



# City of Boiling Spring Lakes

## Planning Board

**November 12, 2024**  
**City Hall – 6:30 P.M.**

---

### AGENDA

- Call to Order
- Pledge of Allegiance
- Roll Call
- Approval of Agenda
- Potential Conflict of Interest/Association Disclosure  
If any Board member knows of any conflict of interest or association with any item on this agenda, please so state at this time
- Approval of Minutes
  - October 8, 2024
- Public Comment
- Old Business
  - None
- New Business
  - Text Amendment – Article 5, Section 5.7 Table of Area, Setback, Living Area, and Height Requirements
    - Staff Report & Plan Consistency
  - Text Amendment – Article 5, Section 5.5 Table of Permitted/Special Uses
    - Staff Report & Plan Consistency
  - Text Amendment – Article 9, Section 9.2 Plot Plan Procedures
    - Staff Report & Plan Consistency
  - Text Amendment – Article 7, Section 7.29 & Section 7.40
    - Staff Report & Plan Consistency

- Other Business
- Announcements
- Adjourn

DRAFT



Planning Board Regular Meeting Minutes  
Tuesday, October 8, 2024 at 6:30 PM  
City Hall

**1. Call to Order**

Chairperson Lucille Launderville called the meeting to order at 6:30 p.m.

**Attendance:**

Chairperson Lucille Launderville  
Carrie Moffett  
Sharon Zakszeski  
Stephanie Bodmer  
Travis Cruse  
David Van der Vossen – 1st Alternate  
Shellie Teubner – 2nd Alternate  
Assistant City Manager Nicole Morgan  
City Clerk Nancy Sims

**2. Pledge of Allegiance**

The Pledge of Allegiance was recited.

**3. Approval of Regular Agenda**

**Chairperson Launderville** requested that two items be added to the agenda, Property Sales on Highway 87 and Setbacks on Lake Front Properties.

**CONSENSUS** to approve the agenda as amended

**4. Approval of Minutes**

**Motion to approve the August 20, 2024 minutes as presented**

**Moved by: Sharon Zakszeski**

**Seconded by: Travis Cruse**

**Motion Carried 5-0**

**5. Potential Conflict of Interest/Association Disclosure**

**Sharon Zakszeski** stated she lives on lake front property.

**David Van der Vossen** stated he lives on lake front property.

**Shellie Teubner** stated she lives on lake front property and her husband owns property on Highway 87.

**6. Public Comments**

None

**7. Old Business**

None

**8. New Business**

**8.1 Continued Discussion on Tree Preservation Ordinance**

**Ms. Morgan** recapped that the board requested she research ordinances for tree preservation from other communities. She didn't have anything written yet because she wanted the board's feedback. Then, if the board chooses to proceed with amendments, we can do them next month.

**Ms. Morgan** continued, she looked into bond requirements and a mitigation fund regarding the recent text amendment for section 7.29(D) that allows properties to be clear cut before development plans are submitted. As indicated, the text amendment was written for properties of 25 acres or greater only, and requires the street yard perimeters to remain unless the applicant agrees to submit plans within 24 months. She reiterated that the board had discussed wanting it to be applied to all commercial properties. In order for that to happen we will need another text amendment with another public hearing.

**Ms. Morgan** suggested first possibly requiring specific application standards and/or requirements that she researched from several other communities that allow for the same type of tree clearing.

**Ms. Morgan** stated that she also researched a bond and didn't see a way to do it as a requirement, because a bond is usually accepted as a major subdivision. She then explained why.

**Ms. Morgan** also discussed the concept of a bond and 125% of cost to do infrastructure. They can record their plat and then if they don't install the infrastructure, we have the money so we can proceed with doing it. But, she cautioned in a case like this we wouldn't know how much to say the bond needs to be. 125% of what, because there are no development

plans. For the above reasons, **Ms. Morgan** didn't think a bond requirement was feasible.

**Ms. Morgan** then mentioned one thing that is feasible is requiring money be placed in escrow and held in a separate account. The board can decide that if the developer doesn't submit plans within a certain time, we can move that money into a fund. Or move it into a fund at the time they sell the property.

**Ms. Morgan** also mentioned creating a tree management program. That means developing a program that provides education and resources to people that plant trees on public property. It pays for certified arborists to look at any diseased trees, and promotes the goal of keeping as much canopy as possible in the City. We can create this program and when money is put in escrow and comes back to the City, it goes into that program. That is the best way to address some type of protection for the City up front.

