



**City of Boiling Spring Lakes
Planning Board
July 14, 2026
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
 - May 14, 2026
- Public Comment
- Old Business
 - Final Draft: Imagine 2040 Comprehensive Plan
- New Business
 - Text Amendment (TX-2026-01) - UDO Article 7, Part IV – Landscaping, Buffers, and Tree Protection
 - Staff Report & Plan Consistency
 - Text Amendment (TX-2026-02) – UDO Article 9, Section 9-2-1 – Plot Plan Requirements
 - Staff Report & Plan Consistency
- Discussion
- Announcements
- Adjourn



**Planning Board Meeting Minutes
May 14, 2026
City Hall – 6:30 PM.**

1. Call to Order

Chair Lucille Launderville called the meeting to order at 6:30 PM.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Roll Call

Attendance:

Lucille Launderville
Sharon Zakszeski
Carrie Moffett
David Van der Vossen
Chris Sekula
Hazel La Coste
City Clerk Tanya Shannon
Wes MacLeod, Anchorpoint Planning

Absent:

Stephanie Hanson
Nicole Morgan, Development Services Director

BOC Liaison: Commissioner Sherwood

Chair Launderville welcomed Hazel La Coste as the new second alternate member.

4. Approval of Agenda

Ms. Sekula moved to approve the agenda and seconded by Mr. Van der Vossen. ***Vote 5-0; Motion Carried.***

5. Approval of the Minutes

A motion was made by Mr. Van der Vossen to approve the April 16, 2026, minutes, seconded by Ms. Moffett. (Ms. Sekula and Ms. Zakszeski recused themselves as they were absent from the

April 16 meeting. Aye: Ms. Moffett, Mr. Van der Vossen and Ms. Launderville. **Vote 3-0; Motion Carried.**

6. Potential Conflict of Interest/Association Disclosure

No Planning Board member indicated any conflict or association with any item on this evening's agenda.

7. Public Comment —None

8. Old Business

Land Use Plan (LUP) Draft Chapter 5- Land Use Growth Management

Mr. MacLeod outlined the statutory requirement for local governments to regularly maintain zoning and update land-use plans every 5 to 10 years, emphasizing the importance of proactive planning. He highlighted significant changes within the community and underscored the value of public input in shaping perspectives on growth and development. Having worked with the city for over a decade, Mr. MacLeod now contributes in a private consulting capacity.

Project Status and Timeline

While the initial project schedule was accelerated, it has since been extended to span two fiscal years. The last meeting was in February; the current meeting is in May to review Chapter 5 of the land use plan. No meeting is planned for June. The goal is to provide a clean copy for review in July, incorporating the discussed revisions and the finalized Chapter 6. The plan must undergo review by the Division of Coastal Management before being submitted to the Board of Commissioners for adoption, a public hearing, and final certification.

Public Engagement and Input

A total of 467 survey responses were received, with 92% of respondents being residents or property owners. Forty individuals attended a public meeting to provide input. Board members also serve as public advisors throughout the process. Public input priorities were identified as:

- Stormwater management and flood prevention
- Road maintenance and transportation
- Environmental protection and conservation
- Managed growth and development controls
- Strategic commercial and economic development

These priorities are closely related and have been ordered based on public input, though the differences in ranking are not substantial.

Draft Vision Statement

A draft vision statement was presented, synthesizing survey feedback with forward-looking goals for land use and growth management.

Review of Chapter 5 Materials

Both the existing and future land use maps were reviewed. The city retains significant undeveloped land, though many of these lots have already been platted. A build-out analysis indicates that fewer than 6,000 new housing units could be accommodated.

The future land use map expands the number of categories from six in the 2017 plan to nine, introducing new categories such as mixed residential and commercial. The plan serves as advisory guidance rather than a regulatory document; any zoning changes would occur through a separate process.

Discussion of Land Use Categories

New categories include mixed residential (for planned developments such as Audubon), dedicated commercial zones, and commercial service areas. There was discussion regarding the distinctions between commercial and commercial mixed-use categories, as well as the intent to reserve select areas for commercial activity.

The Board discussed the balance between specificity and complexity in adding new categories, ultimately reaching a consensus that greater specificity better reflects community feedback.

