



**CITY OF SOUTHPORT
REGULAR MEETING AGENDA
PLANNING BOARD**

Community Building, 223 E. Bay St.
January 18, 2024
6:00 PM

Agenda

Please turn off all cell phones

Meetings are open to the public. Face masks and social distancing may be used at the discretion of each individual. Changes to this policy may occur, as needed to help prevent the spread of the Coronavirus.

The regular monthly meeting of the Planning Board will be held at 6:00 p.m. on the third Thursday of each month. All members are asked to attend.

- A. Call to Order**
- B. Invocation**
- C. Pledge of Allegiance**
- D. Approval of Minutes**
 - 1. December 21, 2023
- E. Approval of Agenda**
- F. Public Comment**
- G. Old Business**
 - 1. Text Amendment- Conditional Zoning
 - 2. Text Amendment-Mixed Use in Highway Commercial Zoning Districts
- H. New Business**
 - 1. Zoning Map Amendment-Robert Ruark Dr. from R-20 to R-10
- I. Other Business**
 - 1. Presentation- Southport Local Historic District Design Standards
- J. Announcements**
- K. Member's Information**
 - 1. Attendance Record & Member's Roster
- L. Adjourn**



Planning Board Minutes
Community Building 223 E. Bay Street
December 21, 2023
6:00 P.M.

Members Present: Sue Hodgins, Will Hewett, Fred Fiss, Chris Jones, Roy Pender, Kevin Locklin, Scott Jones, Dick Sloan, and Donnie Joyner (remote).

Members Absent: None

Staff Present: Mo Meehan, City Planner
Tanya Shannon, Deputy Clerk
ChyAnn Ketchum, Director of Communications/PIO

Board of Aldermen Liaisons: Rebecca Kelley and Frank Lai

- A. Chair Sue Hodgins called the meeting to order at 6:01 p.m.
- B. Mr. Scott Jones gave the Invocation.
- C. Chair Hodgins led the Pledge of Allegiance.

Chair Hodgins appointed ETJ Alternate Member Chris Jones as a Voting Member for this meeting, as Mr. Donnie Joyner (attending by phone) may not be able to be in full/continuous communication.

- D. Motion to approve the November 16, 2023 Meeting Minutes by Vice-Chair Will Hewett and second by Mr. Dick Sloan. **Unanimous vote; Motion carried.**
- E. Motion to approve the Meeting Agenda with an amendment to include the Sign Committee update to Other Business at the request of Mr. Fred Fiss. Motion to approve by Vice-Chair Hewett and second by Mr. Sloan. **Unanimous vote; Motion Carried.**
- F. **Public Comment:** None
- G. **Old Business:**

1. Text Amendment-Conditional Zoning

Chair Hodgins reminded everyone that the Planning Board has been working on this amendment since January 2023. There have been many public meetings, with the Board of Aldermen also considering various comments.

City Planner Mo Meehan gave an overview of the proposed Amendment. She said it was presented to the Board of Aldermen on June 8, 2023. A public hearing was held on July 8, 2023. The Board of Aldermen discussed and considered the proposed Conditional Zoning (CZ) Text Amendment during their regular meeting on August 10, 2023. After the discussion, they sent the Amendment back to the Planning Board with specific directions. The directions included ensuring that the City followed the UNC School of Government's process for CZ. It also required holding a pre-application meeting and a public input meeting before submitting the application. The Planning Board was instructed to review and provide documentation and guidance to Staff on including this information in the process.

Board of Aldermen Proposed Changes:

The Text Amendment was partly prepared by referencing the Chapter 160D *Conditional Zoning* guidance document from the UNC School of Government. This document outlines the procedure to follow when considering CZ and offers considerations for modifications or additions to the standard procedure.

The proposed language maintains the requirement for a public input meeting, and the report for such a meeting must be filed with the UDO Administrator. It also adds the requirement of a pre-application meeting rather than an optional pre-application meeting.

2.11.B.2 – Pre-Application Meetings. This is an addition to the original language and mirrors pre-application language found in other sections of the UDO.

1. Pre-Application Meetings. Applicants must request a pre-application meeting with the UDO Administrator prior to submission of an application to discuss the procedural and substantive matters related to the proposed application.

2.11.C.1 and 2. – Public Input Meeting. This is an update to the original language that requires the public input meeting to be held after the pre-application meeting and prior to the submission of an application. The report filing timeline was removed since the public input meeting will be held, and documentation will be submitted at the time of the application rather than prior to the public hearing. Additional language was added to the reporting requirement to reinforce the inclusion of public input into the proposal.

1. ~~After the pre-application meeting and prior to scheduling a public hearing on the rezoning application~~ submission of a rezoning application, the applicant must conduct one (1) public input meeting and file a report of the results with the UDO Administrator. ~~If the report is not filed at a time sufficient for the project to receive proper notice in accordance with public hearing requirements, the case shall be placed on the next available agenda.~~
2. ~~The report for the public hearing will include a summary of the public input meeting and~~ how public input was incorporated into the proposal.

After Ms. Meehan finished her overview, Chair Hodgins opened the floor for questions and discussion. Mr. Fiss verified with Ms. Meehan that CZ is allowed in all non-residential districts.

Chair Hodgins questioned whether multiple public meetings could be requested, as the proposed language in the Amendment only calls for one. Ms. Meehan recommended requesting the language in the Amendment. Chair Hodgins believed it was best to include the language in case it was needed. Vice-Chair Hewett agreed that holding a second public meeting could facilitate the application process. If the public desired changes, the applicant could make alternative suggestions. Mr. Pender inquired about any statutes that require more than one public meeting. Ms. Meehan responded that she was not aware of any such statute. However, she agreed to consult with the City Attorney if the Board wishes to add language for an additional public meeting if deemed necessary. Chair Hodgins suggested that the proposed Text Amendment discussion be tabled until consultation with the City Attorney occurred.

Mr. Chris Jones asked if a property is zoned commercial and would like to be rezoned residential, would it go through the rezoning process before the CZ process, or could it be done simultaneously? Ms. Meehan said that this Amendment could establish a customized zoning request if it is in accordance with the Land Use Plan. Chair Hodgins noted that Item E. *Effect of*

Approval to be a crucial part of the text. Ms. Meehan read the text. *'If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the conditional zoning district,' the approved master development plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the zoning maps.'* She emphasized that if the CZ request is approved, the developer would not be able to deviate from the approved plan, according to the text. Chair Hodgkin asked if there were any more questions or comments from the Board. There being none, she requested a Motion to Table the proposed Text Amendment.

Vice-Chair Hewett made a Motion to Table the resubmitted text in Section 2.11 Conditional Rezoning & Appendix A in the UDO for further language staff additions; Motion was seconded by Mr. Fiss. **Unanimous Vote; Motion Carried.**

2. Text Amendment- Mixed Uses in Highway Commercial Zoning District

Ms. Meehan gave an overview of the proposed Amendment. She said the Amendment to this section would allow Mixed Uses in the Highway Commercial (HC) zoning district. The standards that are required for all mixed-use developments would apply to any development in the HC district. The applicant, S&G Holdings, applied for this Amendment to expand housing and allow mixed uses of PUD, O-I, BD, and CBD. While the applicant is most interested in the parcels along Rob Gandy Boulevard SE, the addition would allow mixed uses in any HC zoning district options throughout the City, including the areas along Rob Gandy Boulevard SE.

Mr. Fiss inquired if Famous Subs and Pizza and the adjacent area were considered Highway Commercial. Ms. Meehan confirmed that they were. Mr. Ron Gregor, the applicant, came to the podium and explained that they would like to develop office/ retail space with condo-type living units above them. He said this would allow for affordable housing options. He said they are still permissible to develop under the UDO, but the Amendment is needed to sell the units separately.

Mr. Kevin Locklin asked how much land mass in the Highway Commercial District would be affected by this proposed change. Ms. Meehan admitted that she wasn't sure but offered to find out.

Chair Hodgkin then pointed out that growth in the ETJ and HC is going to continue and expressed concern about how it would look. She highlighted that Mr. MacLeod with the CFCOG had shown examples of this in the recent build-out study presentation to the Board of Aldermen. Hodgkin emphasized the need for the Board to ensure that guidelines were in place dictating size and appearance of these areas. She also reminded the Board of the General Assembly's discussion and movement towards lessening municipalities' oversight for zoning and development; specifically, she cited an introduced bill that spoke to municipality zoning changes that worked towards accomplishment of the General Assembly's workforce housing goals. Chair Hodgkin noted that the City needs to take the initiative to make plans to show the General Assembly that Southport supports commerce and affordable housing. HC has the potential to provide diversity of businesses, workforce housing, and the City's open space requirements but, she said, allowing housing in HC as a by-right use with current mixed-use standards does not create the dialogue and input from the community that could result in projects beneficial to the City. She said there needs to be some guidelines on the scale of these projects proposed in the ETJ.

Vice-Chair Hewett raised concerns about the area's infrastructure capacity. Ms. Meehan stated that the County will serve the area and, to her knowledge, the infrastructure can handle it. Mr. Jones questioned parking and how it will be affected by the uses. Ms. Meehan said the requirements must be met by each use found in the UDO. Mr. Fiss inquired about the process for mixed-use if CZ was applied. Ms. Meehan answered a Text Amendment would be needed to allow

CZ for mixed use in HC. Mr. Fiss reiterated that CZ would be reviewed case-by-case if this change were approved. There were no further comments or questions.

Vice-Chair Hewett moved to table the Text Amendment for Mixed Uses in the Highway Commercial District and review possibilities for allowing Conditional Zoning in this district. Mr. Sloan seconded the motion. ***Unanimous Vote; Motion carried.***

H. New Business: None

I. Other Business:

Update on Comprehensive Land Use Plan:

Stewart is scheduled to begin work on the Plan in January. Chair Hodgkin stated that at the November Board of Aldermen Meeting, the new majority on the Board revisited the discussion and voted from the October Aldermen's Meeting, reversing course and electing not to have the Planning Board serve as the Steering Committee with the Stewart consulting firm. Instead, they voted to have representation from each City board or commission, along with one Business Owner and one Interested Citizen. The Planning Board was delegated two members on the Committee: one from the ETJ and one City Member. With Stewart soon to begin work, it was imperative that the Planning Board's Steering Committee representation be established. Mr. Jones volunteered himself as representation from the ETJ, and Mr. Locklin made a Motion to appoint Mr. Jones from the ETJ and Chair Hodgkin as the City Member from the Planning Board. Motion was seconded by Mr. Fiss. ***Unanimous Vote; Motion Carried.***

Sign Committee Update

The Board's Sign Committee consists of Chair Hodgkin, Mr. Fiss and Mr. Locklin. The Committee has met periodically, documenting exiting signage and comparing it to established signage in other towns similar to Southport. The Committee will also examine language in other towns' ordinances concerning murals.

In an August meeting, Ms. Meehan reported that the Committee took the Board's lead to further examine the UDO's language regarding the use of illuminated signs. Mr. Fiss said that the Committee is addressing concerns that the City be more conservative in the Historic, CBD, and Business districts and also reducing the height from 10ft to 6ft. Mr. Fiss said there is a consideration for eliminating neon signs and ensuring that window lighting meets the temperature constraints of the UDO. The goal for all signage, he said, is consistency.