**Ms. Morgan stated** right now in BSL a permit is needed to remove any tree 8 inches or larger, or if 15 feet from a house or 5 feet from an accessory structure. Southport has similar wording, but only if it is a protected tree. Applicants who have pools say they have to clean out their pool more often as most trees are within 6 feet. There is no option in the UDO to replant a tree or pay a fee to be able to remove trees in pool instances. Mr. Cruse felt there should be some type of alternative for this.

A board member then inquired about the research on amending the as-built requirements to show remaining trees left on the property. **Ms. Morgan** replied, the tree survey that shows all trees 8 inches or larger can be hand drawn. If we add all trees on the as-built survey and the surveyor did not plot the trees, the homeowner did, you will have two different people working on those plans. I don't have staff to check this on a regular basis. When we get complaints and check it out, we find sometimes the tree survey is no good. I Believe you instructed me to add a requirement to show all remaining trees on as-builts and I want to make sure you did not want to add that to the plot plan requirement up front. Most builders already use the surveyor and do it on the plot plan. We usually check what the surveyor does. Further discussion took place about surveying trees on lots being built on and septic as opposed to sewer impacting trees.

After some discussion about these alternatives, **Ms. Lauderdale** recommended that the recent text amendment to section 7.29(D) be deleted or repealed. **Ms. Morgan** inquired if the Planning Board wanted it repealed in its entirety. **Mr. Van der Vossen** felt that appearance is not going to be good. **Ms. Lauderdale** said we made a mistake about this, I don't care about appearances. **Ms. Morgan** questioned if they may want a tree management fund and tighter restrictions, or just

remove it altogether. Either way a public hearing will be required. **Ms. Moffett** liked the idea of a fund and tighter management. **Ms. Lauderville** and others felt it should be repealed.

Discussion then happened about the Highway 87 property where the trees were removed and lots are currently for sale. **Ms. Morgan** said typically with something like a grocery store, and I am not saying a grocery store is or is not coming, outparcels are usually sold. It was presented and passed where it says unless the applicant submits plans within 24 months there are pretty hefty fines. Extensive further discussion took place about development plans and approvals for both commercial and residential lots.

**David Van der Vossen** left at 8:02 p.m.

**Ms. Morgan** ended by saying that she will be bringing back plot plans and as-built requirements to show all trees and also a possible total canopy coverage, as well as mitigation by planting or paying into a tree management fund.

The Planning Board then proceeded to briefly discuss stormwater as it pertains to landscaping.

**Motion to recommend BOC repeal Article 7, Section 7.29(D)(a)(i)(1) and (ii)**

*Moved by: Carrie Moffett*

*Seconded by: Stephanie Bodmer*

**Motion Carried 5-0**

## 9. Discussion

**Terri Boytzun, 549 Eagle Lane.** When there is 25 acres or more you can clear cut. Is it the BOC's decision as to whether to walk back this clear cutting? **Ms. Bodmer** responded we make recommendations and the BOC makes the final decision.

### 9.1 Property Sales on Highway 87

**Ms. Zakszeski** indicated the board touched on this briefly already. There are outparcels on Highway 87 for sale for \$400,000 an acre. There were lots at 50 Lakes Drive and Highway 87 that sold for only \$68,000 an acre. If they plan to sell off those parcels to developers who will buy it for \$400,000 an acre? Don't we have any control over that? It doesn't make any sense. **Ms. Lauderville** added we were certainly lead to believe financing was a good thing, but it wasn't. I just wanted to make sure the team is aware of that.

9.2 Setbacks on Lake Front Properties

**Ms. Zakszeski** stated several years ago the rear setback for lake front property was changed to 25 feet. When I built my house it was 50 feet. It needs to go back to 50 feet. **Ms. Morgan** responded it was changed to 40 and then to 25. The only thing different in the UDO for properties is accessory structures where the rear setback is 10 feet, but on a lakefront property it is 25 feet. Any structure built on a flood plain needs to be built to floodplain standards. It doesn't mean it can't be built, it just means it needs to be built higher, etc. If you are talking about flood plain with regard to setbacks, if a structure falls in a flood plain it has to have those requirements. It was changed before me. 50 feet is a pretty big setback. **Ms. Zakszeski** added with some of the rain recently if my house was 25 feet from the lake and the lake had water in it I would have flooded.