Land Use Percentages and Map Clarifications

Questions were raised regarding land use percentages in Chapter 5, with clarifications provided on the calculation methods for recreation/open space, vacant, and residential land. Minor rounding discrepancies were noted for accuracy in documentation and charts.

Policy Language and Recommendations

Multiple policies were discussed, particularly the use of terms such as “shall” versus “may” or “will” in recommendations—for example, in the context of manufactured housing and commercial development.

Suggestions were made to relax language concerning manufactured housing and to clarify policies regarding incentives for commercial development.

The Board reached a consensus to favor more flexible language where appropriate.

Visuals and Representation

There was discussion about the use of photographs in documentation, with suggestions to include more local images and realistic representations of mixed residential or commercial areas.

Sewer and Infrastructure Planning

There was discussion regarding the city’s sewer master plan, associated funding limitations, and the implications for future development.

It was noted that grant funding and state mandates could influence future sewer expansion.

Map Adjustments

Suggestions were made to adjust the colors used in the land use map for greater clarity and to reclassify certain parcels, such as changing some city center parcels to commercial and distinguishing non-participating or jurisdictional areas.

Next Steps

Board members were invited to submit additional comments to staff for further revisions.

A clean draft of the plan, including Chapter 6, will be provided ahead of the July meeting for review and potential advancement to the Board of Commissioners.

Chapter 6 will compile recommended actions from previous chapters for ease of reference.

9. New Business

None

10. Announcements:

None

- 11.** There were no further comments. Chair Launderville requested a motion to adjourn. So moved by Ms. Sekula and seconded by Ms. Zakszeski. ***Vote 5-0; Motion Carried.***

Adjourned –8:03 pm

Respectfully submitted by Tanya Shannon, City Clerk.



City of Boiling Spring Lakes

9 East Boiling Spring Road
Southport, NC 28461

STAFF REPORT

Agenda Date:

July 14, 2026

Title:

TX-2026-01 – UDO Amendment: Article 7, Part IV, Sections 7-26 through 7-29

Department:

Development Services – Planning & Zoning

Background Information:

For many years, the City has administered its tree protection regulations in coordination with the U.S. Fish and Wildlife Service (USFWS) to ensure compliance with federal protections for the endangered red-cockaded woodpecker (RCW). Through this longstanding partnership, the City and USFWS developed a process that balanced environmental protection with timely permitting for property owners and development projects.

As part of this process, USFWS mapped properties throughout the City based on the presence and habitat of the RCW and assigned parcels to one of three categories: Green, Blue, or Red.

- **Green Lots:** Tree removal activities did not require review or approval from USFWS. Property owners only needed to comply with the City's Tree Ordinance.
- **Blue Lots:** These properties were identified as RCW foraging habitat. Applicants were required to identify and map the large pine trees on the property and specify which trees they proposed to remove. City staff entered this information into a basal area spreadsheet, which was forwarded to USFWS for review. Once USFWS issued its approval letter, the City could issue a clearing permit, provided the application also complied with the City's Tree Ordinance.
- **Red Lots:** These properties contained known cavity trees or other highly sensitive RCW habitat. Applications were referred directly to USFWS for review and approval before the City could issue a clearing permit.

This coordinated review process remained in place for many years and generally functioned efficiently, allowing environmental protections to be maintained while providing applicants with a predictable permitting process.

Approximately six months ago, City staff began experiencing significant delays in receiving responses from USFWS. Applications that had historically been processed in a reasonable timeframe remained pending for months with little or no communication. City staff later learned that staffing changes within USFWS had contributed to these delays. After coordinating with the new personnel, USFWS agreed to continue using the existing basal area spreadsheet process, and application processing temporarily returned to normal.

However, after only a few months, USFWS again stopped responding to submitted applications. The City was not notified that the agency intended to change its review procedures or discontinue the existing process. After multiple inquiries by City staff, USFWS informed the City that applicants would now be required to use the agency's online Information for Planning and Consultation (IPaC) system instead of the previously established basal area spreadsheet process.