J. Announcements: All were wished a Merry Christmas and a Happy New Year.

Chair Hodgkin asked if there was any further discussion. With none, she asked for a motion to adjourn. Vice-Chair Hewett made the motion, which Mr. Sloan seconded. ***Unanimous Vote; Motion Carried.***

Adjournment 7:01 p.m.

Chair, Sue Hodgkin

Deputy Clerk, Tanya Shannon



MEMORANDUM

To: Sue Hodgins, Chair and Members of the Planning Board

From: Maureen Meehan, City Planner

Re: Conditional Zoning Text Amendment

Date: January 18, 2024

A text amendment to the existing conditional zoning ordinance was first presented in January 2023. After numerous public input meetings, Planning Board meetings, public hearings, Board of Aldermen meetings, and discussion, the text amendment was reverted to the Planning Board for new considerations.

Staff presented the Board of Aldermen's recommended updates at your December 21, 2023 meeting. That language mandates a pre-application meeting rather than making it optional, changes the public input meeting from after the application submittal to before submittal, and reiterates the requirement for the incorporation of public input in the applicant-submitted meeting report. The language is outlined below.

Specific language includes the following:

2.11.B.2 – Pre-Application Meetings. This is an addition to the original language and mirrors the pre-application language found in other sections of the UDO.

1. Pre-Application Meetings. Applicants must request a pre-application meeting with the UDO Administrator prior to submission of an application to discuss the procedural and substantive matters related to the proposed application.

2.11.C.1 and 2. – Public Input Meeting. This is an update to the original language that requires the public input meeting to be held after the pre-application meeting and before submitting an application. The report filing timeline was removed since the public input meeting and documentation will be submitted at the time of the application rather than prior to the public hearing. Additional language was added to the reporting requirement to reinforce the inclusion of public input into the proposal.

~~1. After the pre-application meeting and prior to scheduling a public hearing on the rezoning application submission of a rezoning application, the applicant must conduct one (1) public input meeting and file a report of the results with the UDO Administrator. If the report is not filed at a time sufficient for the project to receive proper notice in accordance with public hearing requirements, the case shall be placed on the next available agenda.~~

~~2. The report for the public hearing will include a summary of the public input meeting and how the applicant incorporated public input into the proposal.~~

Planning Board Discussion

After considering and discussing the proposed amendments, Staff was asked to bring back language that allows a request for a second public input meeting, if necessary. Staff researched other jurisdictions and consulted with the City Attorney.

Upon consultation with Counsel, the Staff submits the following language for your consideration:

6. After the required public input meeting, the UDO Administrator or their designee may request a second public input meeting if substantial changes to the original proposal are submitted.

This option provides an additional opportunity for public engagement if the project changes substantially in scope. The changes should be directly related to the original input from the public. Substantial changes could include change of uses, increased density, reduced open space, or change of site dimensions over 10%.

It is important to remember that this public engagement is prior to submittal to the Planning Board. You will hold a public hearing before a recommendation to the Board of Aldermen and may recommend conditional approval of the petition.

Staff Recommendation

City Planning Staff respectfully submit the proposed Zoning Text Amendment to the Planning and Zoning Board for their consideration, as outlined in this report and as evidenced in the two attachments that follow this report. The proposal is found to be consistent with the 2014 CAMA Core Land Use Plan, specifically regarding desired outcomes for development, the inclusion of the public within the development process, and the Unified Development Ordinance. Because of those consistencies, the Planning Staff recommends approval of the request as presented. Staff also recommend consideration of the adoption of the provided consistency statement located on the following page.

Attachments

- Consistency Statement
- Proposed Language with Updates
- Planning Board December 21, 2023, Text Amendment Packet

City of Southport Planning & Zoning Board
Statement of Plan Consistency
(per NC General Statute 160D-604)

When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Amendment: ZTA-22-01

Statement of Consistency and Recommendation:

The City of Southport Planning & Zoning Board recommends APPROVAL of the proposed Zoning Text Amendment and finds that it is consistent with the 2014 CAMA Core Land Use Plan adopted November 13, 2014 and subsequently amended by the Board of Aldermen. Specifically, the proposed Zoning Text Amendment is consistent with the Plan due to its allowance for development patterns that are explicitly identified as desirable by the Plan but are not currently possible under the Unified Development Ordinance, the inclusion of the public within the development process, and the explicit requirement that all Conditional Rezoning be evaluated for their conformance to the 2014 CAMA Core Land Use Plan and any other adopted plans relevant to the proposal. Further, Conditional Zoning allows the Board greater flexibility in promoting economic efficiency, optimizing resources, and preserving wetlands, wildlife habitat, and other environmentally sensitive areas.

Sue Hodgins, Chair
Planning & Zoning Board
City of Southport, NC

Tanya Shannon, Clerk
Planning & Zoning Board
City of Southport, NC

City of Southport Planning & Zoning Board
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When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Amendment: ZTA-22-01

Statement of Consistency and Recommendation:

The City of Southport Planning & Zoning Board recommends DENIAL of the proposed Zoning Text Amendment and finds that it is inconsistent with the 2014 CAMA Core Land Use Plan adopted November 13, 2014 and subsequently amended by the Board of Aldermen.

Sue Hodgins, Chair
Planning & Zoning Board
City of Southport, NC

Tanya Shannon, Clerk
Planning & Zoning Board
City of Southport, NC

2.11 CONDITIONAL REZONING

A. PURPOSE

1. A conditional zoning district is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses, permitted by right or special use, on small- and large-scale projects.
2. All uses listed as part of any application must be in the same format and description as listed in the table of uses.
3. Except as provided herein, all applications to establish a conditional zoning district must follow the regulations prescribed in this section in addition to the standard zoning map amendment (rezoning) process as described in this ordinance.

B. APPLICATION AND CONDITIONAL ZONING REVIEW PROCEDURE

1. The application for a conditional rezoning shall be accompanied by a master development plan. The procedure for such shall be followed as outlined in Sections 2.9 and 2.10. The approved master development plan shall provide the framework for development in the conditional zoning district. All applications must include a master development plan, a narrative that includes but is not limited to supporting information and text which specifies the use or uses intended for the property and provides an overview of the project, dimensional standards, and any development standards to be approved concurrently with the rezoning application. Development standards include but are not limited to such things as parking, landscaping, design guidelines, and buffers. Such development standards may exceed or reduce the requirements of the Unified Development Ordinance and shall be explicitly discussed in the submitted narrative.
 - a) A conditional rezoning shall not permit deviations from generally applicable standards, including: Traffic Impact Study thresholds, stormwater requirements, open space, HOA requirements, and water/wastewater requirements; except that any of these requirements may be increased or strengthened.
2. Pre-Application Meetings. Applicants must request a pre-application meeting with the UDO Administrator prior to submission of an application to discuss the procedural and substantive matters related to the proposed application.
3. Conditional Rezoning proposals originating from all districts other than CBD and BD which include residential uses shall designate no less than 20% of the total rezoning acreage as open space in accordance with Section 4.14.C.1.b.
 - a) For every 250 units proposed, an additional 5% of the total rezoning acreage shall be designated as open space in accordance with Section 4.14.C.1.b, up to a maximum requirement of 35% open space provision when more than 750 residential units are proposed.
4. No conditional zoning proposals shall be considered within the Open Space zoning district.
5. Dimensional standards within the proposed Conditional Zoning District shall be designated by the applicant.

- a) Maximum height shall be no greater than the maximum height for the current zoning district for the subject property.
 - b) Other dimensional standards within the currently designated zoning district for the subject property shall not influence proposed dimensional standards but may be considered in the review of applications on a case-by-case basis.
- 6. Density and proposed uses within a conditional zoning district shall be reviewed for conformance with any and all relevant adopted plans.
- 7. When a Conditional Rezoning proposal includes uses with specific standards, the application shall denote whether those standards are included in the proposal. The generally applicable use standards may be considered in the review of a Conditional Rezoning proposal that includes that use.
- 8. Conditional Rezoning requests originating from a residential zoning district and from the PUD zoning district shall not be considered unless containing at least five (5) acres.
 - a) Such minimum acreage must be contiguous and may be contained within one or multiple parcels so long as all property owners consent to the rezoning request.
 - b) Other non-contiguous parcels may be added to a Conditional Rezoning application so long as the minimum contiguous acreage requirement is otherwise met. Non-contiguous areas included in the request will be reviewed for their relationship to the primary rezoning area.
- 9. An application for conditional zoning approval shall be accompanied by 12 hard copies and one (1) digital copy of a conditional zoning master development plan. Additional copies may be requested by the UDO Administrator at their discretion.
- 10. The master development plan shall be prepared by and sealed by a licensed land surveyor, landscape architect, or engineer registered to practice in the state of North Carolina and shall include all the required information as provided in Appendix A: Submission Requirements and any other information deemed necessary by the UDO Administrator, Planning Board, or Board of Aldermen.
- 11. The UDO Administrator or his/her designee will review the conditional zoning master development plan and shall require a Technical Review Procedure. The Technical Review Committee may include, but not necessarily be limited to, the following individuals/departments: UDO Administrator, building inspector, city manager, Fire department, Police Department, NC Division of Coastal Management, NC Department of Environmental Quality, North Carolina Department of Transportation, Brunswick County Utilities, or Brunswick County Environmental Health.
- 12. The UDO Administrator shall, in writing, provide a recommendation to the Planning Board within 90 days following receipt of the complete application for a conditional zoning district proposal and associated master development plan. The UDO Administrator shall have discretion to withhold a proposal from Planning Board consideration if additional information on the proposal is deemed necessary and is not provided prior to advertising deadlines for the public hearing.

13. In accordance with Section 2.10.A.3, the Planning Board shall hold a public hearing prior to providing a recommendation, and may recommend to approve, conditionally approve, or deny the Conditional Rezoning.
14. Following receipt of recommendation from the Planning Board, the Board of Aldermen shall approve, conditionally approve, or deny the conditional rezoning.
15. When evaluating an application for the creation of a conditional zoning district, the Planning Board and Board of Aldermen shall consider the following:
 - a) The application's consistency to the general policies and objectives of the City's Comprehensive Plan, any other officially adopted plan that is applicable, and the Unified Development ordinance.
 - b) The potential impacts and/or benefits on the surrounding area, adjoining properties.
 - c) The report of results from the public input meeting.
16. The Board of Aldermen may not vote to rezone property to a conditional zoning district during the time period beginning on the date of a municipal general election and concluding on the date immediately following the date on which the Board of Aldermen holds its organizational meeting following a municipal general election unless no person spoke against the rezoning at the public hearing.

C. PUBLIC INPUT MEETING

1. After the pre-application meeting and prior to scheduling a public hearing on the rezoning application submission of a rezoning application, the applicant must conduct one (1) public input meeting and file a report of the results with the UDO Administrator. If the report is not filed at a time sufficient for the project to receive proper notice in accordance with public hearing requirements, the case shall be placed on the next available agenda.
2. The report for the public hearing will include a summary of the public input meeting and how public input was incorporated into the proposal.
3. The applicant shall mail a notice for the public input meeting to the owners of all properties located within 500 feet of the perimeter of the project bounds not less than 10 days prior to the scheduled meeting.
 - a) This notice shall also be provided digitally to the City Clerk and UDO Administrator not less than 10 days prior to the scheduled meeting.
4. The notice shall include the time, date, and location of the meeting as well as a description of the proposal.
5. The applicant's report of the meeting shall include:
 - a) A copy of the letter announcing the meeting
 - b) A list of adjoining property owners contacted
 - c) An attendance roster
 - d) A summary of the issues discussed
 - e) The results of the meeting including changes to the project's proposal, if any.
6. The UDO Administrator or his/her designee may request a second public input meeting if substantial changes are made to the original proposal submitted at the time of the pre-application meeting.

