section provides administrative flexibility for the Planning Director to adjust the number of required spaces and the design of spaces to provide for adequate parking, accommodate unique site conditions and capitalize on the benefits of parking opportunities on-street or in shared parking areas.

#### **4.5.2. Applicability**

The requirements of this section shall be applicable to all new Development and changes of use that create the need for parking or increase existing parking demands, except as specifically provided in this section, authorized as part of a Variance, PD, Conditional Zoning District or Certificate of Appropriateness approval, or allowed for a Development Pattern authorized in a specific zoning district.

#### **4.5.3. Parking Space Requirements**

- (A) All Developments in all zoning districts other than in portions of the central business area as established herein shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the Development in question. No off-street parking shall be required in the area bounded by Connecticut Avenue, Massachusetts Avenue, Bennett Street and Ashe Street.
- (B) Exhibit 4-6 establishes the minimum number of required off-street parking spaces that shall be provided for specified land uses. When determining the number of parking spaces, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.
- (C) The number and design of parking spaces for the disabled shall comply with the North Carolina State Building Code requirements for

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- (S) Regulate the appearance and design of Signs in a manner that promotes and enhances the beautification of the Town, and that complements the natural surroundings in recognition of the Town's reliance on its natural surroundings and beautification efforts in retaining economic advantage for the community; and
- (T) Enable the fair and consistent enforcement of these Sign regulations.

### 4.6.2. Applicability

The provisions of this Sign Code are applicable to all Signs, except as specifically provided in this section, authorized as part of a Variance, PD<sub>1</sub>, Conditional Zoning district or Certificate of Appropriateness approval, or allowed for a Development Pattern authorized in a specific zoning district.

### 4.6.3. Substitution of Noncommercial Speech for Commercial Speech

Any Sign erected pursuant to this Sign Ordinance, or otherwise lawfully existing with a commercial message, may, at the option of the owner, contain a noncommercial message unrelated to the business located on the Premises where the Sign is erected. The noncommercial message may occupy the entire Sign face or any portion thereof. The Sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the Sign, provided that the Sign is not a prohibited Sign or Sign type.

(Ord. # 1716)

### 4.6.4. Severability clause.

If any provision of the Sign Code is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the Sign Code or this UDO regulating Signs, and all of such provisions shall remain in full force and effect.

(Ord. # 1716)

### 4.6.5. Determining the Number of Signs

- (A) For the purpose of determining the number of Signs, a Sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single Sign.
- (B) A multi-sided Sign shall be regarded as one Sign.
- (C) One (1) Logo Emblem Sign is allowed in addition to the permitted number of Wall Signs.

### 4.6.6. Computation of Sign Area

- (A) The surface area of a Sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display together with any material or color forming an integral part of the background of the display or used to differentiate the Sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
- (B) If the Sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the Sign area. The area between a Wall Sign and a Logo Emblem Sign is exempt from the computation of Sign area. In the instance an establishment has a Wall Sign and Logo Emblem Sign on the same frontage, the area between the Wall Sign and the Logo Emblem Sign will not count towards the computation of the Sign area; only the surface area of the Sign shall be included in the computation of the Sign area.

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

#### 4.8.8. Excessive Illumination

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

#### 4.9. OPEN SPACE / GREENSPACE

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

##### 4.9.1. Usable Open Space Required

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

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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.~~

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

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

### 4.9.3. Dedication of Open Space

- (A) If any portion of any Lot proposed for residential or commercial Development lies within an area designated on the officially adopted recreation master plan as a Neighborhood park or part of the greenway system or bikeway system, the area so designated (not exceeding ~~five~~ten (5~~10~~) 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 ~~ten~~ five (5~~10~~) 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;

#### 4.9.8. Connectivity Required

To the maximum extent practicable, common open space shall be organized to create integrated systems of open space that connect with the following types of lands located within or adjacent to the Development:

- (A) Dedicated public park or greenway lands;
- (B) Dedicated school sites;
- (C) Other dedicated open spaces;
- (D) Common open space located adjacent to the Development;
- (E) Portions of the regional trail and open space system;

#### 4.10. DEVELOPMENT DESIGN STANDARDS

(Ord. #1716)

##### 4.10.1. Applicability

- (A) The commercial Building design standards of this section are applicable to the new Development and redevelopment of all commercial structures in any zoning district. The standards may be modified pursuant to Architectural Compliance Permit, [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)

##### 4.10.2. Purpose and General Principles

The integration of proposed Development, Building, or site improvement into the existing fabric of the Town is of critical public concern. The intent of design requirements is to assure respect for the character of the Town and reduce incompatible and adverse impacts on the community.

- (A) Proposed Development shall be located and configured in a manner that is visually harmonious with the terrain and vegetation of the Parcel and with nearby Parcels.
- (B) The design and configuration of structures and their materials and colors shall be visually harmonious with the overall appearance, history and heritage of the Town.
- (C) Structures shall demonstrate the general principles of good design including, but not limited to those dealing with form, mass, scale, height, texture and color. Specific consideration shall be given to Compatibility with adjacent structures and Neighborhoods and surrounding areas of the Town where the structures reflect the characteristics set forth in this section.

##### 4.10.3. Site Design Requirements

###### (A) Building Continuity

- (1) Buildings along a block face shall provide a continuous Frontage, particularly where maximum Setbacks (build-to lines) require Buildings to be constructed close to the front property line. Building fronts may be recessed for allowed courtyards and outdoor dining facilities as provided in this section.

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### (E) **Parking**

- (1) Provide parking in small Lots that are designed and located to ensure that most parked vehicles are visible from one (1) or more Dwellings.
- (2) To the greatest extent practicable, parking shall not separate Dwelling Units from common open space.

### (F) **Open Space**

- (1) Common Usable Open Space shall comprise ten (10) percent of the total project area.
- (2) Open spaces shall be configured so that the ratio of Building height to open space width is in the range of 1:3 or greater. Ratios as tight as 1:2 may be approved if landscaping effectively screens Buildings from each other.
- (3) Common open space shall be configured in square or nearly square areas with sides of at least one hundred (100) feet.
- (4) To the greatest extent practicable, Dwelling Units shall have access to common open space without having to cross a street.
- (5) Play Areas
  - (a) Play areas for young children should be physically separated from potential traffic hazards.
  - (b) Provide a variety of hard-surfaces areas in the form pathways that are least five (5) feet wide and small areas off the circulation system for various children's activities.
- (6) For Developments with more than twenty (20) Dwellings, provide on-site; well-equipped and challenging play areas for school age children within a five (5) minute walk from each Dwelling Unit.
  - (a) Provide places for school age children to sit.

- (b) Where possible include a space for ball games on site (minimum 80 feet x 40 feet).

- (7) Provide retaining walls that can also be used for casual seating.
- (8) Where cluster Dwellings are included in a project, ensure some uniqueness for each cluster. Vary the design (size, dimensions, grading, planting, site furniture and play equipment) of the common open spaces of each cluster.
- (9) The number of Dwelling Units grouped around common and open space should range between twenty (20) to one hundred (100).

