AGENDA

Town of Southern Pines Planning Board Regular Meeting,
Thursday, August 20, 2015, 7:00 PM, Douglass Community Center,
1185 West Pennsylvania Avenue

I. Call to Order

II. Approval of the Minutes – July 23, 2015 Planning Board Meeting

III. Public Hearings:

   OA-02-15. Ordinance Amendments to the UDO; Petitioner, Town of
              Southern Pines Planning Department

IV. Other Business:

   Tyler’s Ridge Commercial District Unified Sign Plan: Petitioner, Jim
   O’Malley
   On behalf of the Tyler’s Ridge Commercial District, Mr. Jim O’Malley has
   submitted a proposal for the signage at Tyler’s Ridge for the commercial phase of
   development. Per Section 3.5.14 (I), properties within the PD (Planned
   Development) zoning classification may submit a common sign plan.

VI. Adjournment
The Town of Southern Pines held a regular meeting July 23, 2015, 7:00 PM, at the Douglass Community Center, 1185 West Pennsylvania Avenue.

Chairman Mike Martin, Jim Curlee, John McLaughlin, William Ross, Bill Pate and Kristen Obst attended the meeting. Jennifer Maples was unable to attend.

Staff, Chris Kennedy, Senior Planner and Neva Sherry, Secretary to the Planning Board, attended the meeting.

Chair Mike Martin thanked Beth Lyerly and Gerry Ridzon, for their faithful service to the Planning Board. He noted Beth Lyerly had served two complete terms, and Gerry Ridzon had served one term and would now be pursuing other endeavors.

The Chairman welcomed new Planning Board members Kristen Obst and Bill Pate, to the Planning Board.

**APPROVAL OF MINUTES**

William Ross, seconded by John McLaughlin, made a motion to approve the minutes from the March 19, 2015 Planning Board meeting. The motion carried unanimously.

**ELECTION OF VICE-CHAIR**

Jim Curlee, seconded by William Ross, made a motion to nominate John McLaughlin as Vice-Chairman. The motion carried unanimously.

**PUBLIC HEARING**

**OA-02-15, Ordinance Amendments to the UDO: Petitioner, Town of Southern Pines Planning Department**

On behalf of the Town of Southern Pines, the Planning Department staff has submitted a request to amend the Unified Development Ordinance (UDO) with a list of amendments for the consideration of the Planning Board. The current UDO was adopted in October 2013 and later amended with a group of amendments in June 2014. As staff implements the ordinance unforeseen externalities of the standards and restrictions become evident. Staff would like to present a list of redline edits prepared by Town Staff and the UDO consultant, Planning Works.

**Staff Comments – Chris Kennedy, Senior Planner**

After reminding everyone that the proposed amendment required a Quasi-judicial public hearing, Mr. Kennedy, reviewed each suggested amendment with the Planning Board.
Suzanne Coleman requested to speak stating that she felt a Quasi-judicial format for a Planning Board meeting was burdensome and confusing for the most of the citizens. Chairman Martin noted that he felt that the hearing before the Planning Board using a Quasi-judicial process, was helping in that it would be of benefit to citizens to understand and experience the Quasi-judicial process before the Planning Board, a recommending body, before going before the Town Council who would vote to approve or deny a request based on the speaker present evidence during the public hearing. John McLaughlin noted that he felt using this Quasi-judicial process at the Planning Board level, helped with keeping the meeting moving and that no one had been prevented from speaking at the meetings of the Planning Board. All comments or concerns were allowed. In addition, the Chair and staff were able to explain the process of a quasi-judicial process and was acceptable as substantiated evidence before the voting body. The Planning Board thanked Ms. Coleman for her comments and noted that she had raised some viable concerns.

A motion to continue the Public Hearing on OA-02-15 was made by Jim Curlee and seconded by John McLaughlin. The motion carried unanimously.

Chairman Martin recessed the meeting for five minutes.

The Chairman reconvened the meeting at 8:30 PM.

**UPDATE TO THE COMPREHENSIVE LONG RANGE LAND USE [LAN, STATUS UPDATES AND REVISIONS; PLANNING WORKS**

Michael Lauer, Principal, Planning Works, presented a power point presentation outlining Planning Works’ initial findings and recommendations for the update of the Town of Southern Pines’ CLRP. He noted that the Plan’s vision, goals and policies remain substantively valid.

The schedule for the update was presented to the Planning Board as follows:

- August 2015 a draft of the CLRP would be furnished;
- September 17, 2015, Planning Board meeting, a draft would be presented for consideration.

The meeting adjourned at 9:30 PM.
Agenda Item

To: Planning Board
Via: Bart Nuckols, Planning Director
From: Chris Kennedy, Senior Planner
Subject: OA-02-15; Ordinance Amendments to the UDO; Petitioner, Town of Southern Pines Planning Department
Date: August 20, 2015

OA-02-15: Ordinance Amendments to the UDO; Petitioner, Town of Southern Pines Planning Department

On behalf of the Town of Southern Pines, the planning department staff has submitted a request to amend the Unified Development Ordinance (UDO) with a list of amendments for the consideration of the Planning Board. The current UDO was adopted in October 2013 and later amended with a group of amendments in June 2014. As staff implements the ordinance unforeseen externalities of the standards and restrictions become evident. Staff would like to present a list of red-line edits prepared by Town staff and the UDO consultant, Planning Works.

Staff Comments:

Below are the proposed amendments to the Unified Development Ordinance
(Note: grammatical, spelling errors, and updates to Exhibits and Section numbering are not included in the following list)

- Updates to Table of Contents and Table of Exhibits to reflect the any new numbering to Section or Exhibit labeling as well as an update to page numbers.
- § 2.5.1 Legislative Development Approval: add a subsection (D) to include “Watershed Protection Permit” to the list of approvals under the format of a Legislative Hearing procedures.
- § 2.5.2 Quasi-Judicial Development Approval: Keep the planning board as quasi-judicial.
- § 2.5.2 Quasi-Judicial Development Approval; (A): delete final plats from the list of quasi-judicial hearings.
- § 2.5.3 Ministerial Development Approval:
  - Add subsection (A) Architectural Compliance Permits (under 3,499 square feet).
  - Add subsection (R) Final Plats.
  - Add subsection (S) Final Development Plans.
- Updates to Exhibit 2-1: Review Process Overview
  - Change Public Review Process for Preliminary Development Plan from Quasi-
Judicial to Legislative and Add language stating that Preliminary Plat approval is a Quasi-Judicial decision.