D. CONDITIONS TO APPROVAL OF PETITION

1. In approving a petition for the reclassification of property to a conditional zoning district, the UDO Administrator and Planning Board may recommend, and the Board of Aldermen may request that the applicant add reasonable and appropriate conditions to the approval of the petition.
2. Any such conditions should relate to the relationship of the proposed use to the impact on city services, surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the participants in the public input meeting, staff, Planning Board, and Board of Aldermen find appropriate or the petitioner may propose. Such conditions to approval of the petition may include right-of-way dedication, easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.
3. The petitioner shall consider and respond to any such conditions after the Planning Board meeting and no less than ten (10) days prior to the scheduled Board of Alderman meeting on which the proposal will appear. If the applicant does not agree with the Planning Board or staff's recommendations of additional conditions, the Board of Aldermen shall have the authority to consider any or all conditions forwarded from the review process.
4. If for any reason any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted to rezone the property to its previous zoning classification. All conditions must be consented to in writing by the petitioner prior to the hearing held by the Board of Aldermen to consider the request. Such written consent shall be included in the published agenda packet.
5. The modification of any condition of approval shall require the submittal of a new conditional rezoning application and shall include every step conducted in the original approval of the request.

E. EFFECT OF APPROVAL

1. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the conditional zoning district, the approved master development plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the zoning maps.
2. Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning maps by the appropriate district designation. A parallel conditional zoning shall be identified by the same designation as the underlying general district followed by the letters "CZ" and the number of its instance (for example "CBD-CZ1"). In the case of a conditional zoning

district without a reference to an existing zoning district, the district shall be identified by the letters "CZ" and the number of its instance (for example, "CZ-3."

3. The master development plan does not substitute for an approved minor site plan, site plan, or subdivision plat as required by this ordinance. Such cases shall follow the Ordinance defined process for the relevant case type, including any presentation for approval to the Planning Board and/or Board of Aldermen in accordance with the applicable sections of this Ordinance. Such case types may be submitted as part of the Conditional Rezoning application and may be reviewed concurrently at the discretion of the applicant.
4. No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and applicable site plan, subdivision plat, and or permit for the district.
5. Any violation of the approved regulations and conditions for the district shall be treated the same as any other violation of this ordinance and shall be subject to the same remedies and penalties as any such violation.

F. REVIEW OF APPROVAL OF A CONDITIONAL ZONING DISTRICT

1. It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than three (3) years after the date of approval of the petition, the Planning Board may examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. The UDO Administrator shall provide this information to the Planning Board at least once every 12 months and upon request by the Planning Board.
2. If the Planning Board determines that progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the Board of Aldermen a report which may recommend that the property be rezoned to its previous zoning classification or to another district.

Appendix A: Submission Requirements

A. Submission Requirements

Applications submitted to the City of Southport for the following approval types shall include all information listed below.

B. Master Development Plan

1. General Project Information

- a) Proposed or approved name of development, project, subdivision, and/or phase.
- b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
- c) Property owner name(s), including mailing address(es) and telephone number(s).
- d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.
- g) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- h) Boundaries of any proposed or pending zoning districts on site. Boundaries must be described by bearing and distance where they do not follow described boundaries.

2. Land Use

- a) Approximate location, dimensions, density, and description of proposed land use(s) on each tract or parcel, including single-family residential, multi-family residential, commercial, office, institutional, industrial, and recreational. Recreational uses shall specify type and future ownership.

3. Traffic, Parking, Movement

- a) Approximate location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
- b) Location of roads appearing on officially adopted plans.
- c) Approximate location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.
- d) Approximate total square footage of existing and proposed impervious surfaces.
- e) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.
 - i. If trip generation calculations are found to exceed Traffic Impact Study threshold, a Traffic Impact Study shall also be submitted following the process outlined in Section 3.13.

4. Environmental Standards

- a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
- b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
- c) Location and description of environmental features such as wooded areas, marshes,

swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.

5. Landscaping & Tree Preservation

- a) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.

6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

C. Conditional Rezoning

1. General Project Information

- a) Proposed or approved name of development, project, subdivision, and/or phase.
- b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
- c) Property owner name(s), including mailing address(es) and telephone number(s).
- d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.
- g) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- h) Boundaries of any proposed or pending zoning districts on site. Boundaries must be described by bearing and distance where they do not follow described boundaries.

2. Land Use

- a) **Approximate** location, dimensions, density, and description of proposed land use(s) on each tract or parcel, including single-family residential, multi-family residential, commercial, office, institutional, industrial, and recreational. Recreational uses shall specify type and future ownership.
- b) **Approximate** location and dimensions of existing and proposed buildings or structures on the site and all adjacent tracts, including existing buildings or structures to be removed. Total number of stories of all multi-story buildings and height of all buildings must be indicated.
- c) **Proposed dimensional standards.**
- d) **Proposed development standards.**
- e) **Proposed use standards.**
- f) **Preliminary signage plan.**

3. Traffic, Parking, Movement

- a) **Approximate** location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
- b) Location of roads appearing on officially adopted plans.
- c) **Approximate** Location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.
- d) **Approximate** total square footage of existing and proposed impervious surfaces.

- e) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.
 - i. If trip generation calculations are found to exceed Traffic Impact Study threshold, a Traffic Impact Study shall also be submitted following the process outlined in Section 3.13.
- ~~f) Location and dimensions of parking and loading spaces and drive aisles, including handicapped parking.~~
- ~~g) Location and dimensions of existing and proposed sidewalks and accessible accessways.~~
- ~~h) Location and dimensions of all trash containers and required screening.~~
- 4. Environmental Standards
 - a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
 - b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
 - c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
 - d) **Approximate** location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.
 - e) **Approximate** location and size of stormwater basins or other comparable stormwater management mechanisms.
- 5. Landscaping & Tree Preservation
 - a) Locations, dimensions, and size of required buffers, street yards, foundation planting, parking facility planting areas.
 - b) Location, species, and size of all ~~regulated and~~ specimen trees as defined by this ordinance.
 - c) Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.
 - d) Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.
 - e) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.
- 6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

D. Minor Site Plan

- 1. General Project Information
 - a) Proposed or approved name of development, project, subdivision, and/or phase.
 - b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
 - c) Property owner name(s), including mailing address(es) and telephone number(s).
 - d) Name, registration number, and seal of a professional Land Surveyor, Engineer,

Landscape Architect, and/or Architect. (If Applicable).

- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- g) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.
 - i. Only required when prepared by a licensed professional.

2. Land Use

- a) Location, dimensions, density, and description of proposed land use(s) on each tract or parcel, including single-family residential, multi-family residential, commercial, office, institutional, industrial, and recreational. Recreational uses shall specify type and future ownership.
- b) Location and dimensions of existing and proposed buildings or structures on the site and all adjacent tracts, including existing buildings or structures to be removed. Total number of stories of all multi-story buildings and height of all building must be indicated.
- c) Location and labeling of minimum building setback lines.
- d) Total number and type of dwelling units, by development phase.
- e) Signage.
- f) Outdoor Lighting Plan.

3. Traffic, Parking, Movement

- a) Location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
- b) Location of roads appearing on officially adopted plans.
- c) Location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.
- d) Total square footage of existing and proposed impervious surfaces.
- e) Location and dimensions of parking and loading spaces and drive aisles, including handicapped parking.
- f) Location and dimensions of existing and proposed sidewalks and accessible accessways.
- g) Location and dimensions of all trash containers and required screening.
- h) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.
 - i. If trip generation calculations are found to exceed Traffic Impact Study threshold, a Traffic Impact Study shall also be submitted following the process outlined in Section 3.13.

4. Environmental Standards

- a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
- b) Location and description of CAMA Areas of Environmental Concern, including 404

wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.

- c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
 - d) Existing and proposed topography.
 - e) Location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.
 - f) Location and size of stormwater basins or other comparable stormwater management mechanisms.
5. Landscaping & Tree Preservation
- a) Locations, dimensions, and size of required buffers, street yards, foundation planting, parking facility planting areas.
 - b) Location, species, and size of all regulated and specimen trees as defined by this ordinance.
 - c) Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.
 - d) Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.
 - e) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.
6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

E. Major Site Plan & Special Use Permit

1. General Project Information
- a) Proposed or approved name of development, project, subdivision, and/or phase.
 - b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
 - c) Property owner name(s), including mailing address(es) and telephone number(s).
 - d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
 - e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
 - f) Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.
 - g) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
 - h) Boundaries of any proposed or pending zoning districts on site. Boundaries must be described by bearing and distance where they do not follow described boundaries.
 - i) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions

shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.

2. Land Use

- a) Location, dimensions, density, and description of proposed land use(s) on each tract or parcel, including single-family residential, multi-family residential, commercial, office, institutional, industrial, and recreational. Recreational uses shall specify type and future ownership.
- b) Location and dimensions of existing and proposed buildings or structures on the site and all adjacent tracts, including existing buildings or structures to be removed. Total number of stories of all multi-story buildings and height of all building must be indicated.
- c) Location and labeling of minimum building setback lines.
- d) Total number and type of dwelling units, by development phase.
- e) Signage.
- f) Outdoor Lighting Plan.
- g) Location and dimensions of all trash containers and required screening.

3. Traffic, Parking, Movement

- a) Location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
- b) Location of roads appearing on officially adopted plans.
- c) Location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.
- d) Total square footage of existing and proposed impervious surfaces.
- e) Names, cross sections, approximate grades, and pavement widths of proposed road rights-of-way, including design engineering data for all corners and curves.
- f) Location and dimensions of parking and loading spaces and drive aisles, including handicapped parking.
- g) Location and dimensions of existing and proposed sidewalks and accessible accessways.
- h) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.
 - i. If trip generation calculations are found to exceed Traffic Impact Study threshold, a Traffic Impact Study shall also be submitted following the process outlined in Section 3.13.

4. Environmental Standards

- a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
- b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
- c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
- d) Existing and proposed topography.
- e) Location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.
- f) Location and size of stormwater basins or other comparable stormwater

management mechanisms.

- g) Detailed utility plans, including water, sewer, and stormwater, and showing connections to existing systems or plans for individual water supply systems and sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, gate valves, utility and maintenance easements, and daily estimated sewer flow figures. Type of construction materials and brand of appurtenances may require approval from the City of Southport, Brunswick County Utilities, and/or NCDOT. Plans shall include profiles based on mean sea level datum for gravity sanitary and storm sewers.

- i. NOTE: Detailed plans may be submitted after site plan or preliminary plat are approved and must be approved by the City's Public Services Department prior to construction of improvements or the issuance of building permits or approval of a final plat.

5. Landscaping & Tree Preservation

- a) Locations, dimensions, and size of required buffers, street yards, foundation planting, parking facility planting areas.
- b) Location, species, and size of all regulated and specimen trees as defined by this ordinance.
- c) Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.
- d) Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.
- e) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.