10. **Announcements**

None

11. **Adjourn**  
+

**Motion to adjourn the meeting at 8:17 p.m.**

***Moved by: Sharon Zakszeski***

***Seconded by: Stephanie Bodmer***

**Motion Carried 5-0**

Respectfully submitted,  
Nancy Sims, City Clerk



## *City of Boiling Spring Lakes*

9 East Boiling Spring Road  
Southport, NC 28461

---

### STAFF REPORT

**Agenda Date:**

November 12, 2024

**Title:**

UDO Article 5; Section 5.7 Text Amendment – Table of Area, Setback, Living Area, and Height Requirements

**Department:**

Nicole Morgan, Assistant City Manager  
Planning & Zoning

**Background Information:**

The City has initiated a request to amend Article 5, Section 5.7 of the Unified Development Ordinance to increase the minimum rear building setback for waterfront properties in the R-1, R-2, R-3, R-3A, R-4, and R-5 zoning districts from twenty-five (25) feet to fifty (50) feet.

Prior to the 2018 Unified Development Ordinance, minimum front and rear setbacks in the residential zoning districts for lots platted prior to March 7, 2000 were each fifty (50) feet. The City's 2009 Unified Development Ordinance included a provision that the fifty (50) foot setback requirements shall be changed to forty (40) feet, front and rear, on seventy (70) foot by one hundred fifty (150) foot lots in residential districts R-1, R-2, R-3, R-4, and R-6, but exempted waterfront property, which was required to stay fifty (50) feet front and rear. When the City's Unified Development Ordinance was updated in 2018, minimum front and rear building setbacks were amended. Minimum front setbacks were reduced from fifty (50) feet to forty (40) feet, minimum rear setbacks were reduced from fifty (50) feet to (25) feet, and the waterfront property setback provision in the Table of Area, Yard, and Height Requirements was removed.

**Financial Impact:**

Cost to advertise for required public hearing.



**Recommendation:**

Staff recommends approval of the proposed amendments based upon research, current uses, surrounding area, the City of Boiling Spring Lakes Comprehensive Land Use Plan (LUP), and other adopted plans and policies.

**Attachments:**

Proposed Text Amendment: Article 5, Section 5.7 Table of Area, Setback, Living Area, and Height Requirements  
Plan Consistency & Reasonableness

**Proposal:**

Proposed language is identified by underlined text and language to be deleted is shown as strikethrough text.

**Section 5.7 Table of Area, Setback, Living Area, and Height Requirements**

[4] Minimum rear setback (feet) for waterfront properties in the R-1, R-2, R-3, R-3A, R-4, R-5 zoning districts shall be fifty (50) feet.

**PLAN CONSISTENCY & REASONABLENESS DETERMINATION**

*In accordance with NCGS, zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare. Prior to adopting or rejecting any zoning amendment, a statement regarding plan consistency shall be adopted.*

(A) \_\_\_\_\_The Planning Board hereby recommends approval of the proposed amendments to the Unified Development Ordinance and finds that it (i) is consistent with the City’s comprehensive plan (2017 Land Use Plan), which states “the City shall update the Unified Development Ordinance (UDO) to address legislative changes, site plan review standards, subdivision regulations, dimensional standards, and other items deemed necessary by the Planning Board, Board of Commissioners, and City staff” and the City shall “reduce the flooding danger to property and human health by managing density and structure setbacks in flood hazard areas” and; (ii) that it is in the public interest because it will advance the public health, safety, and/or welfare of the City of Boiling Spring .

(B) \_\_\_\_\_The Planning Board hereby recommends denial of the proposed amendments to the Unified Development Ordinance and finds that (i) it is not consistent with the City’s comprehensive plan (2017 Land Use Plan) and all other applicable plans and policies adopted by the City for the following reasons: \_\_\_\_\_and/or (ii) it is not in the public interests for the following reasons:  
\_\_\_\_\_

Motion to Recommend Approval (A) \_\_\_\_\_ Motion to Recommend Denial (B) \_\_\_\_\_

(For \_\_\_\_\_ Against \_\_\_\_\_ Abstained \_\_\_\_\_ )



## *City of Boiling Spring Lakes*

9 East Boiling Spring Road  
Southport, NC 28461

---

### STAFF REPORT

**Agenda Date:**

November 12, 2024

**Title:**

UDO Article 5; Section 5.5 Text Amendment – Table of Permitted/Special Uses

**Department:**

Nicole Morgan, Assistant City Manager  
Planning & Zoning

**Background Information:**

The City has initiated a request to amend Article 5 of the Unified Development Ordinance to correct a clerical error and remove Mini Storage Units (indoor) as a permitted use in the C-1 Commercial Mixed Use Zoning District.