Several property owners attempted to use the IPaC system and reported that completing the required information took several hours. After completing the process, applicants were informed that additional environmental review could be necessary, including the potential need to hire an environmental consultant and prepare a Habitat Conservation Plan before authorization could be considered. Shortly after implementing this new process, USFWS advised the City that the IPaC system was not functioning accurately and that additional time was needed to correct the system. As a result, multiple applications have remained pending for more than two months with no resolution.

More recently, representatives from USFWS met with the City Manager, Mayor, and Commissioner Ausborn to discuss the agency's revised procedures. During that meeting, USFWS advised that it would no longer recognize the City's historical Green, Blue, and Red parcel classifications. Instead, every parcel within the City would now require review by USFWS before tree clearing could occur. Although applicants are still expected to utilize the IPaC system, USFWS acknowledged that the system continues to experience operational issues.

These changes have created significant challenges for the City. Because clearing permits cannot be issued until the required federal authorization is obtained, development projects are effectively stalled while awaiting action from USFWS. This includes residential construction, custom home projects, and commercial development. Areas that were previously classified as Green Lots—including much of the City's commercial corridor—will now require federal review before development can proceed.

The inability to issue clearing permits has broader implications for the City's economic development efforts. Delays in site preparation directly impact the City's ability to issue building permits, resulting in uncertainty for developers, builders, businesses, and future homeowners. Several commercial projects currently under review may be delayed or abandoned if clearing approvals cannot be obtained in a timely manner. Local builders have also expressed concerns during recent public meetings regarding the impact these delays are having on their businesses and their inability to provide construction timelines to their clients.

The City has also received concerns from applicants regarding potential legal implications associated with prolonged permitting delays. Because the City issues clearing permits under its Tree Ordinance,

applicants have expressed concern that extended delays beyond the City's control may expose the City to legal challenges related to their inability to develop private property. Although the USFWS identifies RCW habitat throughout the surrounding county, builders have consistently reported that when developing projects in neighboring municipalities, they do not coordinate with those local governments on matters related to the red-cockaded woodpecker. Builders have expressed that the City's current process is unique in requiring local coordination as part of the tree-clearing permitting process, and that they do not encounter comparable local procedures in nearby jurisdictions.

The impacts of the current process extend beyond new development and also affect existing property owners seeking to remove individual trees. In many cases, property owners are waiting for the City to issue a clearing permit; however, the City cannot issue that permit until any required authorization from the U.S. Fish and Wildlife Service has been received. Because the timing and outcome of the federal review are outside the City's control, staff are unable to provide applicants with estimated review timeframes or definitive answers regarding the status of their applications.

As a result, City staff have experienced a significant increase in phone calls, emails, and in-person inquiries from property owners, contractors, and developers seeking updates on applications that remain pending with USFWS. Staff routinely serves as the intermediary between applicants and the federal agency, despite having no authority over the federal review process or its timelines. This has created an undue administrative burden on City staff and has diverted resources away from other municipal responsibilities while staff attempt to assist applicants through a process that is outside the City's control.

City staff are also concerned about the long-term financial impacts associated with stalled development. The City's inability to issue clearing permits while awaiting required authorization from the U.S. Fish and Wildlife Service also has financial implications. Because clearing permits are often a prerequisite to the issuance of building permits, delays in the federal review process prevent the City from issuing permits associated with new residential and commercial construction. As a result, permit fees that would otherwise be collected by the City are delayed until the federal review process is complete.

The proposed text amendment is intended to address these challenges by repealing the City's Tree Ordinance provisions related to tree-clearing permits. Under the proposed amendment, property owners would continue to be responsible for obtaining any required approvals directly from USFWS and complying with all applicable federal regulations. However, the City would no longer serve as the intermediary in the federal review process or issue clearing permits, allowing the City to continue processing local development applications without unnecessary delays resulting from factors outside of its control.

Financial Impact:

Cost to advertise for required public hearing.

Recommendation:

Staff recommends approval of the proposed amendment based upon research, current uses, the surrounding area, and the City of Boiling Spring Lakes' Comprehensive Land Use Plan (LUP).