- 6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

F. Preliminary Plat

1. General Project Information

- a) Proposed or approved name of development, project, subdivision, and/or phase.
- b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
- c) Property owner name(s), including mailing address(es) and telephone number(s).
- d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.
- g) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- h) Lots numbered consecutively throughout the subdivision.
- i) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles,

radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.

j) Accurate locations and descriptions of all monuments, markers, and control points.

2. Traffic, Parking, Movement

a) Location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.

b) Location of roads appearing on officially adopted plans.

c) Location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.

d) Total square footage of existing and proposed impervious surfaces.

e) Names, cross sections, approximate grades, and pavement widths of proposed road rights-of-way, including design engineering data for all corners and curves.

f) Type of street dedication, either public or private.

g) Location and dimensions of existing and proposed sidewalks and accessible accessways.

h) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.

i. If trip generation calculations are found to exceed Traffic Impact Study threshold, a Traffic Impact Study shall also be submitted following the process outlined in Section 3.13.

3. Other Land Use

a) Location and dimensions of all trash containers and required screening.

b) Location and labeling of minimum building setback lines.

c) Signage.

d) Outdoor Lighting Plan.

4. Environmental Standards

a) FEMA-designated flood hazard areas, including flood zone designations and map panels.

b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.

c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.

d) Existing and proposed topography.

e) Location, dimensions, and description of all areas to be dedicated to the public or to a property owners association.

f) Location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.

g) Location and size of stormwater basins or other comparable stormwater management mechanisms.

h) Detailed utility plans, including water, sewer, and stormwater, and showing connections to existing systems or plans for individual water supply systems and sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, gate valves, utility and maintenance

easements, and daily estimated sewer flow figures. Type of construction materials and brand of appurtenances may require approval from the City of Southport, Brunswick County Utilities, and/or NCDOT. Plans shall include profiles based on mean sea level datum for gravity sanitary and storm sewers.

- i. NOTE: Detailed plans may be submitted after site plan or preliminary plat are approved and must be approved by the City's Public Services Department prior to construction of improvements or the issuance of building permits or approval of a final plat.

5. Landscaping & Tree Preservation

- a) Locations, dimensions, and size of required buffers, street yards, foundation planting, parking facility planting areas.
- b) Location, species, and size of all regulated and specimen trees as defined by this ordinance.
- c) Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.
- d) Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.
- e) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.

6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

7. Required Certifications:

- a) Certificate of Survey and Accuracy
- b) Certification of Board of Aldermen Approval
- c) Certificate of Purpose of Plat

G. Final Plat

1. General Project Information

- a) Proposed or approved name of development, project, subdivision, and/or phase.
- b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
- c) Property owner name(s), including mailing address(es) and telephone number(s).
- d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- g) Exact existing and proposed or pending property boundary lines by bearings and distances and the location of intersecting boundary lines of adjacent lands.
- h) Lots numbered consecutively throughout the subdivision.
- i) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and

curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.

- j) Accurate locations and descriptions of all monuments, markers, and control points.
 - k) Location and labeling of minimum building setback lines.
2. Traffic, Parking, Movement
 - a) Location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
 - b) Location of roads appearing on officially adopted plans.
 - c) Type of street dedication, either public or private.
 3. Environmental Standards
 - a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
 - b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
 - c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
 - d) Location, dimensions, and description of all areas to be dedicated to the public or to a property owners association.
 4. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.
 5. Required Certifications:
 - a) Certificate of Ownership and Dedication
 - b) Certificate of Survey and Accuracy
 - c) Certification of Board of Aldermen Approval
 - d) Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements
 - e) Certification of Septic and Water Supplies
 - f) Certificate of Disclosure; 404 Wetlands
 - g) Certificate of Disclosure; City of Southport Floodplain Management Regulations
 - h) Acknowledgment of Compliance (Private Developments)
 - i) Certificate of Purpose of Plat
 - j) Certificate of Approval for Recording



**City of Southport Planning & Zoning Board
Statement of Plan Consistency
(per NC General Statute 160D-604)**

When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Amendment: ZTA-22-01

Statement of Consistency and Recommendation:

The City of Southport Planning & Zoning Board finds that the proposed Zoning Text Amendment is consistent with the 2014 CAMA Core Land Use Plan adopted November 13, 2014 and subsequently amended by the Board of Aldermen. Specifically, the proposed Zoning Text Amendment is consistent with the Plan due to its allowance for development patterns that are explicitly identified as desirable by the Plan but are not currently possible under the Unified Development Ordinance, the inclusion of the public within the development process, and the explicit requirement that all Conditional Rezoning be evaluated for their conformance to the 2014 CAMA Core Land Use Plan and any other adopted plans relevant to the proposal. Further, Conditional Zoning allows the Board greater flexibility in promoting economic efficiency, optimizing resources, and preserving wetlands, wildlife habitat, and other environmentally sensitive areas.

Sue Hodgins, Chair
Planning & Zoning Board
City of Southport, NC

Tanya Shannon, Clerk
Planning & Zoning Board
City of Southport, NC



**City of Southport Planning & Zoning Board
Statement of Plan Consistency
(per NC General Statute 160D-604)**

When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Amendment: ZTA-22-01

Statement of Consistency and Recommendation:

The City of Southport Planning & Zoning Board recommends **denial** of the proposed Zoning Text Amendment and finds that it is inconsistent with the 2014 CAMA Core Land Use Plan adopted November 13, 2014 and subsequently amended by the Board of Aldermen.

Sue Hodgins, Chair
Planning & Zoning Board
City of Southport, NC

Tanya Shannon, Clerk
Planning & Zoning Board
City of Southport, NC



MEMORANDUM

To: Members of the Planning Board
From: Maureen Meehan, City Planner
Re: Conditional Zoning Text Amendment
Date: December 21, 2023

Background and Context

In January of this year, the City of Southport Planning Staff submitted this Zoning Text Amendment to modify the City's already adopted Conditional Rezoning process.

Key features of the request include:

1. An expansion of the allowable proposals that may be submitted via Conditional Rezoning, including an expansion in the uses allowable within the project, the zoning districts from which a Conditional Rezoning can originate, and an allowance of a purely custom conditional zoning district, as opposed to a conditional zoning district tied to one of the City's existing zoning districts;
2. General process improvements and process improvements proposed in light of the amendments referenced above and to ensure process consistency across any submittal of this type and further increase the role the public plays in the process;
3. A reconstruction of Appendix A, considering the amendments referenced above and based on experience in reviewing recent projects and
4. Other amendments for clarification.

After consideration, discussion, public input, and a public hearing, the Planning Board sent the amendment to the Board of Aldermen with a 5-2 vote in favor of the text amendment. A complete history of the changes and what was sent to the Board of Aldermen is included as an attachment to this report in the August 10, 2023 Staff Report.

Once the amendment was presented to the Board of Aldermen at their June 8, 2023, meeting, there was public comment and a duly advertised public hearing on July 8, 2023. The Board of Aldermen, at their regular board meeting on August 10, 2023, after discussion and consideration, voted to send the proposed conditional zoning text amendment back to the Planning Board. Specific direction included ensuring that the City was following the UNC School of Government's process for conditional zoning, requiring a pre-application meeting, and holding the required public input meeting prior to application submittal with documentation of how the input was included in the plan.

Board of Aldermen Proposed Changes

This text amendment was prepared in part by referencing the Chapter 160D Conditional Zoning guidance document from the UNC School of Government. This document outlines the procedure

to follow when considering conditional rezoning and offers considerations for modifications or additions to the standard procedure.

The following proposed language maintains the requirement for a public input meeting, and the report for such meeting must be filed with the UDO administrator and adds the requirement of a pre-application meeting rather than an optional pre-application meeting.

2.11.B.2 – Pre-Application Meetings. This is an addition to the original language and mirrors pre-application language found in other sections of the UDO.

1. Pre-Application Meetings. Applicants must request a pre-application meeting with the UDO Administrator prior to submission of an application to discuss the procedural and substantive matters related to the proposed application.

2.11.C.1 and 2. – Public Input Meeting. This is an update to the original language that requires the public input meeting to be held after the pre-application meeting and prior to the submission of an application. The report filing timeline was removed since the public input meeting and documentation will be submitted at the time of the application rather than prior to the public hearing. Additional language was added to the reporting requirement to reinforce the inclusion of public input into the proposal.

1. After the pre-application meeting and prior to scheduling a public hearing on the rezoning application submission of a rezoning application, the applicant must conduct one (1) public input meeting and file a report of the results with the UDO Administrator. If the report is not filed at a time sufficient for the project to receive proper notice in accordance with public hearing requirements, the case shall be placed on the next available agenda.
2. The report for the public hearing will include a summary of the public input meeting and how public input was incorporated into the proposal.

Staff Recommendation

City Planning Staff respectfully submit the proposed Zoning Text Amendment to the Planning and Zoning Board for their consideration, as outlined in this report and as evidenced in the two attachments that follow this report. The proposal is found to be consistent with the 2014 CAMA Core Land Use Plan, specifically regarding desired outcomes for development, the inclusion of the public within the development process, and the Unified Development Ordinance. Because of those consistencies, the Planning Staff recommends approval of the request as presented. Staff also recommend consideration of the adoption of the provided consistency statement located on the following page.

Attachments

- Proposed Language with Updates
- August 10, 2023, Board of Aldermen Packet – including the full Staff Report and language proposed by the Planning Board.

2.11 CONDITIONAL REZONING

A. PURPOSE

1. A conditional zoning district is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses, permitted by right or special use, on small- and large-scale projects.
2. All uses listed as part of any application must be in the same format and description as listed in the table of uses.
3. Except as provided herein, all applications to establish a conditional zoning district must follow the regulations prescribed in this section in addition to the standard zoning map amendment (rezoning) process as described in this ordinance.