- Change Public Review Process for Final Development Plan from Quasi-Judicial to --- (staff reviewed). Add includes final zoning approval and may include final plat approval. Delete may include architectural compliance permit.
- Change Final Decision for Final Plat from Town Council to Planning Director.
- Change Appeal for Final Plat from District Court to Town Council.
- Change Public Review Process for Sketch Plat from Quasi-Judicial to Legislative.
- Change Final Plat Public Review Process to --- (staff reviewed).
- Change Final Plat Final Decision from Town Council to Planning Director.
- Change Final Plat Appeal from District Court to Town Council.
- Change Appeal for Certificate of Appropriateness – Major Work from Planning Board to Board of Adjustment.
- Change Final Decision for Vacation of Streets and Alleys from City Council to Town Council.

- §2.11 Exemption from the UDO: Include cross reference in Section 2.21 Conditional Use Permit and Section 2.18 Planned Development for Section 2.11.

- Updates to Exhibit 2-2: Notice Requirements
  - Change Review Process for Conceptual PD Plan to Legislative.
  - Change Review Process for Final PD Plan to staff review or blank cell.
  - Change Certificate of Appropriateness – Major Work to include mail notification.
  - Add Development Agreement to Exhibit 2-2: requires publication, mail, signage, and internet notice.

- § 2.10.3 Format and Timing; (C) Posted Notice: change the requirements for posted notice from fifteen (15) days to not less than ten (10) days nor more than twenty-five (25) days to keep notice requirements consistent.

- Updates to Exhibit 2-2: Notice Requirements
  - Change Review Process for Final PD Plan to reflect no hearing required.
  - Change Review Process for Sketch Plat to Legislative Hearing.
  - Change Review Process for Final Plat to reflect no hearing required.
  - Change Review Process for Development Agreement to Legislative Hearing.

- Change § 2.14.8 Findings of Fact and Conclusions to § 2.14.8 Findings of Fact and § 2.14.9 Conclusions of Law with the following language:
  - § 2.14.8 Findings of Fact
    (A) To either approve or deny an application, the Hearing Body must make findings of facts. The findings of fact are a summation of the facts presented that the members of the Hearing Body think are relevant to the application.
    (B) Hearing Bodies shall investigate facts or ascertain the existence of facts, weigh evidence, and make final findings applicable to the specific proposal as a basis for their official action.
  - § 2.14.9 Conclusions of Law
    (A) To either approve or deny an application, the Hearing Body shall also make conclusions of law. Conclusions of law are the application of standards and criteria in this UDO
that are relevant to the application by the Hearing Body.
(B) Hearing Bodies shall exercise their discretion applying the standards and criteria of this UDO and draw conclusions from them as a basis for their official action.

- § 2.17.6 Update Protest Petition language to reflect NC General Statutes and House Bill 201.
- § 2.17.9 UDO Text/Map Amendments (Rezoning): Add a new section or portions of a section to separate criteria for UDO Ordinance Amendments and Rezoning Amendments to the official zoning map.
  - Rename § 2.17.9 Criteria to § 2.17.10 Criteria for a Zoning Map Amendment (Rezoning) and change the opening paragraph to the following: “In its review of an application, the Hearing Bodies shall consider the following criteria as applicable to the Zoning Map amendment. No single factor is controlling; instead, each must be weighed in relation to the other standards.”
  - Add a section for Ordinance Amendment Criteria as § 2.17.9 and re-number the subsequent sections in Section 2.17.
    - § 2.17.9 Ordinance Amendment Criteria (Text Amendments)
      - In its review of an application, the Hearing Bodies shall consider the following criteria as applicable to the UDO text amendment. 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. (reference with edit for Section 2.17.8 listed below)
- § 2.17.8 Town Council Action: add subsection (G) Impacts. The Town Council 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. (reference with edit for Section 2.17.8 listed below)
- § 2.18.1 Purpose: change to the following: The purpose of this section is to establish procedures and review criteria for the establishment of Planned Development Districts (PDD) that comply with the purposes and standards established in Section 3.5.14. Subdivision may be approved but no building permits shall be issued prior to Final Development Plan approval within a PDD.
- Exhibit 2-7: Approval Process Summary: Change Final Development Plan existing language to “includes final zoning approval and may include final plat approval”.

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• §2.18.3 add title to subsection (A) Pre-Application Conference Required.
• §2.18.3 add title to subsection (B) Application Filing.
• §2.18.3 add title to subsection (D) Neighborhood Meeting Required.
• §2.18.4 add a new subsection (C) and move the subsequent subsections down one letter. Add the following as subsection (C): Conceptual Development Plan Process Overview. The approval process and typical timing for Conceptual Development Plan approval are summarized in Exhibits 2-8 and 2-9. Actual timing may vary based on the date of the submittal and scheduled hearing dates.
• Add a new Exhibit 2-8: Conceptual Development Plan Approval Process Summary.
• §2.18.5(A) (5) change language to the following: The proposed Development Patterns and Development products are compatible with the character and vitality of the neighborhood and community.
• §2.18.5(G) Town Council Action: change the language to the following: The Town Council shall conduct a Legislative Hearing and approve, conditionally approve, or deny the Preliminary Development Plan based on the criteria in the following paragraphs. Approval of the preliminary plat shall be subject to the approval criteria established in Section 2.20.5(G).
• §2.18.5(H) Criteria: delete criterion (5).
• §2.18.5(I)(2): change language to the following: Action on the Preliminary Development Plan may include approval of the Preliminary Plat for subdivision of all or a portion of the proposed Planned Development. Conditional Use Permit approval is not required for a Preliminary Plat approved concurrently with a PDD application.
• §2.18.5(I)(4): change language to the following: Action on the Preliminary Development Plan may include contingent approval of the PDD zoning, the conditions of which shall be met and the effective date established for the date of the Final Development Plan approval by the Planning Director.
• Add subsection (6) to §2.18.5(I): (6) if Preliminary Development Plan approval is accompanied by Preliminary Plat approval, the applicant may proceed with final plat approval pursuant to Section 2.20.9.
• Add subsection (J) Expiration to §2.18.5:
  o §2.18.5(J) (1): the approval of the Preliminary Development Plan shall be null and void unless a Final Development Plan for at least the initial phase has been submitted for review and approval within three (3) years after the date of approval of the PDD application and, if not submitted within such time frame, the zoning for the property shall revert to its previous zoning classification.
  o §2.18.5(J)(2): Upon written request, one extension of time may be granted by the Town Council for a period not to exceed one (1) year for good cause shown. No request for an extension shall be considered unless a written request is submitted to the Planning Director no later than forty-five (45) calendar days prior to the date the PDD is to expire.
  o §2.18.5(J) (3): The extension shall be deemed granted until the Town Council has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall render the approved PDD Land Use Plan null and void upon expiration of the three-year term.
• §2.18.7(A): replace the word “shall” with “may” in the second sentence.
• §2.18.7(C): change language to the following: No hearing is required for Final
Development Plan unless the Applicant chooses to appeal the staff decision to the Town Council or the Applicant proposes a major design modification from the approved Preliminary Development Plan. The Applicant may attend the TRC meeting to provide information pertinent to the application.