Attachments:

Proposal: TX-2026-01 – UDO Amendment: Article 7, Sections 7-26 through 7-29

Proposed Amendment: TX-2026-01 – UDO Article 7, Part IV, Sections 7-26 through 7-29

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

~~Sec. 7-26 – Objective~~

~~The governing body and the advisory boards of the city of Boiling Spring Lakes recognize the importance of the contribution made to the community by the abundance of trees and vegetation. In fact, the present character of Boiling Spring Lakes is dependent largely upon the existing trees and plantings in both publicly and privately owned properties. It is this vegetation that gives the city the aesthetic appeal that contributes to its growth and economic prosperity. As economic growth occurs, the removal of this valued vegetation sometimes results, contributing to a depletion of a most valuable resource. The city feels it is necessary to both conserve and restore those valuable assets and declares the objective of this ordinance to be as follows:~~

- ~~(A) To encourage the conservation of existing trees and vegetation, when practicable;~~
- ~~(B) To provide visual and spatial buffering between adjoining and competing uses;~~
- ~~(C) To enhance the beautification of the city;~~
- ~~(D) To enhance property values and protect public and private investment;~~
- ~~(E) To preserve the identity and environment of the city;~~
- ~~(F) To provide a habitat for living things that might not otherwise occur in an urban environment;~~
- ~~(G) To ensure that planting areas are distributed within developing sites in a manner which will provide buffer noise and filter glare;~~
- ~~(H) To comply with the requirements of the Red Cockaded Woodpecker habitat conservation plan.~~

Sec. 7-26 - Purpose

The purpose of this section is to preserve significant trees, maintain the City's natural character, protect environmental resources, minimize unnecessary land disturbance, and ensure that land clearing associated with development occurs only in conjunction with approved development plans. Preservation of existing Significant Trees is encouraged and shall take precedence over removal whenever reasonably practicable. Development shall be designed to preserve existing Significant Trees to the maximum extent feasible while accommodating the reasonable use of the property.

~~Sec. 7-27 – Applicability~~

- ~~(A) Tree preservation is required for all land, developed or undeveloped within the city of Boiling Spring Lakes as specified in section 7-29. No tree shall be removed, regardless of size, except for in compliance with this ordinance.~~

~~(B) Landscape plans and installation is required for all new development within the city of Boiling Spring Lakes except for the following:~~

- ~~1. Single family and two family dwellings~~
- ~~2. Accessory structures~~
- ~~3. Any enlargement of a principal building of less than twenty (20) percent of its existing size provided such enlargement will not result in parking improvements~~
- ~~4. A change in principal use where such change would not result in a change in lot coverage, parking, or other site characteristics~~
- ~~5. The following site areas are required to be addressed in accordance with the provisions of this section for all non-residential and multi-family uses:~~
 - ~~a. Street yards~~
 - ~~b. Foundation planting~~
 - ~~c. Vehicular surface areas (parking lots)~~
 - ~~d. Buffer yards~~
 - ~~e. Screening for dumpsters and outdoor storage areas~~

Sec. 7-27 - Applicability

- (A) Except as otherwise provided herein, no person shall remove, clear, grub, or otherwise disturb vegetation except in accordance with all applicable provisions of the Ordinance. The removal of Significant Trees shall be subject to the provisions of the Ordinance regardless of zoning district or land use.
- (B) The following activities are exempt from the land clearing authorization requirements of the Ordinance, provided they otherwise comply with the Significant Tree mitigation requirements:
1. Construction of a single-family or two-family dwelling on an individual lot, excluding lots within a major subdivision.
 2. Construction of accessory structures serving an existing single-family or two-family dwelling.
 3. Enlargement of an existing principal building by less than twenty percent (20%) of the existing gross floor area.
 4. A change in principal use where site plan approval is not otherwise required by this Ordinance.
 5. Removal of dead, diseased, or hazardous trees.
 6. Forestry activities conducted on forestland taxed on the basis of its present-use value pursuant to Article 12 of Chapter 105 of the North Carolina General Statutes.
 7. Forestry activities conducted in accordance with a forest management plan prepared or approved by a forester registered pursuant to Chapter 89B of the North Carolina General Statutes.

Sec. 7-28 – General provisions

~~(A) Whenever the landscaping requirements of this ordinance are applicable, no site shall be cleared or graded for the purpose of pending construction until a landscape plan and/or tree removal permit has been submitted and approved by the city.~~ Except for activities exempted under 7-27(B), no land clearing, grubbing, tree removal, or other disturbance of existing vegetation shall occur unless authorized through an approved development application.