B. APPLICATION AND CONDITIONAL ZONING REVIEW PROCEDURE

1. The application for a conditional rezoning shall be accompanied by a master development plan. The procedure for such shall be followed as outlined in Sections 2.9 and 2.10. The approved master development plan shall provide the framework for development in the conditional zoning district. All applications must include a master development plan, a narrative that includes but is not limited to supporting information and text which specifies the use or uses intended for the property and provides an overview of the project, dimensional standards, and any development standards to be approved concurrently with the rezoning application. Development standards include but are not limited to such things as parking, landscaping, design guidelines, and buffers. Such development standards may exceed or reduce the requirements of the Unified Development Ordinance and shall be explicitly discussed in the submitted narrative.
 - a) A conditional rezoning shall not permit deviations from generally applicable standards, including: Traffic Impact Study thresholds, stormwater requirements, open space, HOA requirements, and water/wastewater requirements; except that any of these requirements may be increased or strengthened.
2. Pre-Application Meetings. Applicants must request a pre-application meeting with the UDO Administrator prior to submission of an application to discuss the procedural and substantive matters related to the proposed application.
3. Conditional Rezoning proposals originating from all districts other than CBD and BD which include residential uses shall designate no less than 20% of the total rezoning acreage as open space in accordance with Section 4.14.C.1.b.
 - a) For every 250 units proposed, an additional 5% of the total rezoning acreage shall be designated as open space in accordance with Section 4.14.C.1.b, up to a maximum requirement of 35% open space provision when more than 750 residential units are proposed.
4. No conditional zoning proposals shall be considered within the Open Space zoning district.
5. *Dimensional standards within the proposed Conditional Zoning District shall be designated by the applicant.*

- a) Maximum height shall be no greater than the maximum height for the current zoning district for the subject property.*
 - b) Other dimensional standards within the currently designated zoning district for the subject property shall not influence proposed dimensional standards but may be considered in the review of applications on a case-by-case basis.*
6. Density and proposed uses within a conditional zoning district shall be reviewed for conformance with any and all relevant adopted plans.
7. When a Conditional Rezoning proposal includes uses with specific standards, the application shall denote whether those standards are included in the proposal. The generally applicable use standards may be considered in the review of a Conditional Rezoning proposal that includes that use.
8. *Conditional Rezoning requests originating from a residential zoning district and from the PUD zoning district shall not be considered unless containing at least five (5) acres.*
 - a) Such minimum acreage must be contiguous and may be contained within one or multiple parcels so long as all property owners consent to the rezoning request.*
 - b) Other non-contiguous parcels may be added to a Conditional Rezoning application so long as the minimum contiguous acreage requirement is otherwise met. Non-contiguous areas included in the request will be reviewed for their relationship to the primary rezoning area.*
9. An application for conditional zoning approval shall be accompanied by 12 hard copies and one (1) digital copy of a conditional zoning master development plan. Additional copies may be requested by the UDO Administrator at their discretion.
10. The master development plan shall be prepared by and sealed by a licensed land surveyor, landscape architect, or engineer registered to practice in the state of North Carolina and shall include all of the required information as provided in Appendix A: Submission Requirements and any other information deemed necessary by the UDO Administrator, Planning Board, or Board of Aldermen.
11. The UDO Administrator or his/her designee will review the conditional zoning master development plan and shall require a Technical Review Procedure. The Technical Review Committee may include, but not necessarily be limited to, the following individuals/departments: UDO Administrator, building inspector, city manager, Fire department, Police Department, NC Division of Coastal Management, NC Department of Environmental Quality, North Carolina Department of Transportation, Brunswick County Utilities, or Brunswick County Environmental Health.
12. The UDO Administrator shall, in writing, provide a recommendation to the Planning Board within 90 days following receipt of the complete application for a conditional zoning district proposal and associated master development plan. The UDO Administrator shall have discretion to withhold a proposal from Planning Board consideration if additional information on the proposal is deemed necessary and is not provided prior to advertising deadlines for the public hearing.

13. In accordance with Section 2.10.A.3, the Planning Board shall hold a public hearing prior to providing a recommendation, and may recommend to approve, conditionally approve, or deny the Conditional Rezoning.
14. Following receipt of recommendation from the Planning Board, the Board of Aldermen shall approve, conditionally approve, or deny the conditional rezoning.
15. When evaluating an application for the creation of a conditional zoning district, the Planning Board and Board of Aldermen shall consider the following:
 - a) The application's consistency to the general policies and objectives of the City's Comprehensive Plan, any other officially adopted plan that is applicable, and the Unified Development ordinance.
 - b) The potential impacts and/or benefits on the surrounding area, adjoining properties.
 - c) The report of results from the public input meeting.
16. The Board of Aldermen may not vote to rezone property to a conditional zoning district during the time period beginning on the date of a municipal general election and concluding on the date immediately following the date on which the Board of Aldermen holds its organizational meeting following a municipal general election unless no person spoke against the rezoning at the public hearing.

C. PUBLIC INPUT MEETING

1. ~~After the pre-application meeting and prior to scheduling a public hearing on the rezoning application submission of a rezoning application, the applicant must conduct one (1) public input meeting and file a report of the results with the UDO Administrator. If the report is not filed at a time sufficient for the project to receive proper notice in accordance with public hearing requirements, the case shall be placed on the next available agenda.~~
2. The report for the public hearing will include a summary of the public input meeting and how public input was incorporated into the proposal.
3. The applicant shall mail a notice for the public input meeting to the owners of all properties located within 500 feet of the perimeter of the project bounds not less than 10 days prior to the scheduled meeting.
 - a) This notice shall also be provided digitally to the City Clerk and UDO Administrator not less than 10 days prior to the scheduled meeting.
4. The notice shall include the time, date, and location of the meeting as well as a description of the proposal.
5. The applicant's report of the meeting shall include:
 - a) A copy of the letter announcing the meeting
 - b) A list of adjoining property owners contacted
 - c) An attendance roster
 - d) A summary of the issues discussed
 - e) The results of the meeting including changes to the project's proposal, if any.

D. CONDITIONS TO APPROVAL OF PETITION

1. In approving a petition for the reclassification of property to a conditional zoning district, the UDO Administrator and Planning Board may recommend, and the Board of Aldermen may request that the applicant add reasonable and appropriate conditions to the approval of the petition.
2. Any such conditions should relate to the relationship of the proposed use to the impact on city services, surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the participants in the public input meeting, staff, Planning Board, and Board of Aldermen find appropriate or the petitioner may propose. Such conditions to approval of the petition may include right-of-way dedication, easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.
3. The petitioner shall consider and respond to any such conditions after the Planning Board meeting and no less than ten (10) days prior to the scheduled Board of Alderman meeting on which the proposal will appear. If the applicant does not agree with the Planning Board or staff's recommendations of additional conditions, the Board of Aldermen shall have the authority to consider any or all conditions forwarded from the review process.
4. If for any reason any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted to rezone the property to its previous zoning classification. All conditions must be consented to in writing by the petitioner prior to the hearing held by the Board of Aldermen to consider the request. Such written consent shall be included in the published agenda packet.
5. The modification of any condition of approval shall require the submittal of a new conditional rezoning application and shall include every step conducted in the original approval of the request.

E. EFFECT OF APPROVAL

1. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the conditional zoning district, the approved master development plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the zoning maps.
2. Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning maps by the appropriate district designation. A parallel conditional zoning shall be identified by the same designation as the underlying general district followed by the letters "CZ" and the number of its instance (for example "CBD-CZ1"). In the case of a conditional zoning

district without a reference to an existing zoning district, the district shall be identified by the letters "CZ" and the number of its instance (for example, "CZ-3."

3. The master development plan does not substitute for an approved minor site plan, site plan, or subdivision plat as required by this ordinance. Such cases shall follow the Ordinance defined process for the relevant case type, including any presentation for approval to the Planning Board and/or Board of Aldermen in accordance with the applicable sections of this Ordinance. Such case types may be submitted as part of the Conditional Rezoning application and may be reviewed concurrently at the discretion of the applicant.
4. No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and applicable site plan, subdivision plat, and or permit for the district.
5. Any violation of the approved regulations and conditions for the district shall be treated the same as any other violation of this ordinance and shall be subject to the same remedies and penalties as any such violation.

F. REVIEW OF APPROVAL OF A CONDITIONAL ZONING DISTRICT

1. It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than three (3) years after the date of approval of the petition, the Planning Board may examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. The UDO Administrator shall provide this information to the Planning Board at least once every 12 months and upon request by the Planning Board.
2. If the Planning Board determines that progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the Board of Aldermen a report which may recommend that the property be rezoned to its previous zoning classification or to another district.

Appendix A: Submission Requirements

A. Submission Requirements

Applications submitted to the City of Southport for the following approval types shall include all information listed below.

B. Master Development Plan

1. General Project Information

- a) Proposed or approved name of development, project, subdivision, and/or phase.
- b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
- c) Property owner name(s), including mailing address(es) and telephone number(s).
- d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.
- g) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- h) Boundaries of any proposed or pending zoning districts on site. Boundaries must be described by bearing and distance where they do not follow described boundaries.

2. Land Use

- a) Approximate location, dimensions, density, and description of proposed land use(s) on each tract or parcel, including single-family residential, multi-family residential, commercial, office, institutional, industrial, and recreational. Recreational uses shall specify type and future ownership.

3. Traffic, Parking, Movement

- a) Approximate location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
- b) Location of roads appearing on officially adopted plans.
- c) Approximate location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.
- d) Approximate total square footage of existing and proposed impervious surfaces.
- e) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.
 - i. If trip generation calculations are found to exceed Traffic Impact Study threshold, a Traffic Impact Study shall also be submitted following the process outlined in Section 3.13.

4. Environmental Standards

- a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
- b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
- c) Location and description of environmental features such as wooded areas, marshes,

swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.

5. Landscaping & Tree Preservation

- a) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.

6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

C. Conditional Rezoning

1. General Project Information

- a) Proposed or approved name of development, project, subdivision, and/or phase.
- b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
- c) Property owner name(s), including mailing address(es) and telephone number(s).
- d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.
- g) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- h) Boundaries of any proposed or pending zoning districts on site. Boundaries must be described by bearing and distance where they do not follow described boundaries.

2. Land Use

- a) **Approximate** location, dimensions, density, and description of proposed land use(s) on each tract or parcel, including single-family residential, multi-family residential, commercial, office, institutional, industrial, and recreational. Recreational uses shall specify type and future ownership.
- b) **Approximate** location and dimensions of existing and proposed buildings or structures on the site and all adjacent tracts, including existing buildings or structures to be removed. Total number of stories of all multi-story buildings and height of all buildings must be indicated.
- c) **Proposed dimensional standards.**
- d) **Proposed development standards.**
- e) **Proposed use standards.**
- f) **Preliminary signage plan.**

3. Traffic, Parking, Movement

- a) **Approximate** location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
- b) Location of roads appearing on officially adopted plans.
- c) **Approximate** Location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.
- d) **Approximate** total square footage of existing and proposed impervious surfaces.

- e) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.
 - i. If trip generation calculations are found to exceed Traffic Impact Study threshold, a Traffic Impact Study shall also be submitted following the process outlined in Section 3.13.
- ~~f) Location and dimensions of parking and loading spaces and drive aisles, including handicapped parking.~~
- ~~g) Location and dimensions of existing and proposed sidewalks and accessible accessways.~~
- ~~h) Location and dimensions of all trash containers and required screening.~~
- 4. Environmental Standards
 - a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
 - b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
 - c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
 - d) **Approximate** location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.
 - e) **Approximate** location and size of stormwater basins or other comparable stormwater management mechanisms.
- 5. Landscaping & Tree Preservation
 - a) Locations, dimensions, and size of required buffers, street yards, foundation planting, parking facility planting areas.
 - b) Location, species, and size of all ~~regulated and~~ specimen trees as defined by this ordinance.
 - c) Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.
 - d) Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.
 - e) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.
- 6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

D. Minor Site Plan

- 1. General Project Information
 - a) Proposed or approved name of development, project, subdivision, and/or phase.
 - b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
 - c) Property owner name(s), including mailing address(es) and telephone number(s).
 - d) Name, registration number, and seal of a professional Land Surveyor, Engineer,

Landscape Architect, and/or Architect. (If Applicable).

- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- g) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.
 - i. Only required when prepared by a licensed professional.

2. Land Use

- a) Location, dimensions, density, and description of proposed land use(s) on each tract or parcel, including single-family residential, multi-family residential, commercial, office, institutional, industrial, and recreational. Recreational uses shall specify type and future ownership.
- b) Location and dimensions of existing and proposed buildings or structures on the site and all adjacent tracts, including existing buildings or structures to be removed. Total number of stories of all multi-story buildings and height of all building must be indicated.
- c) Location and labeling of minimum building setback lines.
- d) Total number and type of dwelling units, by development phase.
- e) Signage.
- f) Outdoor Lighting Plan.