- Delete existing Exhibit 2-10.
- Delete existing Exhibit 2-11.
- §2.18.7(E): rename subsection (E) “Action by Planning Director”
- §2.18.7(E): change the language to the following:
  - (E) Action by Planning Director. The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of Section 2.6. Upon finding that the application is complete and consulting with the TRC, the Planning Director shall:
    - (1) Determine if the Final Development Plan is in compliance with the Preliminary Development Plan approval, and, upon making such determination, shall approve such plan, and:
      - (A) Transmit notice to the Planning Board and Town Council of the approval of the Final Development Plan together with a copy of the Final Development, and:
      - (B) Notify the applicant of the approval and the effective date of the PDD zoning for the area included within the Final Development Plan.
    - (2) Should the Planning Director determine that the Final Development Plan submittal is not in compliance with the Preliminary Development Plan approval, the Planning Director shall deny the Final Development Plan submittal. If denied, the Applicant may:
      - (A) Revise and resubmit such Final Development Plan;
      - (B) Elect to have the submittal forwarded to the Planning Board or Town Council for appeal; or;
      - Add subsection: (C) If the Preliminary Development Plan constitutes a major design modification, forward the plan to the Planning Board and Town Council for a public hearing.
  - Add subsection: (3) Following approval of the Final Development Plan, the Planning Director shall secure necessary signatures to execute the Final Development Plan.
  - Delete existing subsection §2.18.7(F).
  - Delete existing subsection §2.18.7(G). Keep the current criteria to assist the decision-making of the Planning Director.
  - Change existing subsection §2.18.7(H) to subsection (F) and delete existing subsection §2.18.7(H) (3).
  - Change existing subsection §2.18.7(I) to §2.18.7(G) and add the language “Preliminary or” in front of the words Final Development Plan in the first sentence.
  - Add the language “Preliminary or” in front of the words Final Development Plan in new §2.18.7(G) (3).
  - Change existing subsection §2.18.7(J) to §2.18.7(H) and change the first sentence to: Major Design Modifications to the Preliminary Development Plan shall be resubmitted for Preliminary Development Plan review and approval, and include.
  - In new §2.18.7(H) (3): Replace the word “Final” with “Preliminary”.

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In new §2.18.7(H) add subsection (9): Other design modifications to the approved Preliminary Development Plan that the Planning Director determines to be major.

Delete existing subsection §2.18.7(K).

- §2.19.3 (A) (1) (a): Delete subsection (a). Minor subdivisions will not be determined by land use.
- §2.19.4: Include example plat endorsements or reference to endorsements in Appendix.
- Exhibit 2-12: Major Subdivision Approval Process Summary: Change Final Plat existing language to “CUP becomes effective upon recordation”.
- §2.20.4(F): Keep Planning Board hearing Quasi-Judicial.
- §2.20.5(F): Keep Planning Board hearing Quasi-Judicial.
- §2.20.5(G) (3): replace the language “codes” with “and federal regulations”.
- Delete existing subsection §2.20.5(G) (7).
- Delete existing subsection §2.20.5(G) (8).
- Delete existing subsection §2.20.5(G) (9).
- Delete existing subsection §2.20.5(G) (10).
- §2.20.5(H): Change the existing language in the last sentence in heading to the following: The CUP shall not become effective until the Planning Director approves and the Applicant records the Final Plat for the applicable area.
- §2.20.5(J) (4): In the second sentence replace the words “Planning Board” with “Town Council”.
- §2.20.5(J) (6): Change the existing language with the following: Approval of the Preliminary Plat by the Town Council shall not be deemed final approval of the overall subdivision.
- §2.20.6 (J): Reference Code of Ordinances Chapter 100 § 100.20- § 100.27. Reference right-of-way to be accepted only if provisions in General Statutes and Code of Ordinances are satisfied.
- §2.20.7 (E) (1): In the first sentence replace the words “Town Council” with “Town Manager”.
- §2.20.8 Development Agreements: add reference to NC General Statutes: NCGS § 160A-400.20. Add reference to Section 2.20.8 (D) and (E).
- §2.20.9: Include example plat endorsements or reference to endorsements in Appendix.
- §2.20.9(C): delete the words “and scheduled hearing dates”.
- Exhibit 2-17: Final Plat Approval Process Summary: Replace “Town Council Action” with “Planning Director Action”.
- Exhibit 2-18: Timing: Replace “Town Council Hearing” with “Planning Director and TRC Review”; replace “Town Council Decision” with “Planning Director Decision”; replace “30 days (from Town Council Public Hearing) with “10 days (from TRC Review Completion.
- §2.20.9(E): Rename the subsection “Review and Action”.
- §2.20.9(E): Change the existing language with the following:
  o (1) The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of Section 2.6.
  o (2) Upon finding that the application is complete the Planning Director shall determine whether the Final Plat complies with the approved Preliminary Plat and other applicable standards of this UDO. The Applicant may submit a Final Plat for only that portion of the approved Preliminary Plat, if such portion conforms to all
requirements of this chapter. Any deviation from the approved Preliminary Plat that does not constitute a minor amendment shall require additional review and approval by the Planning Board and Town Council.

- (3) Unless hearings are required pursuant to the previous paragraph, within thirty-five (35) days of the certification of a complete application submittal, the Planning Director shall approve the Final Plat if: (a) the application complies with this UDO and applicable state and federal rules and regulations, and (b) the application is consistent with the conditions of the prior PDD, Preliminary Plat, and CUP approvals.

- §2.20.9(G) (4): Replace the words “Town Council” with “Planning Director”.
- §2.21.6: Keep Planning Board hearing Quasi-Judicial.
- §2.21.7: Replace existing criteria with the following language:
  - A Conditional Use Permit is permitted only if the Applicant demonstrates that:
    - (A) The proposed conditional use shall comply with all regulations of the applicable zoning district; any applicable supplemental use regulations; conform to the character of the neighborhood in which it is located, and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;
    - (B) Adequate public facilities shall be provided as set forth herein;
    - (C) The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;
    - (D) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort, or general welfare; and,
    - (E) The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use.