(B) The owners and their agents shall be responsible for protecting and maintaining all landscape materials in accordance with the landscape plan approved by the city.

(C) Provision for other uses. Up to fifteen (15) percent of the area to be landscaped may be covered with surfaces specifically intended to afford intensive use and enjoyment by employees or the public (such as walking paths, bench and table pads, etc.).

(D) It is encouraged that stormwater management systems be integrated into the landscape plan.

(E) The ~~following~~ approved landscaping list shall be used as a guide in identifying and categorizing approved landscaping. Although the list may be expanded, as approved by the UDO Administrator, and recommended by the NC Cooperative Extension, applicants must show that plant materials meet the standards of the ordinance and are appropriate for the area. In no case shall invasive plants be permitted. Minimum height and diameter at breast height (DBH=four and five tenths (4.5) feet above ground) at planting for the following planting categories/list shall be as follows:

1. Canopy trees. At the time of planting, the tree shall have a minimum three (3) inch DBH with a height of eight (8) to ten (10) feet. Canopy trees shall be of a species having an average minimum height of thirty (30) feet and a minimum mature crown spread of twenty (20) feet.
2. Understory trees. At the time of planting, the tree shall have a minimum two (2) inch DBH. Understory trees shall be of a species having an average minimum height of ten (10) feet and a minimum mature crown spread of twelve (12) feet.
3. Shrubs. Shrubs shall have a minimum mature height of twenty-four (24) inches and a minimum planting height of eighteen (18) inches.

(F) The city of Boiling Spring Lakes prefers to maintain existing trees in order to satisfy requirements and credit may be given for existing trees located between the proposed principal building and the street right-of-way. The retention of viable natural vegetation is encouraged when practicable. No credit shall be given for any tree which is unhealthy. Credit shall be given on a "tree-per-tree basis" or "one (1) to one (1) ratio."

(G) Notwithstanding the provisions of this section, nothing shall be planted adjacent to an approved driveway and street connection which would impede vision between a height of two and half (2 ½ and ten (10) feet in a triangular area formed by a diagonal line between a point on the driveway

perimeter and the curb line or pavement edge of the street twenty-five (25) feet from where they intersect.

(H) Trees and shrubbery in or along streets and sidewalks.

1. Citizens may plant trees in front of their lots and along the sidewalks adjacent to their property under the supervision of the UDO Administrator, but no trees shall be planted in the streets, gutters, or ditches of the city. The UDO Administrator shall notify all persons having trees in front of their lots to have them properly trimmed either by a company engaged in the business of tree trimming or by the property owners themselves following acceptable pruning standards. During normal street right-of-way maintenance by the city, all city employees involved in trimming of trees shall operate under the direction of the UDO Administrator and in accordance with acceptable pruning standards. In addition, all other public service or utility companies shall also follow the guidelines for acceptable pruning standards and shall notify the city prior to maintenance within their jurisdiction.
2. The cutting, trimming, destruction, lopping of branches or mutilation in any manner of trees or shrubbery standing along, in or extending over the street right-of-way of any municipal or state maintained street by any person is hereby prohibited, except when done under the supervision and according to the direction of the UDO Administrator.

(I) Nothing in this ordinance shall be construed to authorize any activity prohibited by federal, state, or local law. Property owners and other persons conducting tree removal or land-disturbing activities are solely responsible for complying with all applicable federal, state, and local laws, regulations, permits, and approvals, including, where applicable, the requirements of the Endangered Species Act and other laws protecting threatened or endangered species and their habitats.

(J) The absence of a permit or authorization requirement under this ordinance shall not be construed as authorization to remove trees or conduct land-disturbing activities in violation of any applicable federal, state, or local law.