3. Traffic, Parking, Movement

- a) Location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
- b) Location of roads appearing on officially adopted plans.
- c) Location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.
- d) Total square footage of existing and proposed impervious surfaces.
- e) Location and dimensions of parking and loading spaces and drive aisles, including handicapped parking.
- f) Location and dimensions of existing and proposed sidewalks and accessible accessways.
- g) Location and dimensions of all trash containers and required screening.
- h) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.
 - i. If trip generation calculations are found to exceed Traffic Impact Study threshold, a Traffic Impact Study shall also be submitted following the process outlined in Section 3.13.

4. Environmental Standards

- a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
- b) Location and description of CAMA Areas of Environmental Concern, including 404

wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.

- c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
 - d) Existing and proposed topography.
 - e) Location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.
 - f) Location and size of stormwater basins or other comparable stormwater management mechanisms.
5. Landscaping & Tree Preservation
- a) Locations, dimensions, and size of required buffers, street yards, foundation planting, parking facility planting areas.
 - b) Location, species, and size of all regulated and specimen trees as defined by this ordinance.
 - c) Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.
 - d) Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.
 - e) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.
6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

E. Major Site Plan & Special Use Permit

1. General Project Information
- a) Proposed or approved name of development, project, subdivision, and/or phase.
 - b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
 - c) Property owner name(s), including mailing address(es) and telephone number(s).
 - d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
 - e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
 - f) Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.
 - g) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
 - h) Boundaries of any proposed or pending zoning districts on site. Boundaries must be described by bearing and distance where they do not follow described boundaries.
 - i) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions

shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.

2. Land Use

- a) Location, dimensions, density, and description of proposed land use(s) on each tract or parcel, including single-family residential, multi-family residential, commercial, office, institutional, industrial, and recreational. Recreational uses shall specify type and future ownership.
- b) Location and dimensions of existing and proposed buildings or structures on the site and all adjacent tracts, including existing buildings or structures to be removed. Total number of stories of all multi-story buildings and height of all building must be indicated.
- c) Location and labeling of minimum building setback lines.
- d) Total number and type of dwelling units, by development phase.
- e) Signage.
- f) Outdoor Lighting Plan.
- g) Location and dimensions of all trash containers and required screening.

3. Traffic, Parking, Movement

- a) Location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
- b) Location of roads appearing on officially adopted plans.
- c) Location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.
- d) Total square footage of existing and proposed impervious surfaces.
- e) Names, cross sections, approximate grades, and pavement widths of proposed road rights-of-way, including design engineering data for all corners and curves.
- f) Location and dimensions of parking and loading spaces and drive aisles, including handicapped parking.
- g) Location and dimensions of existing and proposed sidewalks and accessible accessways.
- h) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.
 - i. If trip generation calculations are found to exceed Traffic Impact Study threshold, a Traffic Impact Study shall also be submitted following the process outlined in Section 3.13.

4. Environmental Standards

- a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
- b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
- c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
- d) Existing and proposed topography.
- e) Location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.
- f) Location and size of stormwater basins or other comparable stormwater

management mechanisms.

- g) Detailed utility plans, including water, sewer, and stormwater, and showing connections to existing systems or plans for individual water supply systems and sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, gate valves, utility and maintenance easements, and daily estimated sewer flow figures. Type of construction materials and brand of appurtenances may require approval from the City of Southport, Brunswick County Utilities, and/or NCDOT. Plans shall include profiles based on mean sea level datum for gravity sanitary and storm sewers.

- i. NOTE: Detailed plans may be submitted after site plan or preliminary plat are approved and must be approved by the City's Public Services Department prior to construction of improvements or the issuance of building permits or approval of a final plat.

5. Landscaping & Tree Preservation

- a) Locations, dimensions, and size of required buffers, street yards, foundation planting, parking facility planting areas.
- b) Location, species, and size of all regulated and specimen trees as defined by this ordinance.
- c) Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.
- d) Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.
- e) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.

- 6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

F. Preliminary Plat

1. General Project Information

- a) Proposed or approved name of development, project, subdivision, and/or phase.
- b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
- c) Property owner name(s), including mailing address(es) and telephone number(s).
- d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.
- g) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- h) Lots numbered consecutively throughout the subdivision.
- i) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles,

radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.

j) Accurate locations and descriptions of all monuments, markers, and control points.

2. Traffic, Parking, Movement

a) Location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.

b) Location of roads appearing on officially adopted plans.

c) Location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.

d) Total square footage of existing and proposed impervious surfaces.

e) Names, cross sections, approximate grades, and pavement widths of proposed road rights-of-way, including design engineering data for all corners and curves.

f) Type of street dedication, either public or private.

g) Location and dimensions of existing and proposed sidewalks and accessible accessways.

h) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.

i. If trip generation calculations are found to exceed Traffic Impact Study threshold, a Traffic Impact Study shall also be submitted following the process outlined in Section 3.13.

3. Other Land Use

a) Location and dimensions of all trash containers and required screening.

b) Location and labeling of minimum building setback lines.

c) Signage.

d) Outdoor Lighting Plan.

4. Environmental Standards

a) FEMA-designated flood hazard areas, including flood zone designations and map panels.

b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.

c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.

d) Existing and proposed topography.

e) Location, dimensions, and description of all areas to be dedicated to the public or to a property owners association.

f) Location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.

g) Location and size of stormwater basins or other comparable stormwater management mechanisms.

h) Detailed utility plans, including water, sewer, and stormwater, and showing connections to existing systems or plans for individual water supply systems and sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, gate valves, utility and maintenance

easements, and daily estimated sewer flow figures. Type of construction materials and brand of appurtenances may require approval from the City of Southport, Brunswick County Utilities, and/or NCDOT. Plans shall include profiles based on mean sea level datum for gravity sanitary and storm sewers.

- i. NOTE: Detailed plans may be submitted after site plan or preliminary plat are approved and must be approved by the City's Public Services Department prior to construction of improvements or the issuance of building permits or approval of a final plat.

5. Landscaping & Tree Preservation

- a) Locations, dimensions, and size of required buffers, street yards, foundation planting, parking facility planting areas.
- b) Location, species, and size of all regulated and specimen trees as defined by this ordinance.
- c) Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.
- d) Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.
- e) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.

6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

7. Required Certifications:

- a) Certificate of Survey and Accuracy
- b) Certification of Board of Aldermen Approval
- c) Certificate of Purpose of Plat

G. Final Plat

1. General Project Information

- a) Proposed or approved name of development, project, subdivision, and/or phase.
- b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
- c) Property owner name(s), including mailing address(es) and telephone number(s).
- d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- g) Exact existing and proposed or pending property boundary lines by bearings and distances and the location of intersecting boundary lines of adjacent lands.
- h) Lots numbered consecutively throughout the subdivision.
- i) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and

curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.

- j) Accurate locations and descriptions of all monuments, markers, and control points.
- k) Location and labeling of minimum building setback lines.
- 2. Traffic, Parking, Movement
 - a) Location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
 - b) Location of roads appearing on officially adopted plans.
 - c) Type of street dedication, either public or private.
- 3. Environmental Standards
 - a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
 - b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
 - c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
 - d) Location, dimensions, and description of all areas to be dedicated to the public or to a property owners association.
- 4. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.
- 5. Required Certifications:
 - a) Certificate of Ownership and Dedication
 - b) Certificate of Survey and Accuracy
 - c) Certification of Board of Aldermen Approval
 - d) Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements
 - e) Certification of Septic and Water Supplies
 - f) Certificate of Disclosure; 404 Wetlands
 - g) Certificate of Disclosure; City of Southport Floodplain Management Regulations
 - h) Acknowledgment of Compliance (Private Developments)
 - i) Certificate of Purpose of Plat
 - j) Certificate of Approval for Recording

STAFF REPORT – ZTA 23-01

ZONING TEXT AMENDMENT APPLICATION

CONDITIONAL ZONING & APPENDIX A

APPLICATION SUMMARY	
Presentation Date	August 10, 2023 City of Southport Board of Aldermen
Applicant	City of Southport Planning Staff
Relevant Ordinance Sections	Section 2.11 ‘Conditional Rezoning’ & Appendix A

ZONING TEXT AMENDMENT PROPOSAL
City of Southport Planning Staff, applicant, respectfully submits a Zoning Text Amendment to the City of Southport Unified Development Ordinance for the purposes of discussion. Specifically, the request is to amend Section 2.11 ‘Conditional Rezoning’ to modify the types of projects allowable under a Conditional Rezoning, process improvements in general and in relation to the aforementioned modifications, a reconstruction of Appendix A, and other amendments for the purposes of clarification. All proposed changes, including additions and deletions, can be found as an attachment to this report and may also be viewed in the City of Southport Development Services Department offices.

REVIEW PROCESS

A Zoning Text Amendment proposal is considered a legislative process. As laid out by North Carolina General Statutes, a legislative process is a policy-level decision with broad discretion by the decision-making authority, in Southport’s case the Board of Aldermen. In a decision to approve or deny a legislative proposal, the Board of Aldermen shall include a statement referencing the decisions consistency with the adopted land use plan for the City of Southport. Per the City of Southport Unified Development Ordinance, the Planning and Zoning Board shall also provide a recommendation on any proposed Zoning Text Amendment to the Board of Aldermen. The Board of Aldermen shall hold a public hearing prior to voting on any Zoning Text Amendment.

For the purposes of this Zoning Text Amendment, the Planning and Zoning Board considered the item at their regularly scheduled meetings in January, February, March, April, and May 2023, with additional special meetings in March and May. Furthermore, in accordance with the provisions

of Section 2.10 of the City of Southport Unified Development Ordinance which provides the Planning and Zoning Board the power to call a public hearing in their review of a Zoning Map or Text Amendment, a duly advertised public hearing was held on this Zoning Text Amendment at the Planning Board's March 16, 2023 meeting.

AMENDMENT DESCRIPTION

City of Southport Planning Staff is submitting this Zoning Text Amendment to provide for modifications to the City's already adopted Conditional Rezoning process. Key features of the request include:

1. An expansion of the allowable proposals that made be submitted via Conditional Rezoning, including an expansion in the uses allowable within the project, the zoning districts from which a Conditional Rezoning can originate, and an allowance of a purely custom conditional zoning district, as opposed to a conditional zoning district tied to one of the City's existing zoning districts;
2. General process improvements and process improvements proposed in light of the amendments referenced above and for the purposes of ensuring process consistency across any submittal of this type and further increasing the role the public plays in the process;
3. A reconstruction of Appendix A, in light of the amendments referenced above and also based on experience in reviewing recent projects; and
4. Other amendments for the purposes of clarification.

The following sections of this report break down the proposed changes line-by-line, with additional context provided where appropriate and necessary.

2.11.A Purpose

Planning Staff propose no changes to Section 2.11.A, which discusses the purpose of a Conditional Rezoning and Conditional Zoning District. However, it is important to note that a Conditional Rezoning is primarily designed for projects that have a high certainty of being constructed should approval be granted, as well as noting that a Conditional Rezoning process follows the same review and approval procedures as a traditional or General Use Rezoning.