(Ord. #1703)

### **4.11. TRANSPORTATION (STREETS)**

#### **4.11.1. Generally**

~~These transportation provisions address the mobility needs within the Town of Southern Pines. In addition to addressing the design, function and access to public and private streets, these regulations address mobility for bicyclists and pedestrians and the necessary coordination of design between the public and private realms. 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)

#### **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;

- (3) When open for business, the Food Truck, Trailer or Cart operator, or his or her designee, must be present at all times, except in cases of an emergency.
- (4) Food trucks, trailers and carts and any associated features of the operation including but not limited to trash receptacles and seating shall be removed from the Lot or Parcel each day.
- (5) The Food Truck, Trailer or Cart operator is responsible for the proper disposal of waste and trash associated with the operation. Town trash receptacles are not to be used for this purpose. Operators shall remove all waste and trash from their approved location at the end of each day or more frequently to maintain the health and safety of the public.
- (6) The operator shall keep all areas of the permitted Lot free and clean of grease, trash, paper, cups, cans or other materials associated with the operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the Town's sanitary sewer system.
- (7) All equipment required for the operation shall be contained within, attached to or within twenty (20) feet of the Food Truck, Trailer or Cart. All food preparation, storage, and sales-distribution shall comply with all applicable Town, County, State and Federal Health Department sanitary and safety regulations.

### 5.9.2. Food Truck Campuses

- (A) **Districts Where Allowed.** Food Truck Campuses shall be limited to the GB district and shall require an approval of a Special Use Permit subject Section 2.21 and Conditional Zoning district subject to the performance standards listed below.

(Ord. #1919)

- (B) **Location Requirements**

- (1) Food trucks, trailers or carts operating within a Food Truck Campus shall not be located on any public Right-of-Way.
- (2) Food trucks, trailers or carts operating within a Food Truck Campus shall be located on an improved surface to include but not limited to asphalt, concrete, stone or similar surface.
- (3) A maximum of six (6) food trucks, trailers or carts may operate concurrently on a Lot or Parcel. Additional food trucks, trailers or carts may be authorized to operate within a Food Campus, but no more than six (6) shall operate at any given time.
- (4) Food trucks, trailers or carts operating within a Food Truck Campus shall be located a minimum of one hundred (100) feet from the main entrance to any eating establishment or similar food service business, and one hundred (100) feet from any outdoor dining area, as measured from the designated location on the Lot or Parcel accommodating the food truck or trailer.
- (5) Food trucks, trailers or carts operating within a Food Truck Campus shall be located a minimum distance of fifteen (15) feet from the edge of any driveway or public sidewalk, utility box or vaults, handicapped ramp, Building entrance, exit or emergency access/exit, emergency call box or fire hydrant.
- (6) Food trucks, trailers or carts operating within a Food Truck Campus shall not be located within any area of the Lot or Parcel that impedes, endangers, or interferes with pedestrian or vehicular traffic.
- (7) Food trucks, trailers or carts operating within a Food Truck Campus shall not occupy any parking spaces required to fulfill the minimum requirements of the Principal Use of any Lot or Parcel, unless the Principal Use's hours of operation do not coincide with those of the Food Truck, Trailer or Cart business. Nor shall any retail sales - Food Truck, Trailer or Cart occupy parking spaces that may be leased to another business and used to fulfill its minimum parking requirements.

# Ordinance #3031

## ATTACHMENT A

### Southern Pines Unified Development Ordinance

**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.

**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,

Amended

2-13-24

### Chapter 9. Definitions

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.

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

**Sign, Electronic Message Center:** An electrically activated, changeable Sign with a variable message and/or graphic presentation capability that can be electronically programmed by computer from a remote location or at the Sign.

9-8



**ORDINANCE #3032**  
**AMENDING THE TOWN'S CODE OF ORDINANCES**  
**CHAPTER 154, SOIL EROSION CONTROL AND SEDIMENTATION**

**THAT WHEREAS** the Town has delegated authority from the State of North Carolina to administer a Local Erosion Control Program. The Sedimentation and Control Commission, through the Department of Environmental Quality, maintains a model ordinance for Local Programs to use as the basis for local ordinances.

**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.

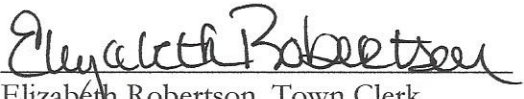
**NOW, THEREFORE BE IT ORDAINED** by the Town Council of the Town of Southern Pines, North Carolina at its Regular Business Meeting assembled on the 12<sup>th</sup> day of March, 2024, that:

Section 1. Chapter 154, Soil Erosion Control and Sedimentation of the Code of Ordinances is hereby amended and replaced by Attachment A to this Ordinance.

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

Adopted this the 12<sup>th</sup> day of March, 2024.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on March 12, 2024, as shown in the Minutes of the Town Council meeting for that date.

  
Elizabeth Robertson, Town Clerk



**ATTACHMENT A**

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## **§ 154.01 TITLE.**

This chapter may be cited as the “Town of Southern Pines Soil Erosion and Sedimentation Control Ordinance”.

(1989 Code, § 154.01) (Ord. 1185, passed 6-14-2005)

## **§ 154.02 PURPOSE.**

This chapter is adopted for the purposes of:

- (A) Regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; and
- (B) Establishing procedures through which these purposes can be fulfilled.

(1989 Code, § 154.02) (Ord. 1185, passed 6-14-2005)

## **§ 154.03 DEFINITIONS.**

As used in this chapter, unless the context clearly indicates otherwise, the following definitions apply:

***ACCELERATED EROSION*** - Any increase over the rate of natural erosion as a result of land-disturbing activity.

***ACT*** - The North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.

***ADEQUATE EROSION CONTROL MEASURE, STRUCTURE, OR DEVICE*** - One which controls the soil material within the land area under responsible control of the Person conducting the land-disturbing activity.

***AFFILIATE*** - A Person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another Person.

***APPROVING AUTHORITY*** – The Division or other State or a local government agency that has been delegated erosion and sedimentation plan review responsibilities in accordance with the provisions of the Act.

***BEING CONDUCTED*** - a land-disturbing activity has been initiated and not deemed complete by the Approving Authority.

***BORROW*** - Fill material that is required for on-site construction that is obtained from other locations.

***BUFFER ZONE*** - The strip of land adjacent to a lake or natural watercourse.

***CHANNEL*** - A natural or man-made depression, drainageway or low area with a path or course where a stream of water is collected and runs, is conveyed or is directed through, during rainfall events.

***COASTAL COUNTIES*** – means the following counties: Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell and Washington.

***COMMISSION*** - The North Carolina Sedimentation Control Commission.

***COMPLETION OF CONSTRUCTION OR DEVELOPMENT*** - No further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

**DEPARTMENT** - The North Carolina Department of Environmental Quality.

**DIRECTOR** - The Director of the Division of Energy Mineral and Land Resources of the Department of Environmental Quality.

**DISCHARGE POINT OR POINT OF DISCHARGE** - That point where runoff leaves a tract of land where a land-disturbing activity has occurred or enters a lake or natural watercourse.

**ENERGY DISSIPATOR** - A structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

**EROSION** - The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

**GRADING PERMIT** - The approval document allowing land-disturbing activity to be initiated.

**GROUND COVER** - Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

**HIGH QUALITY WATERS** - Those classified as in 15A NCAC 2B.0224, which is herein incorporated by reference including subsequent amendments and additions.

**HIGH QUALITY WATERS (HQW) ZONES** - For the Coastal Counties, areas within 575 feet of high-quality waters; and for the remainder of the state, areas within 1 mile and draining to HQW's.

**LAKE OR NATURAL WATERCOURSE** - Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond.

**LAND-DISTURBING ACTIVITY** - Any use of the land by any Person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

**LOCAL GOVERNMENT** - Any county, incorporated village, town, or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of the Act.