~~Sec. 7-29 Tree preservation~~

~~(A) The purpose of this section is to protect, preserve, and enhance the forested character and natural resources of the city. The city finds that the presence of trees improves air quality, conserves energy, provides wildlife habitat, reduces soil erosion, enhances storm water retention and drainage, and preserves and enhances property values. The policy of the City is to balance the private property rights of landowners with the public health, safety, and welfare that is promoted by the existence and maintenance of all trees in the city.~~

~~(B) U.S. Fish and Wildlife Service restrictions. All applications for cutting or clearing will first be reviewed by the UDO administrator or his/her designee, to determine if the subject parcel includes any lands identified by USFWS as required habitat for the Red Cockaded Woodpecker. If the property does fall within the designated woodpecker area, the owner/applicant must contact USFWS to obtain authorization to cut any trees or to clear the property.~~

~~(C) No tree containing a Red Cockaded Woodpecker nest, regardless of diameter, may be cut without the express written consent of the U.S. Fish and Wildlife Service.~~

~~(D) For those properties not located in 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 of this section shall apply:~~

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

~~a. On parcels of twenty-five (25) acres or greater zoned C-1, where development is not yet subject to an approved site plan, a permit shall be issued for the removal of trees >7.9 inches 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 twenty-four (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 twenty-four (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.~~

~~3. *Significant trees.* Any tree at least twenty-four (24) inches in DBH, and dogwoods, live oaks, and American Hollies at least eight (8) inches DBH, anywhere on the site shall be considered protected, and must be preserved or their removal mitigated as in accordance with section 7-29(E), regardless of location on the site, unless the trees are shown to be dead, dying or severely damaged or diseased as a result of natural factors.~~

~~4. *New construction.*~~

~~a. Clearing, fill, grade, and driveway permits must be obtained from the UDO administrator before any land-disturbing activity commences.~~

~~b. Before a zoning permit is issued, an up-to-date tree survey, plot plan, or site plan must be submitted and approved by the UDO administrator or appropriate approval authority (planning board, board of adjustment, and/or board of commissioners). The plan must show the footprint for the principal structure, septic systems, detached buildings (sheds, garages) driveways, and all trees identified by species greater than eight (8) inches DBH. Any tree not being used as a Red Cockaded Woodpecker nest may be removed within fifteen (15) feet of the principal structure or the septic system and within five (5) feet of detached buildings (sheds, accessory structures, garages) and driveways subject to the provisions of this section. Significant trees, as defined herein, will require mitigation.~~

~~5. *Existing development.* A parcel of land containing 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. Prior to issuance of a tree removal permit, a plot plan (hand sketched if necessary) must be submitted showing the footprint for the principal structure, septic system, detached buildings, pools, driveways, and trees proposed for removal. Any tree not being used as a Red Cockaded Woodpecker nest may be removed within fifteen (15) feet of principal structures septic systems, and pools and within five (5) feet of detached buildings and driveways subject to the provisions of this section. Significant trees, as defined herein, and trees removed within 5.1 feet and fifteen (15) feet of a pool will require mitigation.~~

~~i. On residential parcels with a principal structure, the UDO Administrator may approve the removal of trees outside of these parameters upon submittal of documentation from the applicant's insurance company that the tree(s) pose a risk to the structure, and the policy is in jeopardy of cancellation, and for usable open area upon a finding that a minimum of one (1) inch DBH per two hundred twenty (220) square feet of lot area will be preserved. Only trees 7.9 inches and larger shall be used in calculating the preserved DBH, and~~

~~all trees 7.9 inches and larger located within the distance parameters in (D)(4)(a) shall not count towards the preserved DBH.~~

~~(E) Mitigation. The removal of any "significant tree" as defined by this ordinance must be mitigated in accordance with the following standards:~~

- ~~1. The total diameter at breast height (DBH) of all significant trees proposed for removal shall be totaled. The resultant number of DBH inches to be removed must be planted back on the site with an appropriate number of the significant tree species type removed to replace the DBH of those trees removed. Lots with one and two family dwellings (or proposed for such not as part of a major subdivision) shall only be required to mitigate twenty five (25) percent of the total DBH of significant trees removed. A minimum of one (1) significant tree of the same species removed shall be installed through mitigation.~~
- ~~2. Any mitigation trees required as a result of the removal of significant tree(s) shall not be counted to meet the requirements of the street yard, buffers or interior parking requirements. These trees must be provided in addition to any tree required by this ordinance.~~
- ~~3. In situations where site features make it impractical to plant trees back on the site, payment may be made to the tree management fund, upon approval of the UDO Administrator, in an amount sufficient to cover the cost of the required replanting.~~