- §2.21.8 (A): Replace existing conditions with the following language:
  - (A) In approving any CUP, the Planning Board may recommend and the Town Council may impose such reasonable standards, conditions, or requirements, in addition to or superseding any standard specified in the UDO, as it may deem necessary to protect the public health, safety, and welfare. Such standards may include, but need not be limited to:
    - (1) Adequate and reasonable mitigation of potentially adverse effects on adjacent properties. In making such a determination, consideration shall be given to:
      - (a) The location, type, orientation, design, and height of buildings or structures;
      - (b) The type and extent of landscaping and screening on the site; and,
      - (c) Whether the proposed use is consistent with any policy of Comprehensive Plan that encourages mixed uses and/or densities;
    - (2) Provision of adequate public facilities or services;
    - (3) Dedication of easements or land in fee title;
• (4) Funding for extraordinary costs associated with the development through direct contribution or agreement to establish an acceptable funding mechanism;
• (5) Creation of restrictive covenants;
• (6) Development phasing;
• (7) Standards pertaining to traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, and similar characteristics;
• (8) Adequate measures to provide ingress and egress designed to minimize traffic hazards and to minimize traffic congestion on the public roads;
• Existing (10), (11), and (12) will be renumbered (9), (10), and (11) respectively and the language will remain unchanged.

- §2.21.9: Keep Planning Board hearing Quasi-Judicial.
- §2.26.2 (A)(1): Change the language to the following: New construction of an institutional, commercial, or mixed use building with three thousand five hundred (3,500) square feet or more of Gross Floor Area, or a multi-family building with dwelling units.
- §2.26.2 (A)(2): Change the language to the following: Significant modification of any multi-family, institutional, commercial, or mixed-use building or site involving:
- §2.26.2 (A)(2)(a): add GB (General Business) and PD (Planned Development) for commercial structures.
- §2.26.3: add subsection (A) using existing language.
- §2.26.3: add subsection (B) using the following language: (B) Subsequent Applications. If the Architectural Compliance Permit is denied, a new application proposing the same Development for the same property shall not be filed within six (6) months after the initial final decision.
- §2.26.7 (A)(2): add the language “applicable multi-family or” in front of commercial design standards...
- Delete §2.26.7 (B).
- §2.29.3: Change the language from the “Planning Director” to the “Town Manager” as the designated person to initiate the public notice.
- §2.29: Create a provision that if a private party is requesting the vacation of the street or alley that they are responsible party for the cost of the notice and plat preparation. Add language to Section 2.29.3 to include the following: The cost of notice shall be borne by the applicant for the vacation.
- §2.36: Add language stating that the Town Engineer may allow a Compliance Permit in lieu of the Land Disturbance Permit for projects under 30,000 square feet in disturbed area.
- §2.38.2: Change language to six (6) months.
- §2.41.9 (A): Remove existing subsection (A) as the Town does not allow sign over ten (10) feet in height or billboards. Replace existing language in subsection (A) and (B) with the following: (A) Landmark signs or (B) Signs with unusual structural features or any other sign at the Planning Director’s discretion.
- §2.44.6(D): reference § 5.22 (D): Allow Special Events to serve alcohol and delete the provisions that only permit Special Events with alcoholic beverages in the CB district. Add language that if a Special Event wishes to provide alcohol that the applicant shall provide written consent from ABC, ALE, or any other agency with delegated power to permit or restrict alcohol sales in a submittal for the Special Event Permit.
• §2.5.2 (A): Delete Final Plats from Section 2.5.2(A) as the Final Plat is now staff reviewed. Add Final Plats to Section 2.5.3 Ministerial Development Approval.
• §2.5.2 (C): Delete subsection (C) as Site Plan review is not a public hearing. Add Site Plans to Section 2.5.3 Ministerial Development Approval.
• §2.5.3 (P): Watershed Protection Permits are only Ministerial Development Approvals when in the CB (Central Business) zoning classification. All other approvals of the Watershed Protection Permit should be a legislative hearing in front of the Town Council therefore is should be listed under Section 2.5.1 as well with a note to which approval procedure applies.
• §3.5.8 (C) (2): Not applicable in DTO; reference Section 3.6.3(C) (1).
• Exhibit 3-11: Add language to table to include minimum lot size for one (1) dwelling unit to be 10,000 square feet.
• Exhibit 3-13: Highway Corridor Overlay District Development Standards. Add a cell that states the applicable corridor is four-hundred (400) feet from the right-of-way for the Urban Transition HCO and three-hundred (300) feet from the right-of-way for the Urban Village HCO.
• §3.6.6(C) (1): Change to “Village of Pinehurst”.
• Exhibit 3-15 Table of Permissible Uses: LBCS 2722; change to ZS
• Exhibit 3-15 Table of Permissible Uses: LBCS 6511; Change title to clinics and health spas and include “other licensed or certified health care providers” to description.
• Exhibit 3-15 Table of Permissible Uses: LBCS 6520; change to ZS in GB.
• Exhibit 3-15 Table of Permissible Uses: LBCS 9910, 9911, 9912; change to ZS
• Exhibit 3-15 Table of Permissible Uses: LBCS 9920; allow temporary use by right in all zoning classifications. Add Z to each cell.
• Exhibit 4-1: Change table note (7) to a 10,000 square feet minimum for a single dwelling unit.
• § 4.2.1(F): Change height maximum to forty-five (45) feet to match Exhibit 4-1.
• Exhibit 4-1: Building Height, Setbacks and Lot Dimensions: add table note for industrial height maximum that references § 4.2.1(G).
• Exhibit 4-3: Minimum Buffer Widths: correct the zoning designations to “RS” rather than “R”.
• Exhibit 4-6: Vehicle Use Area Planting Requirements: add note to table: Trees shall be required at the following rates, either in combination of small and large trees or with large trees only to add up to the required landscape area.
• § 4.3.12(B): Change to one-hundred fifty (150) percent.
• § 4.4.5 Construction Activity on or Adjacent to Public Right-of-Ways: Replace language: “A zoning or building permit shall be required for…” with the following language: “A Permit for Right-of-Way Encroachment and Construction shall be required for…”
• Exhibit 4-7: Minimum Number of Required Parking Spaces: adjust outdoor seating for restaurants to a standard that uses gross square footage regardless of indoors or outdoors or adjust for indoor square footage and a separate standard for outdoor square footage. Eliminate the provision that determines parking by the number of seats outdoors. Change language to the following: 1 space per 100 square feet of Gross Floor Area plus one space per 100 square feet of outdoor seating area.
• Exhibit 4-8: Change stall depth to nineteen (19) for 90 degree parking.
• § 4.5.5(D): Add language to differentiate between a parking drive aisle and a driveway.
• § 4.6: Update Sign Ordinance to include a severability and content neutrality statement
• § 4.6.14 (I) (6) should be Section 4.6.14 (J). Adjust subsequent Section 4.6.14 sections accordingly.
• § 4.8.2 (I): Delete subsection (I) or reword. The word “assist” may convey financial support from the Town for bringing lights into conformance.
• § 4.8.3 (B) (3): Delete subsection (B) (3) to modify the dark skies initiative application in the UDO lighting standards. Eliminate standards with respect to residential property. Maintain existing commercial standards. Add subsection (B) (6) with provisions to allow for public property lighting standards to be regulated by town council discretion.
• § 4.10: Include Section 5.12, Section 5.14, and Section 5.20 into current Section 4.10 and rename section Development Design Standards.
• § 4.10.1(A): Add PD to applicability.
• § 4.11.2: Add definition for commercial street (reference Exhibit 4-17).
• Exhibit 4-17: Include Arterial and Marginal Access Street into Exhibit.
• Exhibit 4-17: Provide note to table that allows Town Engineer to deviate at his/her discretion. Criteria?
• Exhibit 4-18: Provide note to table that allows Town Engineer to deviate at his/her discretion. Criteria?
• § 5.3.2 (A) (2): Define the word compatible.
• § 5.11.3: Add a new subsection (A) with the following language: Existing Continuing Care Retirement Communities that are not authorized by zoning classification shall be considered conforming uses for purposes of reconstruction or expansion, subject to the provisions of this section. All new or expanded structures for principal or accessory uses shall be located on the existing site. Any expansion to adjacent or contiguous sites outside of the existing property boundaries will require an approval through the PD zoning process.
• § 5.12 Large Scale Retail Development: Include this as part of Section 4.10 rather than having another location for design standards. Rename Section 4.10 to Development Design Standards and include the Large Scale Retail Development Standards as a subsection of Section 4.10.
• § 5.13 Manufactured Home Park Development Standards: Include this as part of Section 4.10 rather than having another location for design standards. Rename Section 4.10 to Development Design Standards and include the Multi-Family Development Standards as a subsection of Section 4.10.
• § 5.14 Multi-Family Development Standards: Include this as part of Section 4.10 rather than having another location for design standards. Rename Section 4.10 to Development Design Standards and include the Multi-Family Development Standards as a subsection of Section 4.10.
• § 5.20 Single-Family Attached Development Standards: Are we allowed to regulate residential design? Include this as part of Section 4.10 rather than having another location for design standards. Rename Section 4.10 to Development Design Standards and include the Single-Family Attached Development Standards as a subsection of Section 4.10.
• § 5.22 (D): Allow Special Events to serve alcohol and delete the provisions that only permit Special Events with alcoholic beverages in the CB district. Add language that if a Special Event wishes to provide alcohol that the applicant shall provide written consent from ABC, ALE, or any other agency with delegated power to permit or restrict alcohol sales in a submittal for the Special Event Permit.
• § 8.19.4: Change the number of days from sixty (60) to thirty (30).