**NATURAL EROSION** - The wearing away of the earth's surface by water, wind or other natural agents under natural environmental conditions undisturbed by man.

**PARENT** - An affiliate that directly, or indirectly through 1 or more intermediaries, controls another Person.

**PERMIT** - The certificate allowing land-disturbing activities to be initiated.

**PERSON** - Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

**PERSON CONDUCTING LAND-DISTURBING ACTIVITY** - Any Person who may be held responsible for a violation unless expressly provided otherwise by this chapter, the Act, or any order adopted pursuant to this chapter or the Act.

**PERSON WHO VIOLATES OR VIOLATOR** – as used in G.S. 113A-64, means: any landowner or other Person who has financial or operational control over the land-disturbing activity; or who has directly or indirectly allowed the activity, and who has failed to comply with any provision of the Act, the rules of this Chapter or any order or local ordinance adopted pursuant to the Act as it imposes duty upon that Person.

**PLAN** - An erosion and sedimentation control plan.

**SEDIMENT** - Solid particulate matter, both mineral and organic, that has been or is being transported

by water, air, gravity, or ice from its site of origin.

**SEDIMENTATION** - The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

**SILTATION** - Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.

**STORM DRAINAGE FACILITIES** - The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey storm water through and from a given drainage area.

**STORM DRAINAGE PLAN** - A plan for storm drainage facilities as required by the Town's Unified Development Ordinance.

**STORMWATER RUNOFF** - The runoff of water resulting from precipitation in any form.

**SUBSIDIARY** - An affiliate that is directly, or indirectly through one or more intermediaries, controlled by another Person.

**TEN-YEAR STORM** – A rainfall of an intensity that, based on historical data, is predicted by a method acceptable to the Approving Authority to be equaled or exceeded, on the average, once in ten years and of a duration that will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

**TOWN** - The Town of Southern Pines, a municipal corporation in the State of North Carolina.

**TRACT** - All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

**TWENTY-FIVE YEAR STORM** – A rainfall of an intensity that, based on historical data, is predicted by a method acceptable to the Approving Authority to be equaled or exceeded, on the average, once in 25 years, and of a duration that will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

**UNCOVERED** - The removal of ground cover from, on, or above the soil surface.

**UNDERTAKEN** - The initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.

**VELOCITY** – The speed of flow through a cross section perpendicular to the direction of the main channel at the peak flow of the storm of interest but not exceeding bank full flows.

**WASTE** - Surplus material resulting from on-site land-disturbing activities.

(1989 Code, § 154.03) (Ord. 1185, passed 6-14-2005)

#### **§ 154.04 SCOPE AND EXCLUSIONS.**

- (A) *Geographical scope of regulated land-disturbing activity.* This shall apply to land-disturbing activity within the territorial jurisdiction of the Town and to the extraterritorial jurisdiction of the Town as allowed by agreement between local governments, the extent of annexation or other appropriate legal instrument or law.
- (B) *Exclusions from regulated land-disturbing activity.* Notwithstanding the general applicability of this chapter to all land-disturbing activity, this chapter shall not apply to the following types of land-disturbing activity:
  - (1) Activities, including the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture undertaken on agricultural land for the production of plants

and animals useful to man, including, but not limited to:

- (a) Forage and sod crops, grain and feed crops, tobacco, cotton and peanuts;
  - (b) Dairy animals and dairy products;
  - (c) Poultry and poultry products;
  - (d) Livestock, including beef cattle, llamas, sheep, swine, horses, ponies, mules and goats;
  - (e) Bees and apiary products; and
  - (f) Fur producing animals.
  - (g) Mulch, ornamental plants, and other horticultural products. For purposes of this section, “mulch” means substances composed primarily of plant remains or mixtures of such substances.
- (2) An activity undertaken on forest land for the production and harvesting of timber and timber products and conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality (Best Management Practices), as adopted by the North Carolina Department of Agriculture and Consumer Services. If land-disturbing activity undertaken on forest land for the production and harvesting of timber and timber products is not conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality, the provisions of this chapter shall apply to such activity and any related land-disturbing activity on the tract.
- (3) An activity for which a permit is required under the Mining Act of 1971, G.S. Chapter 74, Article 7.
- (4) A land disturbing activity over which the state has exclusive regulatory jurisdiction as provided in G.S. § 113A-56(a).
- (5) An activity which is essential to protect human life during an emergency.
- (6) Activities undertaken to restore the wetland functions of converted wetlands to provided compensatory mitigation to offset impacts permitted under Section 404 of the Clean water Act.
- (7) Activities undertaken pursuant to Natural Resources Conservation Service standards to restore the wetlands functions of converted wetlands as defined in Title 7 Code of Federal Regulations § 12.2
- (C) *Plan approval requirement for land-disturbing activity.* No Person shall undertake any land disturbing activity subject to this chapter without first obtaining a Plan approval from the Town.
- (D) *Protection of property.* Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by the activity.
- (E) *More restrictive rules shall apply.* Whenever conflicts exist between federal, state, or local laws, ordinances, or rules, the more restrictive provision shall apply.
- (F) *Plan Approval Exceptions.* Notwithstanding the general requirement to obtain a Plan approval prior to undertaking land-disturbing activity, a Plan approval shall not be required for land-disturbing activity that does not exceed one (1) acre in surface area. In determining the area, lands under one or diverse ownership being developed as a unit will be aggregated.

(1989 Code, § 154.04) (Ord. 1185, passed 6-14-2005)

#### **§ 154.05 MANDATORY STANDARDS FOR LAND-DISTURBING ACTIVITY.**

No land-disturbing activity subject to the control of this chapter shall be undertaken except in accordance with the following mandatory standards:

(A) **Buffer Zone**

- (1) **Standard Buffer.** No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless

a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the 25% of the buffer zone nearest the land-disturbing activity.

- (a) *Projects on, over or under water.* This subdivision shall not apply to land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural water course.
  - (b) *Buffer measurement.* Unless otherwise provided, the width of a buffer zone is measured horizontally from the edge of the water to the nearest edge of the disturbed area, with the 25% of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.
- (B) *Graded slopes and fills.* The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 21 calendar days of completion of any phase of grading, be planted or otherwise provided with temporary or permanent ground cover, devices, or structures sufficient to restrain erosion. The angle for graded slopes and fills must be demonstrated to be stable. Stable is the condition where the soil remains in its original configuration, with or without mechanical constraints.
- (C) *Fill material.* Materials being used as fill shall be consistent with those described in 15A NCAC 13B .0562 unless the site is permitted by the Department's Division of Waste Management to operate as a landfill. Not all materials described in Section .0562 may be suitable to meet geotechnical considerations of the fill activity and should be evaluated accordingly.
- (D) *Ground cover.* Whenever land-disturbing activity is undertaken on a tract, the Person conducting the land-disturbing activity shall install erosion and sedimentation control devices and practices that are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in § [154.05](#)(B) above and § [154.09](#)(B)(5), provisions for a ground cover sufficient to restrain erosion must be accomplished within 90 calendar days following completion of construction or development.
- (E) *Prior plan approval required.* No Person shall initiate any land-disturbing activity on a tract if more than one acre is to be uncovered unless, 30 or more days prior to initiating the activity, a plan for the activity is filed with and approved by the Town.

The Town of Southern Pines shall forward to the Director of the Division of Water Resources a copy of each plan for land disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of the tract.