~~(F) Exceptions. The requirement to obtain a clearing permit shall not apply to the activities listed below.~~

- ~~1. The removal of dead, severely damaged, or diseased trees, and trees which are injurious to sanitary sewers, electrical power lines, gas lines, water lines, streams or conveyance channels. The UDO Administrator may require determination be made by a certified arborist in cases of dead, damaged, and/or diseased trees.~~
- ~~2. Parcels with an approved site plan, provided such approval has not expired, and all clearing is done in strict accordance with the approved plan.~~

~~3. Forestry activity on forestland that is taxed on the basis of its present use value as forestland under Article 12 of Chapter 105 of the General Statutes, or forestry activity that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with Chapter 89B of the General Statutes.~~

Sec. 7-29 Tree preservation

- (A) Land clearing shall be authorized only through approval of one of the following, as applicable:
1. Minor Site Plan;
 2. Major Site Plan;
 3. Subdivision Plan;
 4. Special Use Permit;
 5. Planned Development; or
 6. Any other development approval requiring site plan approval under this Ordinance.
- (B) Applications for Minor Site Plans, Major Site Plans, Subdivision Plans, Special Use Permits, Planned Developments, and any other development requiring site plan approval shall include a Landscape Plan.
- (C) Landscape Plans shall contain the information required in Appendix B – Submittal Requirements.
- (D) Landscape Plans shall address, as applicable:
1. Street yards;
 2. Foundation landscaping;
 3. Vehicular surface areas, including parking lots;
 4. Buffer yards;
 5. Screening of dumpsters and outdoor storage areas.
- (E) Authorization to clear shall be limited to those areas shown on the approved plans.
- (F) No property shall be cleared in anticipation of future development prior to approval of the applicable development plan.

Sec. 7-29-1 Significant Trees

- (A) Regardless of zoning district or land use, Significant Trees shall be preserved whenever reasonably practicable. When the removal of a Significant Tree cannot reasonably be avoided, the tree may be removed provided the mitigation requirements of the ordinance are satisfied.
- (B) For purposes of this section, Significant Tree means:
1. Any Flowering Dogwood (*Cornus florida*) having a diameter at breast height (DBH) of eight (8) inches or greater;
 2. Any American Holly (*Ilex opaca*) having a DBH of eight (8) inches or greater;
 3. Any Live Oak (*Quercus virginiana*) having a DBH of eight (8) inches or greater; or
 4. Any tree of any species having a DBH of twenty-four (24) inches or greater.

Sec. 7-29-2 Mitigation

- (A) For construction of an individual single-family or two-family dwelling, and associated accessory structures, mitigation shall be required at twenty-five percent (25%) of the mitigation otherwise required by the ordinance. For the removal of all other Significant Trees, mitigation shall be provided at one hundred percent (100%) of the mitigation required by the ordinance.
- (B) Where application of the twenty-five percent (25%) standard results in a fractional tree, the requirement shall be rounded up to the next whole tree.
- (C) Mitigation shall be calculated individually for each Significant Tree removed and then totaled. For Mitigation shall be based upon the diameter at breast height (DBH) of each Significant Tree removed and shall comply with the following table:

<u>DBH of Tree Removed</u>	<u>Minimum Replacement Required</u>
<u>8" to 12"</u>	<u>One (1) 3-inch caliper tree</u>
<u>Greater than 12" to 24"</u>	<u>Two (2) 3-inch caliper trees</u>
<u>Greater than 24" to 36"</u>	<u>Three (3) 3-inch caliper trees</u>
<u>Greater than 36" to 48"</u>	<u>Four (4) 3-inch caliper trees</u>
<u>Greater than 48"</u>	<u>Five (5) 3-inch caliper trees, plus one (1) additional 3-inch caliper tree for each additional twelve (12) inches, or fraction thereof</u>

Sec. 7-29-3 Credit Toward Required Landscaping

(A) Trees planted to satisfy Significant Tree mitigation requirements shall not be credited toward the minimum landscaping requirements of this Ordinance, including, but not limited to:

1. Street yard landscaping;
2. Foundation landscaping;
3. Parking lot landscaping;
4. Buffer yards;
5. Screening requirements;
6. Any other required landscaping.