• § 8.19.6: Add a new subsection (B) and include the following language: (B) Violations of the provisions of this chapter, or failure to comply with any of its requirements including violations of any conditions and safeguards established in connection with grants of variances, special use permits, or conditional use permits shall constitute a misdemeanor, punishable by a fine of up to fifty (50) dollars for each day that the violation continues to exist, or a maximum of thirty (30) days imprisonment.

• Add standards relative to Portable Moving Containers and other types of temporary storage/construction structures. Add language to Section 5.3.2 as an accessory structure. Require that Portable Moving Containers must meet minimum setbacks for the district, shall not be located on the right-of-way, and shall be removed within ten (10) business days after the project receives a Certificate of Occupancy. If the Portable Moving Containers is not being used in association with a building permit, then the maximum number of days is thirty (30) calendar days that the Portable Moving Container is allowed to be located on the property. The property owner may receive a one-time extension for an additional thirty (30) calendar days at the discretion of the zoning official. Each property may only receive one (1) Portable Moving Container permit and one (1) extension in a calendar year. Require a zoning compliance permit for the Portable Moving Containers structure in either case.

Planning Board Actions:

The Planning Board shall vote on whether the proposed amendment is consistent with Comprehensive Long Range Plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board could make one of the following motions for recommendations or any alternative they wish:

1. Motion to approve the requested text amendment and to make a finding and determination that the approval of the text amendment request is consistent with the adopted Land Use Plan and that the approval of the text amendment request is reasonable and in the public interest due to the approval being consistent with the comprehensive plan and, as a result, the approval furthers the goals and objectives of the comprehensive plan; OR

2. Motion to deny the requested text amendment and to make a finding and determination that the denial of the text amendment request is consistent with the adopted Land Use Plan and that that the denial of the text amendment request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

Then:

1. I move to recommend to the Town Council the approval of OA-02-15;

2. I move to recommend to the Town Council the denial of OA-02-15; OR

3. I move to recommend to the Town Council the approval of OA-02-15 with the following additional conditions…
Agenda Item

To: Planning Board
Via: Bart Nuckols, Planning Director
From: Chris Kennedy, Senior Planner
Subject: Tyler’s Ridge Commercial District Unified Sign Plan; Petitioner, Jim O’Malley
Date: August 20, 2015

Tyler’s Ridge Commercial District Unified Sign Plan; Petitioner, Jim O’Malley

On behalf of the Tyler’s Ridge Commercial District, Mr. Jim O’Malley has submitted a proposal for the signage at Tyler’s Ridge for the commercial phase of development. Per Section 3.5.14(I), properties within the PD (Planned Development) zoning classification may submit a common sign plan.

Analysis:

- 3.5.14(I): Signs within the Development shall adhere to the standards set forth in Section 4.6 of this UDO or as part of the zoning application or an amendment thereto. This Applicant may submit a Unified Sign Plan that establishes more specific design standards (size, height, color, materials, illumination) and Sign locations for the project to ensure a coordinated theme across the PD district. Such Unified Sign Plan may be submitted after the approval of the zoning application and may be approved by the Planning Director as an alternate to individual sign permits. Any Unified Sign Plan that exceeds the size or number of signs allowed by Section 4.6 shall require approval by the Planning Board pursuant to Section 2.22.

Staff Comments:

- UDO Section 4.6.11 Shopping Center Signs and Section 4.6.12 Landmark Signs regulate the signage standards for the Tyler’s Ridge Commercial District.

4.6.11 Shopping Center Signs

(a) Shopping Centers are required to maintain a Unified Sign Plan.

(b) Signs in Shopping Center Developments are restricted to Monument Signs, Wall Signs, Projecting Signs, Canopy Signs and certain Temporary Signs delineated in Section Error! Reference source not found..

(c) One (1) Monument Sign per Shopping Center is permitted. However, for Developments having multiple arterial street frontages one additional Monument Sign may be approved for each
arterial street frontage. Monument Sign area is calculated at one (1) square foot of Sign area for each linear foot of street frontage or one-hundred (100) square feet of Sign area, whichever is less. Monument Signs shall not exceed a height of ten feet. Additional Monument Signs may be permitted for outparcel buildings within a Shopping Center Development provided that:

1. There is only one (1) Freestanding Sign per out-parcel;
2. The maximum Sign area for the Monument Sign is thirty-two (32) square feet;
3. The maximum height of the Monument Sign is ten (10) feet; and
4. The Sign is not located within one hundred (100) feet of any other Freestanding Sign.