- (F) *Minimum requirements for tracts less than one (1) acre.* For residential and commercial construction projects on sites or tracts that disturb less than 1 acre in surface area, the Town requires that the minimum erosion control measures, as outlined in this section unless otherwise approved.
- (1) The minimum required erosion control practices and measures to be placed on an individual residential or commercial construction site that is less than one (1) acre in surface area are:
    - (a) Shall follow the mandatory standards § 154.05 A through D;
    - (b) Silt fencing shall be installed on all lower elevation perimeters;
    - (c) A construction entrance shall be installed; and
    - (d) Seeding and/or ground stabilization.
  - (2) The site must comply with the Town's Soil Erosion and Sedimentation Control Chapter by installing and maintaining all required controls measures. The only land disturbing activity to take place before the erosion control measures are completed is the removal of trees necessary to install the erosion control measures.
  - (3) If it is determined that a significant risk of accelerated erosion or off-site sedimentation may occur as a result of the land-disturbing activity, the Town may require the preparation and approval of a plan and that a grading permit be secured for land-disturbing activity of areas less than one (1) acre.

- (4) *Inspection procedure.* The Building Inspector shall notify the Erosion Control Inspector of the scheduled footing inspection at the site. If the erosion control measures are not installed by the scheduled footing inspection, the deadline for placement of these minimum erosion control measures shall be the date at which the Building Inspector returns for the foundation inspection. If, at the time of the foundation inspection or any subsequent inspection, the Erosion Control Inspector observes any erosion control problems on the site including failure to install erosion control measures, a written notice of violation will be issued in accordance with § [154.17](#)(C). The foundation inspection or any subsequent inspection approval will not be rendered until all control measures are in place and functioning.
- (5) *Final inspections.* When all construction on the project is complete, the Erosion Control Inspector will evaluate the site and all permanent erosion control features and off- site impacts to other properties. If found to be in compliance, the Building Inspector will be advised, giving approval for the certificate of occupancy.

(1989 Code, § 154.07) (Ord. 1185, passed 6-14-2005)

#### **§ 154.06 EROSION AND SEDIMENTATION CONTROL PLANS.**

- (A) *Plan submission.* A plan shall be prepared for all land disturbing activities subject to this chapter whenever the proposed activity will disturb more than one acre on a tract. Three copies of the plan shall be filed with the Town at least 30 days prior to commencement of the proposed activity.
- (B) *Financial responsibility and ownership.* Plans may be disapproved unless accompanied by an authorized statement of financial responsibility and documentation of property ownership. This statement shall be signed by the Person financially responsible for the land disturbing activity or his or her attorney in fact. The statement shall include the mailing and street addresses of the principal place of business of (1) the Person financially responsible, (2) the owner of the land, and (3) any registered agents. If the Person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or non- compliance with the plan, the Act, this chapter, or rules or orders adopted or issued pursuant to this chapter. Except as provided in subsections (C) or (J) of this section, if the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land-disturbing activity.
- (C) If the applicant is not the owner of the land to be disturbed and the anticipated land-disturbing activity involves the construction of utility lines for the provision of water, sewer, gas, telecommunications, or electrical service, the draft erosion and sedimentation control plan may be submitted without the written consent of the owner of the land, so long as the owner of the land has been provided prior notice of the project.
- (D) *Plan review processing fee.* A non-refundable plan review processing fee, based on the number of acres or any part thereof, of land to be disturbed, including off-site borrow and waste areas, and set in accordance with the Town's fee schedule, is required to be paid at the same time as a soil erosion and sedimentation control plan is initially submitted for review and approval. Each plan shall be deemed incomplete until the plan review processing fee is paid.
- (E) *Environmental policy act document.* Any plan submitted for a land disturbing activity for which an environmental document is required by the North Carolina Environmental Policy Act (G.S. 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review. The Town shall promptly notify the Person submitting the plan that the 30-day time limit for review of the plan pursuant to this chapter shall not begin until a complete environmental document is available for review.
- (F) *Content.* The plan required by this section shall contain, architectural and engineering drawings, maps, assumptions, calculations and narrative statements, as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this chapter. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation may be obtained from the Town, on

request.

(G) *Timeline for decisions on plans.*

- (1) The Town will review each complete Plan submitted to the Town and within 30 days of receipt thereof will notify the Person submitting the plan that it has been approved, approved with modifications, or disapproved. Failure to approve, approve with modifications, or disapprove a complete Plan within 30 days of receipt shall be deemed approval.
- (2) The Town will review each revised plan submitted to them and within 15 days of receipt thereof will notify the Person submitting the plan that it has been approved, approved with modifications, or disapproved. Failure to approve, approve with modifications, or disapprove a revised plan within 15 days of receipt shall be deemed approval.

(H) *Approval.* The Town shall only approve a plan upon determining that it complies with all applicable State and local regulations for erosion and sedimentation control. Approval assumes the applicant's compliance with the federal and state water quality laws, regulations and rules. The Town shall condition approval of plans upon the applicant's compliance with the federal and state water quality laws, regulations and rules. The Town may establish an expiration date, not to exceed three (3) years for plan approved under this chapter whereby no land-disturbing activity has been undertaken.

(I) *Disapproval for content.* The Town may disapprove a plan or draft plan based on its content. A disapproval based upon a plan's content must specifically state in writing the reasons for disapproval.

(J) *Other disapprovals.*

- (1) The Town shall disapprove an erosion and sedimentation control plan if implementation of the plan would result in a violation of the rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters. The Town may disapprove an erosion and sedimentation control plan or disapprove a transfer of a plan under subsection (K) of this section upon finding that an applicant or a parent, subsidiary, or other affiliate of the applicant:
  - (a) Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or a local government pursuant to the Act and has not complied with the notice within the time specified in the notice;
  - (b) Has failed to pay a civil penalty assessed pursuant to this Article or a local ordinance adopted pursuant to this Article by the time the payment is due;
  - (c) Has been convicted of a misdemeanor pursuant to G.S. § 113A-64(b) or any criminal provision of a local ordinance adopted pursuant to this Article; or
  - (d) Has failed to substantially comply with State rules or local ordinances and regulations adopted pursuant to this Article.
- (2) In the event that an erosion and sedimentation control plan or transfer of a plan is disapproved by the Town pursuant to subsection (J) of this section, the Town shall so notify the Director of the Division of Energy Mineral, and Land Resources within 10 days of the disapproval. The Town shall advise the applicant or proposed transferee and the Director in writing as to the specific reasons that the plan was disapproved. Notwithstanding the provisions of Section 16(a), the applicant may appeal the local government's disapproval of the plan directly to the Commission.
- (3) For purposes of this subsection (J), an applicant's record may be considered for only the 2 years prior to the application date.

(K) *Transfer of Plans.* The Town administering an erosion and sedimentation control program may transfer an erosion and sedimentation control plan approved pursuant to this section without the consent of the plan holder to a successor-owner as provided in this subsection.