2.11.B Application and Conditional Zoning Review Procedure

Planning Staff propose numerous amendments within Section 2.11.B. The first proposed amendment is a clarification that a Master Development Plan is required to be submitted in conjunction with a Conditional Rezoning proposal, as opposed to in conjunction with a Zoning Map Amendment request. A Conditional Rezoning is a Zoning Map Amendment request itself, thus requiring a separate Zoning Map Amendment in conjunction is redundant and therefore not necessary. Further, the language is proposed to be amended to require the submission of a narrative providing an overview of the project including any proposed uses, dimensional

standards, self-imposed development standards or conditions, and so on. Importantly, this section also references the flexibility afforded to conditional rezonings in terms of increasing or reducing development standards, and explicitly requires that any deviations be specifically addressed in the submitted narrative.

The next section of proposed language removes the language that requires a coupling of a Conditional Rezoning proposal to an existing traditional zoning district. This proposal is made in order to increase the amount of flexibility allowable within the process, a process already established under the Planned Unit Development (PUD) guidelines. This language does not prohibit the coupling of a Conditional Rezoning proposal to an existing zoning district, it only removes it as a requirement. This is reinforced by proposed language in Section 2.11.B.3, which states that dimensional requirements of the zoning district currently designated on a subject property have no bearing on the dimensional standards an applicant for a conditional rezoning could propose but may be considered by the various reviewing entities if the specifics of the case require it.

A Conditional Rezoning proposal can and often are very similar to projects that under the current Ordinance would be submitted via the Planned Unit Development (PUD) process. Proposed language in Section 2.11.B.2 includes a requirement that all conditional rezonings outside areas currently zoned BD or CBD that include residential uses shall designate no less than 20% of the tract as protected open space in accordance with Section 4.14.C.1.b. Among the possibilities afforded by the conditional rezoning process is the ability for projects to exceed that 20% requirement by some margin, further aided by the additional flexibility elsewhere.

Per feedback received from the Planning Board, the attached language has been updated to include rising open space thresholds as proposed residential units within a conditional rezoning increase. Specifically, for every 250 units included within a Conditional Rezoning, the required open space designation increases by 5%. This continues to rise for every 250 units up to 750, at which point any project larger than 750 residential units shall be required to designate at least 35% of the site as open space meeting the definition Section 4.14.C.1.b as a minimum requirement for a Conditional Zoning District.

NOTE: The above-referenced section was modified via the Planning and Zoning Board's motion to recommend approval. Previous language included the continued increase in minimum required open space by 5% per additional 250 units up to 50%. As noted previously, these standards are minimums and additional open space preservation is encouraged by the City's CAMA Land Use Plan.

Additionally, based on feedback received from the Planning Board, additional language has been added to tie the maximum height that may be designated in any conditional rezoning request to the maximum height of the current zoning designation for the property. For example, if an applicant requested a conditional rezoning from the BD zoning district, the maximum height of

30' would apply to the requested conditional rezoning regardless of the other specifics of the conditional rezoning request.

Staff also propose additional clarifications as to the form and function of potential conditional rezoning applications, including:

- 1) An explicit statement that density and proposed uses within a conditional rezoning proposal shall be reviewed for consistency with any and all adopted plans;
- 2) An explicit statement that a conditional rezoning proposal shall speak to any use standards applicable within the Ordinance and that those use standards may be used in the evaluation of a proposal that includes such use; and
- 3) A requirement that any conditional rezoning application originating from a residential district contain at least five contiguous acres, on one or multiple parcels. Non-contiguous acreage may be added to a request if the initial five-acre requirement is otherwise met. This section was subsequently updated to add clarification with regard to property owner consent to a conditional rezoning request, as well as a reservation to review non-contiguous acreage for its relationship to the overall project. Note that both the property owner consent requirement and ability to review in this context already exist, they are solely listed in the draft text for clarity.

Throughout the remainder of Section 2.11.B, there are various procedural changes that clarify the discretion available to the Unified Development Ordinance Administrator (Planning Staff), as well as requiring a meeting of the Technical Review Committee to review a Conditional Rezoning proposal prior to the proposal being presented to the Planning Board and/or Board of Aldermen. The most significant change within the remainder of this section is the inclusion of a required public hearing at the Planning Board level, in addition to the public hearing at the Aldermen level. Current ordinance language gives the Planning Board the discretion to call a public hearing or not – the proposed amendment would make the public hearing automatic, and also includes the full range of public notice requirements applicable to rezoning public hearings.

Commentary: The amendments referenced above are solely designed to broaden the types and features of proposals that can be submitted by applicants. It is in no way designed to increase the number of projects that are submitted or approved, nor does it guarantee projects that come forward in this manner an approval. Conditional Rezoning is the most intense form of development review that exists under North Carolina General Statutes, provide the greatest opportunity for discretion to be utilized by the City of Southport, and provide the most effective and impactful methods for members of the public to participate in the development process. Regardless of whether the proposed Zoning Text Amendment is approved or not, Conditional Rezoning will receive the same level of review by City Staff under the same review criteria.

2.11.C Public Input Meeting

Following feedback received from the Planning Board, the proposed language maintains the requirement that the public input meeting shall be held, and the report from such meeting filed

with the UDO Administrator, prior to the case being scheduled for a public hearing. This will require that the report shall be filed at such time to ensure that public notice for the Planning Board's public hearing can be provided. Failure to provide that report in the appropriate timeline shall result in the application being withheld from the Planning Board's agenda.

Furthermore, the proposed draft language requires the public notice sent by the applicant advising of the public input meeting to also be provided to the City Clerk and UDO Administrator.

2.11.D Conditions to Approval of Petition

The requested amendments in Section 2.11.D are primarily aimed toward providing clarity in existing processes. In Section 2.11.D.1, it makes clear that the UDO Administrator may make recommendations on potential conditions in addition to the Planning Board. Further amendments include rewriting the timeline for an applicant to respond to conditions and clarification that such response shall occur in writing, regardless of the nature of the response, so that such response can be included within the agenda packet for consideration by the Board of Aldermen. Finally, included at the conclusion of this section is an additional statement clarifying that modifications to conditions of approval shall require the entire conditional rezoning process to begin again.

2.11.E Effect of Approval

Within this section, amendments are also aimed toward increasing clarity. The most significant change is in reference to how Conditional Zoning districts are designated on the City's official zoning map, providing a naming scheme for custom Conditional Zoning districts that do not have a corresponding traditional zoning district. For the purposes of added clarity, additional language is also included that reinforces the fact that a Conditional Rezoning approval is not an approval to begin construction, and that any relevant site plan review process (Major Site Plan, Preliminary Plat, etc.) must also occur prior to any construction beginning on the site.

2.11.F Review of Approval of a Conditional Zoning District

Conditional Zoning, and the districts that result from this process, are designed primarily for projects that have a high degree of certainty of being constructed should they receive approval, as laid out within the purpose statement of Section 2.11. To this end, the existing Unified Development Ordinance provides a mechanism by which the Planning Board shall review conditional zoning approvals and make recommendations as to potential avenues to rezone properties out of the conditional zoning district they possess if conditions and/or timelines aren't being met. The only requested change to this section is to provide clarity that the UDO Administrator shall provide this information to the Planning Board at least once every 12 months (generally as part of an annual report) as well as upon request by the Planning Board.

Appendix A

Currently, Appendix A exists as a table, with rows representing various requirements for information to be displayed on site plan documents, and columns representing various case types and the applicability of each piece of information to each case type. Given the amendments

discussed above, Appendix A already requires an update just in the context of conditional rezonings. However, due to Staff experience and feedback from the Planning Board and applicants broadly, Staff propose eliminating the table and giving each case type its own section of Appendix A, which will aid in ensuring that it is abundantly clear which requirements apply to which case types and aid in the creation of checklists.

Included within the draft Ordinance language is a reconstructed Appendix A, which references six case types: Master Development Plans/PUDs, Conditional Rezonings, Minor Site Plans, Major Site Plans, Subdivision Preliminary Plats, and Subdivision Final Plats. Proposed amendments to the specific language within Appendix A include the allowance of approximation for some information within a Conditional Rezoning (more closely mirroring existing PUD requirements) and an explicit requirement on traffic generation figures being included in a site plan and references to the City's Traffic Impact Study requirement as laid out in Section 3.13.

NOTE: Section C of Appendix A, referencing Conditional Rezonings, was modified through the Planning and Zoning Board's motion to recommend approval to remove the requirement that a tree survey include the location, species, and size of all regulated trees as defined by the Ordinance (Appendix A, Section C.5.b). As noted within Appendix A, the UDO Administrator, Planning and Zoning Board, and Board of Aldermen reserve the right to request any additional information they deem pertinent. Additionally, further processes after the approval of a Conditional Rezoning will require the identification of all regulated trees.

EVALUATION AND CONTEXT

Unified Development Ordinance Compliance

Zoning Text Amendments, like General Use Zoning Map Amendments (Rezonings), follow the process laid out in Section 2.10 of the City of Southport Unified Development Ordinance. Pursuant to this section, the Planning Board shall advise and comment on whether the proposed text or zoning map amendment is consistent with the comprehensive plan or any other official adopted plans that are applicable. The Board of Aldermen shall, in their final decision-making capacity, base their decision upon the same.

2014 CAMA Core Land Use Plan Compliance

It is important to note that when the 2014 CAMA Core Land Use Plan was adopted, Conditional Zoning had only very recently been made available as a tool for local governments to use within North Carolina General Statutes as a mechanism for rezoning and development review. As such, explicit references to conditional zoning are not present within the document and the plan references the General Use Rezoning process as the only rezoning process available.

On Page 128 of the 2014 CAMA Core Land Use Plan, the following can be found:

Completing the LUP [Land Use Plan], illustrating the City's vision for the future, does not ensure that its objectives will be met. The City must continuously work at accomplishing

plan implementation and maintaining an effective planning program. One important concept is 'smart development.'

The Plan goes on to speak at length on six principles of "smart development" or "smart growth," some of which speak directly to the same possibilities that can come from conditional rezoning projects:

Principle 1 - Efficient Use of Land Resources: Smart development supports the preservation of land and natural resources. These benefits result from compact building forms, in-fill development, and moderation in street and parking standards. Compact building patterns preserve land for city and neighborhood parks as well as local woods and wetlands. Furthermore, compact development shortens trips, lessening dependence on the automobile, and therefore reducing levels of energy consumption and air pollution. Finally, a compact development pattern supports more cost-effective infrastructure than does low-density fringe development.

Principle 2 - Full Use of Urban Services: The same frugality of land development supports efficient use of public and private infrastructure. Smart development means creating neighborhoods where more people will use existing services like water lines and sewers, roads, emergency services, and schools. Inefficient land use, whether within or outside urban areas, places a financial strain on communities trying to provide for the construction and maintenance of infrastructure needs.

Building compactly does not mean that all areas must be densely developed. Rather, the goal is an average density for the area, at a level that makes full use of urban services. Averaging allows for areas to have a mix of low-, medium-, and high-density development. Mixing densities to encourage efficient use of services also means requiring a high level of building and siting compatibility, encouraging neighborhoods to have both character and privacy.

Careful street sizing and the accommodation of some parking on streets reduces impervious surfaces and efficiently uses urban services by saving on land acquisition, construction, and maintenance costs. In short, streets should be sized for their use: lower density areas that have little through traffic are best served by slower, narrower streets, while transportation corridors that move district-wide traffic need wider travel ways.