(d) One Wall Sign per separate business establishment is permitted. A second Wall sign may be established if the business establishment has frontage on more than one street or if the business establishment’s parking is not located between the establishment and street. Allowable Wall Sign area is determined as follows:

1. Establishments with a building frontage of fifty (50) feet or less shall have no Sign greater than thirty-five (35) square feet.
2. Establishments with a building frontage greater than fifty (50) feet shall have a maximum Wall Sign area of one (1) square foot of Sign area for each l foot of building frontage or two-hundred (200) square feet of Sign area, whichever is less.

(e) One (1) projecting sign per separate business establishment is permitted. Projecting signs may exceed the twelve (12) inch limit for signs attached to a wall. Projecting signs are not to exceed four (4) square feet in sign area. The bottom edge of such projecting signs must be located at least eight (8) feet above the sidewalk.

4.6.2 Landmark Signs

(a) Landmark Signs are monument structures identifying the name of a specific sub-area or major mixed-use development. Landmark Signs shall only display the name of the sub-area or overall development and shall not depict the name of any businesses or subdivisions within the project area.

(b) Landmark Signs are only permitted in the PD (Planned Development) zoning classification.

(c) The location and number of Landmark Signs permitted within a development will be determined during the Planned Development application process for the entire development. For existing developments eligible for Landmark signs, the location and number of Landmark Signs will be determined by the Town of Southern Pines Planning Staff.

(d) No Landmark Sign shall be located within one thousand two hundred (1,200) feet of another Landmark Sign.

(e) If a Landmark Sign is used as part of commercial development project, the Sign shall be counted as an authorized Monument Sign.
(f) The Town Council will approve the architectural design of Landmark Signs through the Architectural Compliance Permit process. Landmark Signs must compliment the character and architectural design of the development. Landmark Signs must also be consistent with other permitted signage to create a unified signage character for the entire development.

(g) Landmark Signs shall not exceed the following dimensional restrictions:

1. The maximum height for a Landmark Sign is twenty-five (25) feet;
2. The base of the structure shall not exceed one hundred square feet; and
3. The maximum profile area of the Landmark Sign shall not exceed one-hundred and fifty (150) square feet. Profile area is the area within the maximum height and width extent of the sign as viewed horizontally from any side.

Attachments:

- GIS Locations Maps
- Tyler’s Ridge Commercial District Unified Sign Plan

Planning Board Actions:

The Planning Board could make one of the following motions or any alternative they wish:

1. I move to approve the Tyler’s Ridge Commercial District Unified Sign Plan;
2. I move to deny the Tyler’s Ridge Commercial District Unified Sign Plan; OR
3. I move to approve the Tyler’s Ridge Commercial District Unified Sign Plan with the following additional conditions…
TYLER’S RIDGE COMMERCIAL DISTRICT
OLIVE TREE LANE
SOUTHERN PINES, NC

SIGNAGE CRITERIA GUIDELINES

I. PURPOSE AND OBJECTIVES

The purpose of the Tyler’s Ridge Commercial District Signage Criteria Guidelines is to establish environment graphic standards for all commercial parcels and uses and to aid Tenants and Outparcel Owners in creating a unified and harmonious community.

The objectives of the Signage Criteria Guidelines are to create an attractive shopping and working environment through consistently high planning, construction and design standards.

The Signage Criteria Guidelines set forth in this document are the basis upon which the Tenant/Outparcel Owner’s signage plans shall be reviewed by Tyler’s Ridge Business Park, LLC (the “Declarant”).

The Signage Criteria Guidelines and all Exhibits attached hereto may change from time to time at the sole discretion of Declarant.

II. LIMITING CONDITIONS

The written requirements and illustrations set forth or referred to in this document are intended to convey an overall design framework by establishing standards within which detailed design solutions may be prepared. The Signage Criteria Guidelines are not intended to be detailed construction documents.

Further, the Signage Criteria Guidelines are for informational purposes only. They do not constitute (i) an offer to sell, lease or otherwise convey an interest in any portion of the property owned by Declarant; or (ii) any representation by Declarant with respect to any offer to sell, lease or otherwise convey an interest in any portion of the property owned by Declarant. Any such offer or representation must be in writing and signed by Declarant.

III. GOVERNMENTAL AND THIRD-PARTY AUTHORITY

The Signage Criteria Guidelines set forth herein are not intended to take precedence over any rules or regulations provided by Town of Southern Pines, the State of North Carolina, the federal government or any other governmental agency with jurisdiction over the Tyler’s Ridge Commercial District.

The Declarant’s approval of plans and specifications submitted in accordance with the Signage Criteria Guidelines shall not relieve a Tenant/Outparcel Owner of their responsibility to comply with the rules and regulations of any governmental agency with jurisdiction over the Tyler’s Ridge Commercial District.

In addition to governmental approvals, the Signage Criteria Guidelines set forth herein, as well as all signage to be constructed in accordance herewith, is subject to the review and approval of Tyler’s Ridge Business Park, LLC as laid out in Section VI-Sign Approval Process.
IV. SIGNAGE OVERVIEW

A. Overview

The Signage Criteria Guidelines provide parameters for the design, location, materials, construction and installation of signs in the Tyler’s Ridge Commercial District. All signs require prior written approval from the Declarant prior to construction and installation. Declarant’s review and approval shall be at Declarant’s sole discretion and all facets of each sign shall be considered (including, but not limited to, design, location, materials, colors, font, construction, installation, etc.)

B. Definitions

“Awning/Hard Canopy Sign” shall mean the individual lettering and logos attached to or painted, stenciled or otherwise placed on a structure made of flexible or inflexible material that is attached or unattached to a building.

“Building Signs” shall mean Channel Letter Signs, Individual Cut Letters and Reverse Channel (Silhouette) Signs.

“Channel Letter Sign” shall mean a sign composed of individual letters with plastic face, either internally illuminated via White LEDs or externally illuminated, applied to a building face, which shall consist of individual, welded aluminum letters constructed of .063 edges and .063 backs with 3/16” flat cut Plexiglas faces retained by 1” Trim Cap. .063 returns and .063 backs minimum.

“Façade” shall mean the wall(s) of a leased or owned premises adjacent to, but excluding, the Storefront.

“Outparcel” shall mean any portion of the Tyler’s Ridge Commercial District designated as an Outparcel by Declarant.

“Outparcel Owner” shall mean any owner of an Outparcel.