At their duly held meeting on June 13, 2023, the Planning Board voted unanimously to recommend approval of amendments to Article 5, Article 9, and Appendix A of the Unified Development Ordinance, which included the removal of Mini Storage Units (Indoor) as a permitted use in the C-1 zoning district. The required public hearing was then held on August 1, 2023 and the Board of Commissioners voted unanimously to approve the proposed amendments. The staff report submitted for the August 1, 2023 public hearing accurately reflected the proposed amendments; however, the Ordinance (2023-16) that accompanied the staff report did not include the removal of Mini Storage Units (indoor) from the C-1 zoning district. After reviewing the minutes of the August 1, 2023 Board of Commissioners meeting, and consulting with the City's attorney, it has been determined that the text amendment process, including Planning Board review and recommendation, shall be required to correct this error.

**Financial Impact:**

Cost to advertise for required public hearing.

**Recommendation:**

Staff recommends approval of the proposed amendments based upon research, current uses, surrounding area, the City of Boiling Spring Lakes Comprehensive Land Use Plan (LUP), and other adopted plans and policies.

**Attachments:**

Proposed Text Amendment: Article 5, Section 5.5 Table of Permitted/Special Uses  
Plan Consistency & Reasonableness

**Proposal:**

Proposed language is identified by underlined text and language to be deleted is shown as strikethrough text.

**Section 5.5 Table of Permitted/Special Uses**

Uses	C-1	C-1A	C-C	I-1	CON	REC	Supplemental Regulations
Mini Storage Units (indoor)	<del>PS</del>			PS			Section 6.38

**PLAN CONSISTENCY & REASONABLENESS DETERMINATION**

*In accordance with NCGS, zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare. Prior to adopting or rejecting any zoning amendment, a statement regarding plan consistency shall be adopted.*

(A) \_\_\_\_\_The Planning Board hereby recommends approval of the proposed amendments to the Unified Development Ordinance and finds that it (i) is consistent with the City’s comprehensive plan (2017 Land Use Plan), which states “the City shall update the Unified Development Ordinance (UDO) to address legislative changes, site plan review standards, subdivision regulations, dimensional standards, and other items deemed necessary by the Planning Board, Board of Commissioners, and City staff” and the City shall “preserve and enhance the existing commercial core” and; (ii) that it is in the public interest because it will advance the public health, safety, and/or welfare of the City of Boiling Spring .

(B) \_\_\_\_\_The Planning Board hereby recommends denial of the proposed amendments to the Unified Development Ordinance and finds that (i) it is not consistent with the City’s comprehensive plan (2017 Land Use Plan) and all other applicable plans and policies adopted by the City for the following reasons: \_\_\_\_\_and/or (ii) it is not in the public interests for the following reasons:  
\_\_\_\_\_

Motion to Recommend Approval (A) \_\_\_\_\_ Motion to Recommend Denial (B) \_\_\_\_\_

(For \_\_\_\_\_ Against \_\_\_\_\_ Abstained \_\_\_\_\_ )



## *City of Boiling Spring Lakes*

9 East Boiling Spring Road  
Southport, NC 28461

---

### STAFF REPORT

**Agenda Date:**

November 12, 2024

**Title:**

UDO Section 9.2 Text Amendment – Plot Plan Procedures

**Department:**

Nicole Morgan, Assistant City Manager  
Planning & Zoning

**Background Information:**

The City has initiated a request to amend Article 9, Section 9.2 of the Unified Development Ordinance (UDO) to revise plot plan requirements. Article 9 of the City's UDO establishes the process for development within the City of Boiling Spring Lakes. It is intended to provide a clear and comprehensible development process that is fair and equitable to all interests. Procedures and requirements for development review are separated into the following four categories: plot plans, minor site plans, major site plans and special use permits.