- (1) The Town may transfer a plan if all of the following conditions are met:

- (a) The successor-owner of the property submits to the local government a written request for the transfer of the plan and an authorized statement of the financial responsibility and documentation of property ownership.
- (b) The Town finds all of the following:
  - The plan holder is one of the following:
    - i. A natural Person who is deceased
    - ii. A partnership, limited liability corporation, corporation, or any other business association that has been dissolved.
    - iii. A Person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur.
    - iv. A Person who has sold the property on which the permitted activity is occurring or will occur.
  - The successor-owner holds title to the property on which the permitted activity is occurring or will occur.
  - The successor-owner is the sole claimant of the right to engage in the permitted activity.
  - There will be no substantial change in the permitted activity.
- (2) The plan holder shall comply with all terms and conditions of the plan until such time as the plan is transferred.
- (3) The successor-owner shall comply with all terms and conditions of the plan once the plan has been transferred.
- (4) Notwithstanding changes to law made after the original issuance of the plan, the Town may not impose new or different terms and conditions in the plan without the prior express consent of the successor-owner. Nothing in this subsection shall prevent the Town from requiring a revised plan pursuant to G.S. 113A-54.1(b)
- (L) *Notice of activity initiation.* No Person may initiate a land-disturbing activity before notifying the agency that issued the plan approval of the date that land-disturbing activity will begin.
- (M) *Pre-construction conference.* A pre-construction conference shall be held prior to commencement of work.
- (N) *Display of Plan Approval* A Plan approval issued under this Chapter shall be prominently displayed at the primary entrance to the site of the land disturbing activity and remain until all construction is complete, all temporary sedimentation and erosion control measures have been removed, all permanent sedimentation and erosion control measures are installed, and the site has been stabilized. A copy of the approved plan shall be kept on file at the job site.
- (O) *Grading Permit.* Before any land disturbance beings, with the exception of removal of the trees necessary to install the perimeter erosion control measures, A grading permit must be issued by the Town's Erosion Inspector.
  - (a) A permit will not be issued until the Erosion Inspector has inspected the perimeter erosion control measures and is satisfied that they are installed in accordance with Town details and this chapter.
  - (b) The grading permit approval letter must be prominently displayed at the primary entrance to the site of the land disturbing activity and remain until all construction is complete, all temporary sedimentation and erosion control measures have been removed, all permanent sedimentation and erosion control measures are installed, and the site has been stabilized.
- (P) *Required Revisions.* After approving a plan, if the Town, either upon review of such plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the Town shall require a revised plan. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the appropriate authority. If following commencement of a land disturbing activity pursuant to an approved plan, the Town determines that the plan is inadequate to meet the requirements of this chapter, the Town may require any revision of the plan that is necessary to comply with this chapter. No fee shall be charged for review of a revised plan unless the revised plan contains an increase in the number of acres to be disturbed.

- (Q) *Amendment to a Plan.* Applications for amendment of a plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as the amendment is approved by the Town, the land-disturbing activity shall not proceed except in accordance with the plan as originally approved. No fee shall be charged for an amendment to a plan unless the amended plan contains an increase in the number of acres to be disturbed.
- (R) *Failure to file a plan.* Any Person engaged in land-disturbing activity who fails to file a plan in accordance with this chapter, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan shall be deemed in violation of this chapter.
- (S) *Expiration and renewal of grading permit.* A grading permit shall be valid for a period of 2 calendar years after issuance, unless it is revoked by the Town or the grading project is completed and a letter of completion is issued by the Town within the 2-year period. The grading permit may be renewed for an additional 2-year period, if adequately justified, by making written request to the Town. No permit fee will be charged for re-issuance of a grading permit, unless the permit has been revoked.
- (T) *Self-Inspections.* The landowner, the financially responsible party, the landowner's, or the financially responsible party's agent shall perform an inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with G.S. 113A-57(2). In addition, weekly and rain-event self-inspections are required by federal regulations, that are implemented through the NPDES Construction General Permit NO. NCG 0100000. The Person who performs the inspection shall maintain and make available a record of the inspection at the site of the land disturbing activity. The record shall set out any significant deviation from the approved erosion control plan, identify any measures that may be required to correct deviation, and document the completion of those measurements. The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan. The inspections required by this subsection shall be in addition to the inspections required by G.S. 113A-61.1

Where inspections are required by Section 154.06(T) of this chapter or G.S. 113A-54.1(e), the following apply:

- (1) The inspection shall be performed during or after each of the following phases of the plan;
  - (i) initial installation of erosion and sediment control measures;
  - (ii) clearing and grubbing of existing ground cover;
  - (iii) completion of any grading that requires ground cover;
  - (iv) completion of all land-disturbing activity, construction, or development, including permanent ground cover establishment and removal of all temporary measures; and
  - (v) transfer of ownership or control of the tract of land where the erosion and sedimentation control plan has been approved and work has begun. The new owner or Person in control shall conduct and document inspections until the project is permanently stabilized as set forth in Sub-Item (iii) of this Item.
- (2) Documentation of self-inspections performed under Item (1) of this Rule shall include:
  - (i) Visual verification of ground stabilization and other erosion control measures and practices as called for in the approved plan;
  - (ii) Verification by measurement of settling basins, temporary construction entrances, energy dissipators, and traps.
  - (iii) The name, address, organization affiliation, telephone number, and signature of the Person conducting the inspection and the date of the inspection shall be included, whether on a copy of the approved erosion and sedimentation control plan or an inspection report. A template for an example of an inspection and monitoring report is provided on the DEMLR website at: <https://deq.nc.gov/about/divisions/energy-mineral-land-resources/erosion-sediment-control/forms>. Any relevant licenses and certifications may also be included. Any documentation of inspections that occur on

a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan shall be made available on the site.

- (iv) A record of any significant deviation from any erosion or sedimentation control measure from that on the approved plan. For the purpose of this Rule, a "significant deviation" means an omission, alternation, or relocation of an erosion or sedimentation control measure that prevents it from performing as intended. The record shall include measures required to correct the significant deviation, along with documentation of when those measures were taken. Deviations from the approved plan may also be recommended to enhance the intended performance of the sedimentation and erosion control measures.

Except as may be required under federal law, rule or regulation, no periodic self- inspections or rain gauge installation is required on individual residential lots where less than one acre is being disturbed on each lot.

(1989 Code, § 154.06) (Ord. 1185, passed 6-14-2005)

#### **§ 154.07 BASIC CONTROL OBJECTIVES.**

An erosion and sedimentation control plan may be disapproved if the plan fails to address the following control objectives:

- (A) *Identify critical areas.* On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.
- (B) *Limit time of exposure.* All land-disturbing activity are to be planned and conducted to limit exposure to the shortest time specified in G.S. 113A.-57, the rules of this chapter, or as directed by the Approving Authority.
- (C) *Limit exposed areas.* All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.
- (D) *Control surface water.* Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.
- (E) *Control sedimentation.* All land-disturbing activity is to be planned and conducted to prevent off-site sedimentation damage.
- (F) *Manage storm water runoff.* Plans shall be designed so that any increase in velocity of stormwater runoff resulting from land-disturbing activity will not result in accelerated erosion of the receiving stormwater conveyance or at the point of discharge. Plans shall include measures to prevent accelerated erosion within the project boundary and at the point of discharge.

(1989 Code, § 154.08) (Ord. 1185, passed 6-14-2005)

#### **§ 154.08 DESIGN AND PERFORMANCE STANDARDS.**

- (A) Except as provided for in § 154.08(B)(2) , erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed to provide protection from the calculated maximum peak rate of runoff from the 10-year storm. Runoff rates shall be calculated using the procedures in the latest edition of the United States Department of Agriculture (USDA), Natural Resources Conservation Service's "National Engineering Field Handbook", or other acceptable calculation procedures.
- (B) In High-Quality Water (HQW) zones the following design standards shall apply:
  - (1) *Limit on uncovered areas.* Uncovered areas in HQW zones shall be limited at any time to a maximum total area of 20 acres within the boundaries of the tract. Only the portion of the land-disturbing activity within a HQW zone shall be governed by this section. Larger areas

may be uncovered within the boundaries of the tract, with the written approval of the Town Engineer upon providing engineering justification with a construction sequence that considered phasing, limiting exposure, weekly submitted self- inspection reports, and a more conservative design than the Twenty-five Year Storm.