“Reverse Channel (Silhouette) Sign” shall mean a sign composed of individual letters with internal illumination via White LEDs to light the face of the building or sign background causing the letters to be silhouetted at night. The face of the letters may be painted, but shall not be illuminated. The individual letters must be manufactured from welded aluminum; .063 returns and 3/16” clear lexan backs; and constructed of .063 edges and fronts.

“Sign Face Area” shall mean the area enclosed within a perimeter consisting of a series of straight lines at right angles enclosing the extreme limits of characters, lettering, logos, illustration or ornamentation, together with any material or color as to differentiate the sign from the background material on which it is placed.

“Sign Installation Contractor” shall mean a reputable contractor who is properly licensed and permitted to install signs in Southern Pines, North Carolina.

“Storefront” shall mean the front portion of leased or owned premises adjacent to the main parking area(s) and main entrance(s) for such premises.
“Tenant/Outparcel Owner” shall mean the entity which is occupying leased or owned premises for which a sign is proposed or requested.

C. Prohibited Signs

There shall be no advertising, contractor, project / leasing, banner (excluding sandwich boards) signage, flags, flagpoles with Tenant/Outparcel Owner’s flag, pennants, streamers or the like displayed on any building or on the property without both (i) the prior written approval of Declarant and (ii) the appropriate permit(s) from the applicable governmental authority with jurisdiction over such items.

Along with all other signs not otherwise provided for in these Signage Criteria Guideline or such signs as have received the prior written approval of Declarant together with the appropriate permit(s) from the applicable governmental authority with jurisdiction over such signs, the following types of signs are hereby expressly prohibited:

• Off-premises and/or off-site signs
• Snipe signs
• Bench Signs
• Flashing Signs
• Exposed Stroke neon signs (without channel letter or logo enclosure) on exterior / outside
• Day-glow colored signs
• Painted Wall signs
• Roof mounted signs
• Political campaign signs
• Trailer signs
• Banner signs
• Awning/hard canopy signs with signs painted/reprinted on the skirt of such awning/hard canopy.
• Unauthorized signs in any common areas of the Tyler’s Ridge Commercial District
• Vehicle signs (except for such vehicles that are of such Tenant/Outparcel Owner’s Business)

V. SIGNAGE DESIGN

Primary Approved Signage Colors & Font:

These approved Signage colors Serve as the Main Unified color standards for the project and are as follows:

• White (where sign band area/background is dark)
• Black (where sign band area/background is light)
• “Ace Hardware” Red (Color may be utilized by tenant with either light or dark sign band area/background)

Tenants may utilize any other color in their signs so long as they receive prior approval from the Declarant prior to production of ANY signage.

Tenants may utilize any font in their signage so long as they receive prior approval from the Declarant prior to production of ANY signage.

A. Service Signs
All business spaces with rear doors accessing service areas shall have signs located on them. The signs shall be 20” high and 36” long. Signs shall contain the name of the leased space and the unit number identifying the space. Letters shall be Helvetica and no taller than 6”.

B. Window Signs

Window signs shall not exceed 25% of the window area on each ground floor elevation of a store. Window signs are prohibited on any floor above the ground floor. Window signs intended for display for more than thirty (30) days shall be included in the gross allowable sign area for the store. Opening hours signs, credit card signs, etc. are included in the requirements of this paragraph. Window signs are subject to Declarant approval in its sole discretion.

C. Building Signs

Building Signs for all buildings within Tyler’s Ridge Commercial District shall conform to the following criteria based on classification. Store classifications are divided into two categories as detailed below:

- Anchor Tenants, End Unit Tenant or Tenant Having a Drive-Thru
- General Tenants

1. Anchor Tenant, End Unit Tenant or Tenant Having a Drive-Thru Signs

Tenants meeting one or all of the following criteria:
- Has a floor area of 2,600 square feet or more.
- Is located on either end of the strip center (having a minimum of (3) exterior walls)
- Has a drive-thru component integrated into the operations of their business
- Is an outparcel (stand-alone building)

Anchor Tenants may have a maximum of one and one half (1.5) square feet of Sign Face Area for each linear foot of the Storefront of the building. Signage may be allowed on the side and/or rear of the building at Declarant’s sole discretion. In no case shall the Sign Face Area for the side and/or rear of the building exceed one (1) square foot for each linear foot of the Facade of the building containing the sign.

Anchor Tenant’s Building Signs may be any of the following: Individual Channel Letter Signs, Individually Cut Letters, Awing Signage and Reverse Channel (Silhouette) Signs.

2. General Tenants Signs

General Tenants are classified as Tenants not meeting any of the criteria listed under Anchor Tenant, End Unit Tenant or Tenant Having a Drive-Thru.

General Tenants may have a maximum of one (1) square foot of Sign Face Area for each linear foot of the Storefront of the building. Signage may be allowed on the side and/or rear of the building at Declarant’s sole discretion. In no case shall the Sign Face Area for the side and/or rear of the building exceed one (1) square foot for each linear foot of the Facade of the building containing the sign.
General Tenant’s Building Signs may be any of the following: Individual Channel Letter Signs, Individually Cut Letters, awning signage and Reverse Channel (Silhouette) Signs.

D. Monument Sign/Freestanding Sign

One (1) Monument Sign for the Tyler’s Ridge Commercial District is permitted. The maximum Monument sign area is two-hundred (200) square feet per side and the Monument Sign shall not exceed a height of fifteen (15) feet. Freestanding Signs may be permitted for each additional outparcel building within the Tyler’s Ridge Commercial District provided that:

1. There is only one (1) Freestanding Sign per out-parcel;
2. The maximum sign area, not including sign base or sign support structure, for the Freestanding Sign is forty-eight (48) square feet per side;
3. The maximum height of the Freestanding Sign is ten (10) feet, including any sign base or sign support structure.

VI. SIGN APPROVAL PROCESS

A. The Declarant’s review of the Tenant/Outparcel Owner’s submittal shall consist of two (2) phases:

(1) Preliminary Submission, Review and Approval
(2) Final Submission, Review and Approval

All submissions, as well as all communications regarding submissions, review and prior approval shall be addressed to Declarant at the following:

Tyler’s Ridge Business Park, LLC
Attn: James O’Malley
5715 South 108th Street
Hales Corners, WI 53130

Submissions, revisions, drawings, specifications and samples must be submitted via certified mail, electronic mail or overnight courier as indicated below. Declarant shall not commence its review of a submission until all items required under these guidelines have been received by Declarant; failure to submit the items required will result in unnecessary delays.