Plot plan review is required for review of the following development types:

1. Accessory structures.
2. Any enlargement of a principal building by less than 20% of its existing size provided such enlargement will not result in parking or landscaping improvements.
3. Single-family detached and two-family residential development.

Currently, the ordinance requires plot plans to include existing and proposed structures, setbacks, and total impervious calculations. In order to better ensure the layout and design of these development types are compatible with, and meet the requirements of the ordinance, the proposed amendments would require additional site features to be included on the plot plan, and would require plot plans for accessory structures over 400 square feet to be completed by a licensed surveyor.



**Financial Impact:**

Cost to advertise for required public hearing.

**Recommendation:**

Staff recommends approval of the proposed amendments based upon research, current uses, surrounding area, the City of Boiling Spring Lakes Comprehensive Land Use Plan (LUP), and other adopted plans and policies.

**Attachments:**

Proposed Text Amendment: Article 9, Section 9.2 Plot Plan Procedures  
Plan Consistency & Reasonableness

## Proposal:

Proposed language is identified by underlined text and language to be deleted is shown as strikethrough text.

### **Section 9.2 Plot Plan Procedures**

Plot plan review is intended to ensure that the layout and general design of low-intensity development is compatible with all applicable standards of this ordinance and all other applicable City regulations. ~~The plot plan shall generally be drawn to scale and indicate all existing and proposed structures, required setbacks, and existing and proposed impervious surfaces.~~ Plot plans shall be submitted for review of the following development types:

- (A) Accessory structures.
  - a. Proposals for accessory structures not exceeding 400 square feet need only provide a sketch of the proposed location of the structure in relation to existing property lines, setbacks, existing structures, easements, utilities, environmental features.
- (B) Any enlargement of a principal building by less than 20% of its existing size provided such enlargement will not result in parking or landscaping improvements.
- (C) Single-family detached and two-family residential (duplex) development.
  - ~~1. For principal single family and duplex development, the plot plan shall be drawn using a recent boundary survey (less than 2 years old). The plot plan and survey shall be prepared by a licensed surveyor.~~

#### **9.2.1 Plot Plan Requirements**

All proposed plot plans shall be based upon a recent boundary survey (less than 2 years old). The survey and plot plan shall be prepared by a licensed surveyor and shall include the following as a minimum requirement:

- (A) Property owner information.
- (B) Total square footage/acreage of the lot and lot lines with dimensions.
- (C) All existing and proposed buildings, including porches, decks, patios, roof overhangs, etc. with overall dimensions and setbacks (required and proposed) from all property lines.
- (D) Existing and proposed driveways with distance to side property line, dimensions, and surface material described.
- (E) Total percentage of existing and proposed impervious coverage.
- (F) Location of all utilities, including well and septic drainage fields.
- (G) Location of easements (width and type listed).

- (H) Location and description of environmental features (streams, buffers, flood zone boundaries and designation, etc.).
- (I) Table containing the size, and species of all trees >7.9" DBH.

**PLAN CONSISTENCY & REASONABLENESS DETERMINATION**

*In accordance with NCGS, zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare. Prior to adopting or rejecting any zoning amendment, a statement regarding plan consistency shall be adopted.*

(A) \_\_\_\_\_The Planning Board hereby recommends approval of the proposed amendments to the Unified Development Ordinance and finds that it (i) is consistent with the City’s comprehensive plan (2017 Land Use Plan), which states “the City shall update the Unified Development Ordinance (UDO) to address legislative changes, site plan review standards, subdivision regulations, dimensional standards, and other items deemed necessary by the Planning Board, Board of Commissioners, and City staff” and the City shall “preserve, conserve, and/or otherwise protect valuable and beneficial natural resources” and; (ii) that it is in the public interest because it will advance the public health, safety, and/or welfare of the City of Boiling Spring .