- (2) *Maximum peak rate of runoff protection.* Erosion and sedimentation control measures, structures, and devices within HQW zones shall be planned, designed and constructed to provide protection from the runoff of the twenty-five year storm which produces the maximum peak rate of runoff as calculated according to procedures in the latest edition of the United States Department of Agriculture Natural Resources Conservation of Service's "National Engineering Field Handbook" or according to procedures adopted by any other agency of this State or the United States or any generally recognized organization or association.
- (3) *Sediment Basin Design.* Sediment basins within HQW zones shall be designed and constructed according to the following criteria:
  - (i) use a surface withdrawal mechanism, except when the basin drainage area is less than 1.0 acre.
  - (ii) have a minimum of 1800 cubic feet of storage area per acre of disturbed area;
  - (iii) have a minimum surface area of 325 square feet per cfs of the Twenty-five Year Storm (Q25) peak flow;
  - (iv) have a minimum dewatering time of 48 hours;
  - (v) incorporate 3 baffles, unless the basin is less than 20 feet in length, in which case 2 baffles shall be sufficient.

Upon a written request of the applicant, the Director may allow alternative design and control measures in lieu of meeting the conditions required in subparagraphs (3)(ii) through (3)(v) of this sub-section if the applicant demonstrates that meeting all of those conditions will result in design or operational hardships and that the alternative measures will provide an equal or more effective level of erosion and sediment control on the site. Alternative measures may include quicker application of ground cover, use of sediment flocculants, and use of enhanced ground cover practices

- (4) *Grade.* Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than two horizontal to one vertical if a vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices or other forms of ditch liners proven as being effective in restraining accelerated erosion. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.

(1989 Code, § 154.09) (Ord. 1185, passed 6-14-2005)

#### **§ 154.09 STORM WATER OUTLET PROTECTION.**

- (A) *Intent.* Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity.
- (B) *Performance standard.* Persons shall conduct land-disturbing activity so that the post-construction velocity of the 10-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:
  - (1) The velocity established by the table in division (E) below, of this section; or
  - (2) The velocity of the 10-year storm runoff in the receiving watercourse prior to development.
    - (a) If conditions (B)(1) or (2) above of this section cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the "prior to development" velocity by 10%.

(E) *Table.* The following is a table for maximum permissible velocity for storm water discharges in feet per second (FPS) and meters per second (MPS).

| <i>Maximum Permissible Velocities</i>  |               |               |
|----------------------------------------|---------------|---------------|
| <i>Material</i>                        | <i>F.P.S.</i> | <i>M.P.S.</i> |
| Fine sand (noncolloidal)               | 2.5           | .8            |
| Sandy loam (noncolloidal)              | 2.5           | .8            |
| Silt loam (noncolloidal)               | 3.0           | .9            |
| Ordinary firm loan                     | 3.5           | 1.1           |
| Fine gravel                            | 5.0           | 1.5           |
| Stiff clay (very colloidal)            | 5.0           | 1.5           |
| Graded, loam to cobbles (noncolloidal) | 5.0           | 1.5           |
| Graded silt to cobbles (colloidal)     | 5.5           | 1.7           |
| Alluvial silts (noncolloidal)          | 3.5           | 1.1           |
| Alluvial silts (colloidal)             | 5.0           | 1.5           |
| Coarse gravel (noncolloidal)           | 6.0           | 1.8           |
| Cobble and shingles                    | 5.5           | 1.7           |
| Shales and hard pans                   | 6.0           | 1.8           |

Source: Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.

(C) *Acceptable management measures.* Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences. The Town recognizes that the management of stormwater runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives, while not exhaustive, are to:

- (1) Avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious;
- (2) Avoid increases in stormwater discharge velocities by using vegetated or roughened swales and waterways in place of closed drains and high velocity paved sections;
- (3) Provide energy dissipators at outlets of storm drainage facilities to reduce flow velocities to the point of discharge.
- (4) Protect watercourses subject to accelerated erosion by improving cross-sections and/or providing erosion-resistant lining; and
- (5) Upgrade or replace the receiving device, structure, or watercourse such that it will receive and conduct the flow to a point where it is no longer subject to degradation from the increased rate of flow or increased velocity.

(D) *Exceptions.* This rule shall not apply where it can be demonstrated to the Town that storm water discharge velocities will not create an erosion problem in the receiving watercourse.

(1989 Code, § 154.10) (Ord. 1185, passed 6-14-2005)

**§ 154.10 BORROW AND WASTE AREAS.**

If the same Person conducts the land-disturbing activity and any related borrow or waste activity,

the related borrow or waste activity shall constitute part of the land-disturbing activity, unless the borrow or waste activity is regulated under the Mining Act of 1971, G.S. 74, Article 7, or is a landfill regulated by the Division of Waste Management. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same Person, they shall be considered by the Approving Authority as separate land-disturbing activities.

(1989 Code, § 154.11) (Ord. 1185, passed 6-14-2005)

#### **§ 154.11 ACCESS AND HAUL ROADS.**

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of the activity.

(1989 Code, § 154.12) (Ord. 1185, passed 6-14-2005)

#### **§ 154.12 OPERATIONS IN LAKES OR NATURAL WATERCOURSES.**

Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall minimize the extent and duration of disruption of the stream channel. Where relocation of a stream forms an essential part of the proposed activity, the relocation shall minimize changes in the stream flow characteristics.

(1989 Code, § 154.13) (Ord. 1185, passed 6-14-2005)

#### **§ 154.13 RESPONSIBILITY FOR MAINTENANCE.**

- (A) During the development of a site, the Person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provisions of this chapter, the Act, or any order adopted pursuant to this chapter or the Act. After site development, the land owner or Person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

(1989 Code, § 154.14) (Ord. 1185, passed 6-14-2005)

#### **§ 154.14 ADDITIONAL MEASURES.**

Whenever the Town, determines that accelerated erosion and sedimentation continues despite the installation of protective practices, they shall direct the Person conducting the land-disturbing activity to take additional protective action necessary to achieve compliance with the conditions specified in the Act or its rules.

(1989 Code, § 154.15) (Ord. 1185, passed 6-14-2005)

#### **§ 154.15 PLAN APPEALS.**

- (A) Except as provided in § 154.15(B) below, the appeal of a disapproval or approval with modifications of a plan shall be governed by the appeals process described in the Town of Southern Pines Unified Development Ordinance §2.23 Appeals:
  - (1) The disapproval or approval with modification of any proposed plan by the Town shall entitle the Person submitting the plan to a public hearing if the Person submits written demand for a hearing within 15 days after receipt of written notice of disapproval or modifications.
  - (2) If the Board of Adjustment upholds the disapproval or approval with modifications of a proposed plan following the hearing, the Person submitting the plan shall then be entitled

to appeal the Town's decision to the North Carolina Sedimentation Control Commission as provided in G.S. § 113A-61(c) and Title 15 NCAC 4B.0118 (d).