(B) Mitigation trees shall be provided in addition to all landscaping otherwise required by this Ordinance.

Sec. 7-29-4 Alternative Compliance

Where the UDO Administrator determines that site constraints, utilities, easements, environmental features, or other practical considerations make on-site replacement impractical, the applicant may satisfy all or a portion of the mitigation requirement through payment into the City's Tree Management Fund.

The payment amount shall be sufficient to cover the purchase, installation, and establishment of the required replacement trees.

The applicant shall submit a cost estimate prepared by one of the following:

1. An ISA Certified Arborist;
2. A North Carolina Registered Forester;
3. A North Carolina Licensed Landscape Architect; or
4. A qualified landscape contractor or nursery professional acceptable to the UDO Administrator.

Replacement trees shall be installed prior to the issuance of a Certificate of Occupancy unless an alternative installation schedule is approved by the UDO Administrator due to seasonal planting conditions or other practical considerations.

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 encourage and facilitate high quality commercial development along NC 87, expand the range of goods and services available to City residents, encourage both the development and preservation of a variety of housing types to meet the needs and desires of current and future citizens, and update the Unified Development Ordinance to address site plan review standards, subdivision regulations, dimensional standards, and other items as deemed necessary by the Planning Board, Board of Commissioners, and City staff and; (ii) that it is in the public best interest because it promotes public health, safety, and general welfare by supporting timely development, facilitating the availability of housing, and allowing the City to efficiently administer permits within its authority.

(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: _____



City of Boiling Spring Lakes

9 East Boiling Spring Road
Southport, NC 28461

STAFF REPORT

Agenda Date:

July 14, 2026

Title:

TX-2026-02 – Text Amendment: Article 9, Section 9-2-1 - Plot Plan Requirements

Department:

Development Services – Planning & Zoning

Background Information:

Article 9, Section 9-2-1 of the Unified Development Ordinance (UDO) currently requires plot plans to include a table of all existing trees >7.9" in diameter at breast height (DBH). This requirement was established to assist with the administration of the City's Tree Ordinance (Article 7, Part IV) and the review of tree-clearing permit applications.

As part of the proposed amendments to Article 7, Part IV of the UDO, the City is considering eliminating the local tree-clearing permit requirement. If adopted, the City would no longer administer or review tree-clearing permits, making it unnecessary to require the table of all existing trees on the plot plans for that purpose.

The proposed amendment revises the plot plan requirements to remove the requirement to include a list of all existing trees >7.9" DBH while including a requirement to identify the location of all significant trees on the site. This amendment maintains the City's ability to review site design and preserve significant natural features where applicable, while ensuring the land development regulations in the UDO remain consistent with the proposed changes to the Tree Ordinance.

Financial Impact:

Cost to advertise for required public hearing.

Recommendation:

Staff recommends approval of the proposed amendment based upon research, current uses, the surrounding area, and the City of Boiling Spring Lakes' Comprehensive Land Use Plan (LUP).

Attachments:

Proposed Amendment TX-2026-02 – UDO Article 9, Section 9-2-1 – Plot Plan Requirements

Proposed Amendment: TX-2026-02 – UDO Article 9, Section 9-2-1 – Plot Plan Requirements

Sec. 9-2-1 Plot Plan Requirements

All proposed plot plans shall be based upon a recent boundary survey (less than two (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 inches DBH.~~ Location, size, and species of all significant trees (all trees at least 24" DBH & dogwoods, American hollies, & live oaks at least 8" DBH)

1. Proposals for accessory structures may, in lieu of ~~including the table on the plot plan~~ requiring that the plot plan include the location, size, and species of all significant trees, include a separate hand-drawn sketch of the size and species of all significant trees ~~>7.9 inches DBH~~ proposed for removal in relation to the location of the proposed structure.

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 to address site plan review standards, subdivision regulations, dimensional standards, and other items as deemed necessary by the Planning Board, Board of Commissioners, and City staff and; (ii) that it is in the public best interest because it promotes public health, safety, and general welfare by maintaining consistent development regulations and eliminating unnecessary submittal requirements.

(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: _____