B. The Preliminary Submission, Review and Prior Approval shall consist of the following:

1. Tenant/Outparcel Owner’s submittal of two (2) complete sets of the following (the “Preliminary Submission”):
   a. Building Floor Plans and Building Elevations reflecting the following:
      (1) Location of Building Sign(s)
      (2) Location of Service Sign(s)
      (3) Location of Window Sign(s)
      (4) Location of Awning/Hard Canopy Sign(s)
c. Colored photographs and/or colored rendering of a built project that is identical to the proposed building showing all signage and graphics.

2. Upon receipt of Tenant/Outparcel Owner’s Preliminary Submission, Declarant shall then have approximately thirty (30) calendar days from actual receipt to review and provide Tenant/Outparcel Owner with a response.

3. The Preliminary Review shall continue with Tenant/Outparcel Owner providing revisions to the Preliminary Submission until such time as Declarant has provided its written approval of the Preliminary Submission (as revised, if necessary).

C. The Final Submission, Review and Approval shall consist of the following:

1. Tenant/Outparcel Owner’s submittal of two (2) complete sets of the following (the “Final Submission”):
   b. Building Floor Plans and Building Elevations reflecting the following:
      (1) Location of Building Sign(s)
      (2) Location of Service Sign(s)
      (3) Location of Window Sign(s)
      (4) Location of Awning/Hard Canopy Sign(s)
   c. Construction details, mounting details, exact dimensions and quantities of all exterior signage, and proposed lighting, including color artwork of all sign copy as well as material samples.
   d. Proposed installation methods.

2. Upon receipt of Tenant/Outparcel Owner’s Final Submission, Declarant shall then have approximately thirty (30) calendar days from actual receipt to review and provide Tenant/Outparcel Owner with a response.

3. The Final Review shall continue with Tenant/Outparcel Owner providing revisions to the Final Submission until such time as Declarant has provided its written approval of the Final Submission (as revised, if necessary) (as finally approved, the “Final Signage Plans and Specifications”).

VII. PERMITS, CONSTRUCTION & INSTALLATION

A. Permits

Prior to the commencement of construction and installation of any signage, Tenant/Outparcel Owner shall be required to (i) submit the Final Signage Plans and Specifications, as well as any other required documents or materials, to the applicable governmental authority with jurisdiction over signage at the Tyler’s Ridge Commercial District within thirty (30) calendar days of determination of the Final Signage Plans and Specifications; (ii) obtain all necessary permits and approvals for the design, construction and installation of any signage from the applicable governmental authority with jurisdiction over signage at Tyler’s Ridge Business Park; and (iii) deliver copies of such permits and approvals to Declarant for its files.

B. Construction
All signs shall be constructed in accordance with the Final Signage Plans and Specifications. No substitutes will be accepted by the Tenant/Outparcel Owner and Declarant whatsoever, unless so indicated in the Final Signage Plans and Specifications.

C. Installation

All signage shall be installed in accordance with the Final Sign Plans and Specifications as permitted and approved by the applicable governmental authority. The Sign Installation Contractor shall carry Worker’s Compensation and Public Liability Insurance against all damage suffered or done to any and all persons and/or property while engaged in the construction or installation of signs in the amount of at least One Million dollars ($1,000,000.00) for a combined single limit. The Sign Installation Contractor shall submit a Certificate of Insurance listing Declarant as Additionally Insured prior to sign installation. Within five (5) business days of completion of installation of the sign, the Tenant/Outparcel Owner and the Sign Installation Contractor shall sign and submit a statement to Declarant confirming the following: (i) installation of the signage was in accordance with the Final Sign Plans and Specifications as permitted and approved by the applicable governmental authority, (ii) all work performed by Sign Installation Contractor was performed in a neat and professional manner to the highest standards of sign installation, and (iii) both parties agree to immediately repair any damage caused by such installation. Unrepaired damage caused by the Sign Installation Contractor shall be Tenant/Outparcel Owner’s responsibility to correct at Tenant/Outparcel Owner’s sole expense. In the event Tenant/Outparcel Owner fails to repair any damage properly or in a timely manner, Declarant shall be permitted, though not required, to repair such damage and bill Tenant/Outparcel Owner for all costs related to such damage. In addition to the foregoing, Tenant/Outparcel Owner agrees as follows: (i) for Building Signs and Service Signs, all penetrations of the building structure required for sign installation have been neatly sealed in a watertight condition; (ii) wiring for signing, external lights, time clocks, etc. will be the responsibility of the Tenant/Outparcel Owner; (iii) no signage shall employ exposed raceways, exposed ballast boxes, exposed conductors, exposed transformers, or exposed conduit or tubing.  

VIII. RESTRICTIONS

A. All Building Signs and Free Standing Signs (other than the Project Identification Signs) shall consist only of the name and nature of the business referenced. Sign graphics and colors will be limited to the merchants regionally or nationally recognized trademark, logo and/or logotype.

B. The fabrication, installation and operation of all signs shall be subject to the following restrictions:
   1. No flashing, moving or blinking illumination or audible effects will be permitted.
   2. No animation shall be permitted.
   3. No sign shall be affixed to the roof.
   4. No sign shall be placed at an angle (i.e. 90 degrees or otherwise) so as to project from the surface of the façade.
   5. No signage shall employ exposed raceways, exposed ballast boxes, exposed conductors, exposed transformers, or exposed conduit or tubing.
   6. No label, stamp or other identification will be permitted on unexposed surfaces of signing except those required by ordinance, in which case, the label shall be placed in an inconspicuous location as visible from the ground.
C. The Declarant reserves the right to remove any sign in the event of major new or overall maintenance construction to the building(s).

D. All signs shall bear the Underwriter’s Laboratories (UL) label of approval.

E. Required cut-off switches shall be constructed as an integral part of the sign or remotely located as allowable by code. Either configuration shall be approved by Declarant and located so as not to be visibly obtrusive.

F. Primary electrical service to all signs shall be placed on Tenant/Outparcel Owner’s meter and shall be part of Tenant/Outparcel Owner’s construction and operation costs.

VIII. MAINTENANCE

A. Tenant/Outparcel Owner is responsible for all sign maintenance and shall keep the sign and its lighting in good appearance and proper operating condition. Repairs to all non-operational signage shall be made within (5) business days to the extent feasible with Tyler’s Ridge Business District, LLC reserving the right to make the repairs if they have not been made within the timeframe noted. All repairs made by the Declarant will be charged back to the Tenant/Outparcel Owner at cost plus 25%.

B. Upon vacating the Premises at the termination of the Lease, Tenant is responsible for the removal of all exterior signing and restoring the building façade to its original condition.

Property Owner/ Landlord Approval:

Tyler’s Ridge Business District, LLC

__________________________________ Date:_____________

James B. O’ Malley

__________________________________ Date:_____________

Tenant Name

__________________________________ Date:_____________

Tenant Signature