- (B) In the event that a plan is disapproved pursuant to § [154.06](#)(J) of this chapter, the applicant may appeal the Town disapproval of the plan directly to the Commission.

(1989 Code, § 154.16) (Ord. 1185, passed 6-14-2005)

#### **§ 154.16 INSPECTIONS AND INVESTIGATIONS.**

- (A) *Inspections.* Agents, officials or other qualified Persons authorized by the Town will periodically inspect the sites of land-disturbing activity to determine compliance with the Act, this chapter, or rules or orders adopted or issued pursuant to this chapter, and to determine whether the activity is being conducted in accordance with an approved plan and whether the measures required in the plan are effective in controlling erosion and sediment resulting from land-disturbing activity. Notice of the right to inspect shall be included in the certificate of approval of each plan.
- (B) *Willful resistance, delay or obstruction.* No Person shall willfully resist, delay, or obstruct entry or access to any authorized representative, employee, or agent of the Town who requests entry for purposes of inspection, and who presents appropriate credentials, or while that Person is in the process of carrying out his or her official duties under this section.
- (C) *Notice of violation.*
- (1) If the Town determines that a Person engaged in land-disturbing activity has failed to comply with the Act, this chapter, or rules or orders adopted or issued pursuant to this chapter, a notice of violation shall be served upon that Person. The notice may be served by any means authorized under G.S. § 1A-1, Rule 4. The notice shall specify a date, by which the Person must comply with the Act, or this chapter, or rules, or orders adopted pursuant to this chapter, and inform the Person of the actions that need to be taken to comply with the Act, this chapter, or rules, or orders adopted pursuant to this chapter. Any Person who fails to comply within the time specified is subject to additional civil and criminal penalties for a continuing violation as provided in G.S. § 113A-64 and this chapter.
  - (2) If damage to areas outside of the specified limits of disturbance is severe, and/or if the Person has not complied with notice by the date specified. Then a Stop Work Order will also be issued. Stopping all ground disturbing activities, inspections, and construction activities until the conditions for repair/restoration stated in notice have been resolved.
  - (3) If the Person engaged in the land-disturbing activity has not received a previous notice of violation under this section, the Town shall offer assistance in developing corrective measures. Assistance may be provided by referral to a technical assistance program on behalf of the Approving Authority, referral to a cooperative extension program, or by the provision of written materials such as Department guidance documents. The notice of violation may be served in the manner prescribed for service of process by G.S. 1A-1, Rule 4, and shall include information on how to obtain assistance in developing corrective measures.
- (D) *Investigation.* The Town shall have the power to conduct the investigation as it may reasonably deem necessary to carry out its duties as prescribed in this chapter, and who presents appropriate credentials for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land disturbing activity.
- (E) *Statements and reports.* The Town shall also have the power to require written statements, or the filing of reports under oath, with respect to pertinent questions relating to land disturbing activity.

(1989 Code, § 154.17) (Ord. 1185, passed 6-14-2005)

#### **§ 154.17 INJUNCTIVE RELIEF.**

- (A) *Violation of local program.* Whenever the Town Manager has reasonable cause to believe that any Person is violating or threatening to violate this chapter or any rule or order adopted or issued by the Town, or any term, condition, or provision of an approved plan, he or she may,

either before or after the institution of any other action or proceeding authorized by this chapter, institute a civil action in the name of the Town, for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of Moore County.

- (B) *Abatement of violation.* Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any orders or judgments that are necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of this chapter.

(1989 Code, § 154.18) (Ord. 1185, passed 6-14-2005)

#### **§ 154.18 BUILDING PERMITS.**

- (A) No building permit shall be issued for any site unless a plan required by this chapter has been approved by the Town for the site of the activity or a tract of land including the site of the activity, pursuant to North Carolina General Statutes.

(1989 Code, § 154.19) (Ord. 1185, passed 6-14-2005)

#### **§ 154.19 RESTORATION AFTER NON-COMPLIANCE.**

- (A) The Town may require a Person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by G.S. § 113A-57(3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this chapter.
- (B) In the event that sediment, soil, mud, stone, or other debris from a site is deposited on a public roadway, whether from erosion, sedimentation, tracking, or other means, the Person conducting the land-disturbing activity shall immediately take appropriate action to remove the debris and clean the roadway.
- (1) If the debris is not immediately removed and the roadway cleaned, the Town will issue a notice of violation specifying the date by which the debris must be removed and the roadway cleaned.
- (2) If the Person fails to comply within the time specified, the Town will take action to remove the debris and clean roadway and invoice the financially responsible Person for the entire cost at established rates.

(1989 Code, § 154.20) (Ord. 1185, passed 6-14-2005)

#### **§ 154.99 PENALTY.**

*Civil penalties.* Any Person who violates any of the provisions of this chapter, or rules or orders adopted or issued pursuant to this chapter, or who initiates or continues a land disturbing activity for which a plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, is subject to a civil penalty.

- (A) *Civil penalties for a violation.* The maximum civil penalty amount that the Town may assess per violation is five thousand dollars (\$5,000.00). A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. When the Person has not been assessed any civil penalty under this subsection for any previous violation, and that Person abated continuing environmental damage resulting from the violation within 180 days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this subsection for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required is twenty-five thousand dollars (\$25,000).
- (B) *Civil penalty assessment factors.* The governing body of the Town shall determine the amount of the civil penalty based upon the following factors:

- (1) The degree and extent of harm caused by the violation;
  - (2) The cost of rectifying the damage;
  - (3) The amount of money the violator saved by noncompliance;
  - (4) Whether the violation was committed willfully; and
  - (5) The prior record of the violator in complying or failing to comply with this chapter.
- (C) *Notice of civil penalty assessment.* The Town shall provide notice of the civil penalty amount and basis for assessment to the Person assessed. The notice of assessment shall be served by any means authorized under G.S. 1A-1, Rule 4. A notice of assessment by the Town shall direct the violator to either pay the assessment, contest the assessment within 30 days by filing a petition for hearing with the Town Board of Adjustment as described in the Town of Southern Pines Unified Development Ordinance §2.23 Appeals: or file a request with the Town for remission of the assessment within 60 days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B of the North Carolina General Statutes and a stipulation of the facts on which the assessment was based.
- (F) *Appeal of final decision.* Appeal of the final decision of the Board of Adjustment of the Town shall be to the Superior Court of Moore County by proceedings in the nature of certiorari. The petition for the writ of certiorari must be filed with the Moore County Clerk of Court within 30 days after a written copy of the decision has been mailed to the Person assessed.
- (G) Remission of Civil Penalties. A request for remission of a civil penalty imposed under G.S. 113A-64 may be filed with the Board of Adjustment within 30 days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B of the General Statutes and a stipulation of the facts on which the assessment was based. The following factors shall be considered in determining whether a civil penalty remission request will be approved:
- (i) Whether one or more of the civil penalty assessment factors in G.S. 113A- 64(a)(3) were wrongly applied to the detriment of the petitioner.
  - (ii) Whether the petitioner promptly abated continuing environmental damage resulting from the violation.
  - (iii) Whether the violation was inadvertent or a result of an accident.
  - (iv) Whether the petitioner had been assessed civil penalties for any previous violations.
  - (v) Whether payment of the civil penalty will prevent payment for necessary remedial actions or would otherwise create a significant financial hardship.
  - (vi) The assessed property tax valuation of the petitioner's property upon which the violation occurred, excluding the value of any structures located on the property.