(B) \_\_\_\_\_The Planning Board hereby recommends denial of the proposed amendments to the Unified Development Ordinance and finds that (i) it is not consistent with the City’s comprehensive plan (2017 Land Use Plan) and all other applicable plans and policies adopted by the City for the following reasons: \_\_\_\_\_and/or (ii) it is not in the public interests for the following reasons:  
\_\_\_\_\_

Motion to Recommend Approval (A) \_\_\_\_\_ Motion to Recommend Denial (B) \_\_\_\_\_

(For \_\_\_\_\_ Against \_\_\_\_\_ Abstained \_\_\_\_\_ )



## *City of Boiling Spring Lakes*

9 East Boiling Spring Road  
Southport, NC 28461

---

### STAFF REPORT

**Agenda Date:**

November 12, 2024

**Title:**

UDO Article 7; Section 7.29 & Section 7.40 Text Amendment – Tree Preservation & Lot Clearing not associated with an Application for Development Authorization

**Department:**

Nicole Morgan, Assistant City Manager  
Planning & Zoning

**Background Information:**

At their duly held meeting on October 8, 2024 the Planning Board voted unanimously to repeal provisions in Section 7.29 of the Unified Development Ordinance that allow for the removal of trees >7.9" DBH on undeveloped parcels of 25 acres or greater not yet subject to an approved site plan. In accordance with NCGS 160D-601(a), a legislative hearing is required before adopting, amending, or repealing any ordinance or development regulation. At the November 6, 2024 Board of Commissioners' meeting the motion to schedule a public hearing failed. Staff was directed to amend the ordinance to include more stringent regulations for lot clearing not associated with an application for development.

**Recommendation:**

Staff recommends approval of the proposed amendments based upon research, current uses, surrounding area, the City of Boiling Spring Lakes Comprehensive Land Use Plan (LUP), and other adopted plans and policies.

## **Attachments:**

Proposed Text Amendments: Article 7, Section 7.29 Tree Preservation & 7.40 Lot Clearing not associated with an Application for Development Authorization  
Plan Consistency and Reasonableness

The following amendments are proposed. Underlined text is to be added. Strikethrough text is to be deleted:

### **Section 7.29 Tree Preservation**

(D) For those properties not located in a designated Red Cockaded Woodpecker habitat, and for properties within the woodpecker area that have secured written authorization from USFWS to proceed with tree removal, the following provisions shall apply:

(1) Undeveloped Parcels. A parcel of land that does not contain a principal structure or dwelling. Any tree with a DBH of up to and including 7.9 inches may be removed without a permit.

~~a. On undeveloped parcels of 25 acres or greater, where development is not yet subject to an approved site plan, a permit shall be issued for the removal of trees >7.9" DBH upon a finding of the following:~~

~~i. If significant trees are proposed to be removed, the applicant shall submit with the application a survey indicating the species, size, and condition of the significant tree(s). Removal of significant trees shall be mitigated in accordance with Section 7.29(E), unless the tree(s) is/are shown to be dead, dying, or severely damaged or diseased. Tree mitigation may occur at a future date, no later than 24 months following issuance of a tree removal permit, and may be addressed and/or incorporated into a future site plan for the property to be submitted no less than 24 months following issuance of a tree removal permit.~~

~~1. Tree protection for any retained tree(s) shall be in accordance with Section 7.36.~~

~~ii. No trees proposed for removal are located within required street yards or required bufferyards, unless the property owner agrees to submit a site plan for development of the property within twenty four (24) months.~~

### **Section 7.40 Lot Clearing not associated with an Application for Development Authorization**

Undeveloped parcels in the C-1 Commercial Mixed Use District not associated with an application for development authorization may obtain a Tree Clearing Certificate for the removal of trees >7.9" DBH upon submission of an application and approval of a Tree Protection Plan.

A. The purposes of these regulations are to protect existing trees located on undeveloped commercial sites for use as future buffers and street yards to meet



development plan requirements, preserve existing trees to protect the health, safety, and welfare of the public by preserving the visual and aesthetic qualities of the City; maintaining property values; control erosion; and reduce sediment and other run-off.

B. The requirement to obtain a Tree Clearing Certificate shall not apply to the following activities:

1. Normal forestry activities taking place on property which is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the General Statutes.
2. Forestry activity that is conducted in accordance with a forestry management plan prepared or approved by a forester registered pursuant to Chapter 89B of the North Carolina General Statutes.
3. Properties with a City approved development plan, provided any clearing and vegetation removal is done in strict accordance with the approved plan.
4. The removal of trees that are dead, severely diseased, injured, causing disruption of existing utility service, causing drainage or passage problems upon the rights-of-way, or posing an identifiable threat to pedestrian or vehicular safety.