The petitioner has the burden of providing information concerning the financial impact of a civil penalty on the petitioner and the burden of showing the petitioner's financial hardship.

The Board of Adjustment may remit the entire amount of the penalty only when the petitioner has not been assessed civil penalties for previous violations and payment of the civil penalty will prevent payment for necessary remedial actions.

- (H) *Collection.* If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the matter shall be referred to the Town Attorney for institution of a civil action in the name of the Town in the appropriate division of the General Courts of Justice in Moore County for recovery of the penalty. A civil action must be filed within 3 years of the date the final decision was served on the violator.
- (I) *Credit of civil penalties.* The clear proceeds of civil penalties collected by the Town under this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. Penalties collected by the Town may be diminished only by the actual costs of collection. The collection cost percentage to be used shall be established and approved by the North Carolina Office of State Budget and Management on an annual basis, based upon the computation of actual collection costs by the Town for the prior fiscal year.

- (J) *Criminal Penalties.* Any Person who knowingly or willfully violates any provision of this chapter, or rule or order adopted or issued by the Commission or a local government, or who knowingly or willfully initiates or continues a land-disturbing activity for which a plan is required except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed \$5,000 as provided in G.S. § 113A-64.

(1989 Code, § 154.99) (Ord. 1185, passed 6-14-2005; Am. Ord. 1953, passed 11-9-2021)

**§ 154.20 SEVERABILITY.**

If any section or section or sections of this chapter is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.



**ORDINANCE #3030  
AMENDING THE SIDEWALKS PHASE II PROJECT FUND BUDGET**

**BE IT ORDAINED**, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project budget is hereby amended:

Section 1: The project authorized is for the purpose of constructing, repairing and modifying existing sidewalks in the Town.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following additional amounts are appropriated for the project:

|                                        |                      |
|----------------------------------------|----------------------|
| Construction                           | <u>\$ 100,000.00</u> |
| Total Additional Project Appropriation | <u>\$ 100,000.00</u> |

Section 4: The following additional revenues are anticipated to be available for this project:

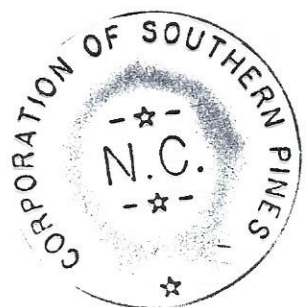
|                                   |                      |
|-----------------------------------|----------------------|
| Transfer In – General Fund        | \$ 70,000.00         |
| Interest                          | <u>30,000.00</u>     |
| Total Additional Project Revenues | <u>\$ 100,000.00</u> |

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective March 12, 2024.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of March 12, 2024 as shown in the minutes of the Town Council for that date.

  
Elizabeth Robertson, Town Clerk





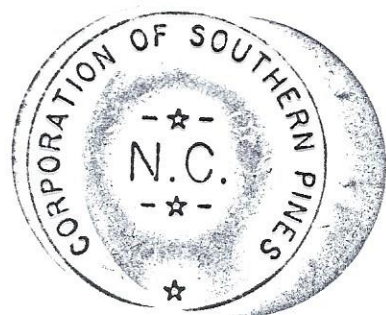
**ORDINANCE #3029  
AMENDING THE 2023/2024 FISCAL YEAR BUDGET**

**BE IT ORDAINED AND ESTABLISHED** by the Town Council of the Town of Southern Pines in regular session assembled this 12th day of March, 2024 that the Operating Budget for the Fiscal Year 2023/2024 be and hereby is amended as follows:

| <u>DEPARTMENT</u> | <u>LINE ITEM</u>                    | <u>CODE</u> | <u>INCREASE</u> | <u>DECREASE</u> |
|-------------------|-------------------------------------|-------------|-----------------|-----------------|
| General Fund      | Transfer to – CP Sidewalks Phase II | 10-670-5700 | \$ 70,000       |                 |
| General Fund      | Fund Balance Appropriations         | 10-397-1000 | \$ 70,000       |                 |

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of March 12, 2024 as shown in the minutes of the Town Council for that date.

  
Elizabeth Robertson, Town Clerk



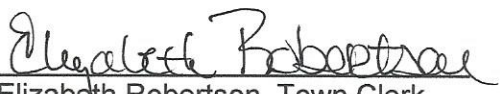


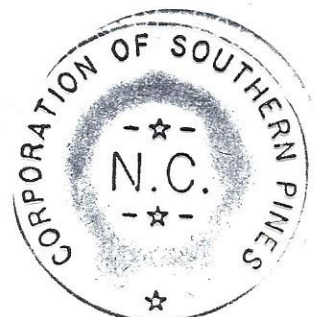
**ORDINANCE #3028  
AMENDING THE 2023/2024 FISCAL YEAR BUDGET  
SBITA's**

**BE IT ORDAINED AND ESTABLISHED** by the Town Council of the Town of Southern Pines in regular session assembled this 12<sup>th</sup> day of March, 2024 that the Operating Budget for the Fiscal Year 2023/2024 be and hereby is amended as follows:

| <u>DEPARTMENT</u> | <u>LINE ITEM</u>                | <u>CODE</u> | <u>INCREASE</u> | <u>DECREASE</u> |
|-------------------|---------------------------------|-------------|-----------------|-----------------|
| PW Admin          | Contractual Services            | 10-565-4500 |                 | 18,600.00       |
| IT                | Capital Equipment – Other       | 10-430-7403 | 20,795.00       |                 |
| Police            | Office Supplies                 | 10-511-3300 |                 | 12,000.00       |
| Police            | Capital Equipment – Other       | 10-511-7403 | 48,060.00       |                 |
| General Fund      | SBITA Financing                 | 10-692-1050 | 18,623.00       |                 |
| General Fund      | Other Fin Source–Leases/SBITA   | 10-397-0100 | 197,802.00      |                 |
| General Fund      | Lease Financing                 | 10-692-1000 | 19,000.00       |                 |
| IT                | Capital – Software – Comp Equip | 10-430-7401 | 142,285.00      |                 |

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of March 12, 2024 as shown in the minutes of the Town Council for that date.

  
Elizabeth Robertson, Town Clerk



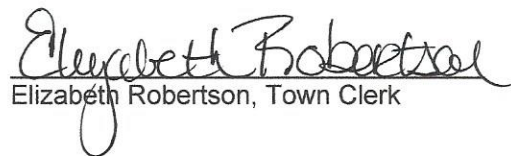


**ORDINANCE #3027**  
**AMENDING THE 2023/2024 FISCAL YEAR BUDGET**  
**Utility Billing Card Fees**

**BE IT ORDAINED AND ESTABLISHED** by the Town Council of the Town of Southern Pines in regular session assembled this 12th day of March, 2024 that the Operating Budget for the Fiscal Year 2023/2024 be and hereby is amended as follows:

| <u>DEPARTMENT</u>     | <u>LINE ITEM</u>            | <u>CODE</u> | <u>INCREASE</u> | <u>DECREASE</u> |
|-----------------------|-----------------------------|-------------|-----------------|-----------------|
| Billing & Collections | Contractual Services        | 60-750-4500 | \$ 16,175       |                 |
| Billing & Collections | Card Processing Fee         | 60-750-4700 | \$ 34,000       |                 |
| Utility Fund          | Fund Balance Appropriations | 60-397-6000 | \$ 50,175       |                 |

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of March 12, 2024 as shown in the minutes of the Town Council for that date.

  
Elizabeth Robertson, Town Clerk