C. The Tree Protection Plan shall include, at a minimum, the following information:

1. Vicinity map.
2. A map of the entire tract, including environmental features and the location and dimensions of all on-site and adjacent off-site easements (e.g., drainage, utility, conservation, public access, temporary construction easements).
3. Owner, current zoning, and total area of the tract.
4. Owner, current zoning, and total area of all adjacent tracts.
5. Table listing the size and species of all trees >7.9" DBH.
6. Table listing the size and species of all protected trees, as outlined in Section 7.40(D).
7. Table listing the size and species of all trees >7.9" DBH to be removed.
8. The date by which development application will be submitted.

- (a) Development application shall be submitted within twelve (12) months of issuance of a Tree Clearing Certificate.

9. The location and width of buffers, including riparian buffers, bufferyards and street yards.
  10. The proposed limits and total acreage of disturbance.
  11. Location of all tree protection fencing.
    - (a) Where existing trees are to be preserved, no disturbance shall take place in the Critical Root Zone (CRZ), including but not limited to grading, trenching, placing backfill, driving, parking, and placing of materials. The CRZ is the distance from the trunk that equals one foot for every inch of the tree's diameter. In cases where disturbance in the CRZ cannot be avoided, a plan completed by a Landscape Architect or ISA Certified Arborist for protecting the CRZ to the maximum extent possible shall be submitted.
- D. Other than that necessary to gain reasonable access to the property, the Tree Clearing Certificate shall prohibit the clearing, and/or removal of the following protected trees:
1. All trees in a perimeter bufferyard having a width of sixty (60) feet as measured from all adjacent property boundaries.
  2. All trees in a street yard having a width of forty (40) feet as measured from property boundaries adjacent to existing roadways.
  3. All trees in any other areas necessary for the protection of existing vegetation as required (e.g., riparian buffers).
  4. All significant trees, as defined in Section 7.29(D)(2).
- E. Upon approval of the required Tree Protection Plan, the applicant shall install any and all barriers necessary to protect existing vegetation within required bufferyards and street yards and around all trees to be preserved.
- F. Upon completion of the installation of all required barriers, the applicant shall request an inspection for compliance with the requirements of the ordinance. Upon a passing inspection, a Tree Clearing Certificate shall be issued and authorized vegetation clearing may commence.
- G. An approved Tree Clearing Certificate shall be valid for a period of no more than six (6) months from the date of issuance. Once work commences, clearing of vegetation shall be completed within thirty (30) days, unless approved by the UDO Administrator. In no case shall the UDO Administrator grant an extension of more than (60) days from the date work commences.



- H. All vegetation cleared shall be removed from the property within thirty (30) days of clearing.
  
- I. Failure to comply with the provisions of this section shall constitute a violation of the ordinance, and shall result in civil penalties in accordance with the City's Fee Schedule. Removal of all, or substantially all protected trees may result in a delay in site plan or subdivision approval for a period of up to three years. If such removal proves willful, site plan or subdivision approval may be delayed for a period of up to five years.

**PLAN CONSISTENCY & REASONABLENESS DETERMINATION**

*In accordance with NCGS, zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare. Prior to adopting or rejecting any zoning amendment, a statement regarding plan consistency shall be adopted.*

(A) \_\_\_\_\_The Planning Board hereby recommends approval of the proposed amendments to the Unified Development Ordinance and finds that it (i) is consistent with policy #6 in the City’s comprehensive plan (2017 Land Use Plan), which states “the City shall update the Unified Development Ordinance (UDO) to address legislative changes, site plan review standards, subdivision regulations, dimensional standards, and other items deemed necessary by the Planning Board, Board of Commissioners, and City staff, and policy #12 “the City shall support an orderly growth pattern which reinforces the community’s residential character and protects the environment, while enhancing growth opportunities along the NC 87 corridor; and (ii) that it is in the public interest because it will advance the public health, safety, and/or welfare of the City of Boiling Spring Lakes by incorporating required legislative amendments into development regulations.

(B) \_\_\_\_\_The Planning Board hereby recommends denial of the proposed amendments to the Unified Development Ordinance and finds that (i) it is not consistent with the City’s comprehensive plan (2017 Land Use Plan) and all other applicable plans and policies adopted by the City for the following reasons: \_\_\_\_\_and/or (ii) it is not in the public interests for the following reasons:  
\_\_\_\_\_

Motion to Recommend Approval (A) \_\_\_\_\_ Motion to Recommend Denial (B) \_\_\_\_\_

(For \_\_\_\_\_ Against \_\_\_\_\_ Abstained \_\_\_\_\_ )