Principle 3 - Mix of Uses: Locating stores, offices, residences, schools, and recreation spaces within walking distance of each other in compact neighborhoods with pedestrian-oriented streets promotes:

- independence of movement, especially for the young and the elderly who can conveniently walk, cycle, or ride transit;
- safety in commercial areas, through around-the-clock presence of people;

- reduction in auto use, especially for shorter trips;
- support for those who work at home, through nearby services and parks; and
- a variety of housing choices, so that the young and old, singles and families, and those of varying economic ability may find places to live.

Mixed-use examples include a corner store in a residential area, an apartment near or over a shop, and a lunch counter in an industrial zone. Most codes prohibit the co-location of any residential and commercial buildings. This prohibition is based on the functional and architectural incompatibility of the buildings. Using design standards, in tandem with mixed-use zoning, overcomes incompatibility. Additionally, limitations on commercial functions, such as hours of operation and delivery truck access, may be necessary. More fundamentally, to gain the full benefits of a mix of uses, buildings must be conveniently connected by streets and paths. Otherwise, people will still be inclined or required to use cars, even for the shortest trips.

Principle 6 - Implementation: Southport's ability to adopt smart development principles will depend on the ability and willingness of developers to apply the principles. Frustrating, costly, and time-consuming delays due, in part, to inflexible standards, regulations, and processes will discourage innovative approaches to development and design. Providing for flexibility and certainty in the application of standards, and administrative approval of "minor" variances, can help promote creative development that complies with the principles. Effective use of Planned Unit Developments (PUD's) can also relieve some of the regulatory barriers for developers and lighten the administrative load for planners (See pages 128-130 of the 2014 CAMA Core Land Use Plan).

NOTE: Principles 4 and 5 (Transportation Options and Detailed, Human-Scale Design) are also certainly relevant in the context of Conditional Rezoning but are not necessarily appropriate to every project, as is more often the case with the other four. All six principles should be considered in the context of reviewing every Conditional Rezoning proposal in addition to the goals, objectives, and policies contained within the rest of the Plan.

If the proposed zoning text amendment is ultimately approved, there is no guarantee that every conditional rezoning application will be able to speak to all or any of the above principles. However, given the inflexibility of traditional zoning districts currently used in Southport, it is quite difficult for projects within Southport today to be consistent with these principles as well. Conditional Zoning is one tool that can allow for progressive land use techniques to be incorporated into a proposed development while maintaining the ability to review those techniques in a site-specific manner, ensuring that those aspects remain compatible with the surrounding community and that any impacts created by the project are appropriately mitigated.

As Conditional Rezoning requests come forward, they are evaluated for their consistency with the future land use map and the goals, objectives, and policies within the CAMA Core Land Use

Plan. A non-exhaustive list of policies that may be relevant in the review of a hypothetical conditional rezoning from a use perspective include the following:

Policy 2.1: Southport discourages the rezoning of existing residentially-developed or zoned areas to a non-residential classification. Such rezoning and amendments in classifications to the future land use map should be carefully balanced with a demonstrated need for such proposed development.

Policy 2.3: Southport supports quality development reflecting the spectrum of housing needs, from low-end (affordable) residences to high-end (luxury) residences.

Policy 2.5: The City supports providing adequate conservation/open space buffers between areas designated for residential development as indicated on the future land use map and any adjacent non-residential land use.

Policy 2.7: Southport does not support “strip” residential development along highways and certain roads carrying heavy traffic and encourage service roads or an internal street pattern to eliminate direct driveway connections to highways and roads.

Policy 2.9: Southport supports utilizing Office/Institutional/Multi-family development as a buffer between light industrial and commercial development and adjacent residential land uses.

Policy 2.10: Southport supports Office/Institutional/Multi-family land uses that are developed along transportation thoroughfares to provide transition between commercial nodes and to preserve vehicle carrying capacity.

Policy 2.11: Southport supports development that blends a mix of uses at a reasonable scale offering convenient retail facilities to nearby residents in an effort to reduce traffic flow on main thoroughfares.

Policy 2.15: Southport supports industrial development which will be located adjacent to and/or with direct access to major thoroughfares.

Based on the above information, Staff finds the Zoning Text Amendment request outlined in this report to be consistent generally with the 2014 Southport CAMA Core Land Use Plan due to the types of development made possible by Conditional Zoning being consistent with many stated objectives within the Plan, the specific inclusion of the public at large within the development process, as well as the requirement that any proposal undergoing the Conditional Rezoning process be evaluated for its consistency with this plan and all other adopted plans, coupled with the statutorily-required consistency statements that must accompany all rezoning requests. Further, Conditional Zoning allows the Board greater flexibility in promoting economic efficiency,

optimizing resources, and preserving wetlands, wildlife habitat, and other environmentally sensitive areas.

STAFF'S RECOMMENDATION

City Planning Staff respectfully submit the proposed Zoning Text Amendment to the Board of Aldermen for their consideration, as outlined in this report and as evidenced in the two attachments that follow this report. The proposal is found to be consistent with the 2014 CAMA Core Land Use Plan, specifically with regard to desired outcomes for development as well as the inclusion of the public within the development process, as well as remaining consistent with the Unified Development Ordinance. Because of those consistencies, Planning Staff respectfully recommend approval of the request as presented. Staff also recommend consideration of the adopted of the provided consistency statement located on the following page.

PLANNING BOARD'S RECOMMENDATION

At their May 18th, 2023 meeting, the City of Southport Planning and Zoning Board voted 5-2 on a motion to recommend approval of the Zoning Text Amendment as outlined in this report. Importantly, and as noted previously in the Staff Report, the Planning and Zoning Board's motion to recommend approval included two modifications regarding minimum open space provision within Conditional Rezoning proposals and the inclusion of regulated trees within required application materials in a Conditional Rezoning application. Furthermore, the Planning and Zoning Board's motion to recommend approval included the adoption of the attached consistency statement. A sample consistency statement is also provided for consideration by the Board of Aldermen.

**City of Southport Board of Aldermen
Statement of Plan Consistency
(As per NC General Statute 160D-604)**

When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Amendment: ZTA-22-01

Statement of Consistency and Recommendation:

The City of Southport Board of Aldermen finds that the proposed Zoning Text Amendment is consistent with the 2014 CAMA Core Land Use Plan adopted November 13, 2014 and subsequently amended by the Board of Aldermen. Specifically, the proposed Zoning Text Amendment is consistent with the Plan due to its allowance for development patterns that are explicitly identified as desirable by the Plan but are not currently possible under the Unified Development Ordinance, the inclusion of the public within the development process, and the explicit requirement that all Conditional Rezoning be evaluated for their conformance to the 2014 CAMA Core Land Use Plan and any other adopted plans relevant to the proposal. Further, Conditional Zoning allows the Board greater flexibility in promoting economic efficiency, optimizing resources, and preserving wetlands, wildlife habitat, and other environmentally sensitive areas.

Mayor Joseph P. Hatem
City of Southport, NC

Dorothy Dutton, City Clerk
City of Southport, NC

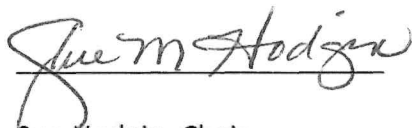
**City of Southport Planning & Zoning Board
Statement of Plan Consistency
(As per NC General Statute 160D-604)**

When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

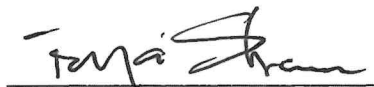
Amendment: ZTA-22-01

Statement of Consistency and Recommendation:

The City of Southport Planning & Zoning Board finds that the proposed Zoning Text Amendment is consistent with the 2014 CAMA Core Land Use Plan adopted November 13, 2014 and subsequently amended by the Board of Aldermen. Specifically, the proposed Zoning Text Amendment is consistent with the Plan due to its allowance for development patterns that are explicitly identified as desirable by the Plan but are not currently possible under the Unified Development Ordinance, the inclusion of the public within the development process, and the explicit requirement that all Conditional Rezoning be evaluated for their conformance to the 2014 CAMA Core Land Use Plan and any other adopted plans relevant to the proposal. Further, Conditional Zoning allows the Board greater flexibility in promoting economic efficiency, optimizing resources, and preserving wetlands, wildlife habitat, and other environmentally sensitive areas.



Sue Hodgins, Chair
Planning & Zoning Board
City of Southport, NC



Tanya Shannon, Clerk
Planning & Zoning Board
City of Southport, NC

2.11 CONDITIONAL REZONING

A. PURPOSE

1. A conditional zoning district is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses, permitted by right or special use, on small- and large-scale projects.
2. All uses listed as part of any application must be in the same format and description as listed in the table of uses.
3. Except as provided herein, all applications to establish a conditional zoning district must follow the regulations prescribed in this section in addition to the standard zoning map amendment (rezoning) process as described in this ordinance.

B. APPLICATION AND CONDITIONAL ZONING REVIEW PROCEDURE

1. The application for a conditional rezoning shall be accompanied by a master development plan. The procedure for such shall be followed as outlined in Sections 2.9 and 2.10. The approved master development plan shall provide the framework for development in the conditional zoning district. All applications must include a master development plan, a narrative that includes but is not limited to supporting information and text which specifies the use or uses intended for the property and provides an overview of the project, dimensional standards, and any development standards to be approved concurrently with the rezoning application. Development standards include but are not limited to such things as parking, landscaping, design guidelines, and buffers. Such development standards may exceed or reduce the requirements of the Unified Development Ordinance and shall be explicitly discussed in the submitted narrative.
 - a) A conditional rezoning shall not permit deviations from generally applicable standards, including: Traffic Impact Study thresholds, stormwater requirements, open space, HOA requirements, and water/wastewater requirements; except that any of these requirements may be increased or strengthened.
2. Conditional Rezoning proposals originating from all districts other than CBD and BD which include residential uses shall designate no less than 20% of the total rezoning acreage as open space in accordance with Section 4.14.C.1.b.
 - a) *For every 250 units proposed, an additional 5% of the total rezoning acreage shall be designated as open space in accordance with Section 4.14.C.1.b, up to a maximum requirement of 35% open space provision when more than 750 residential units are proposed.*
3. No conditional zoning proposals shall be considered within the Open Space zoning district.
4. *Dimensional standards within the proposed Conditional Zoning District shall be designated by the applicant.*
 - a) *Maximum height shall be no greater than the maximum height for the current zoning district for the subject property.*

- b) Other dimensional standards within the currently designated zoning district for the subject property shall not influence proposed dimensional standards but may be considered in the review of applications on a case-by-case basis.*
5. Density and proposed uses within a conditional zoning district shall be reviewed for conformance with any and all relevant adopted plans.
6. When a Conditional Rezoning proposal includes uses with specific standards, the application shall denote whether those standards are included in the proposal. The generally applicable use standards may be considered in the review of a Conditional Rezoning proposal that includes that use.
7. *Conditional Rezoning requests originating from a residential zoning district and from the PUD zoning district shall not be considered unless containing at least five (5) acres.*
- a) Such minimum acreage must be contiguous and may be contained within one or multiple parcels so long as all property owners consent to the rezoning request.*
- b) Other non-contiguous parcels may be added to a Conditional Rezoning application so long as the minimum contiguous acreage requirement is otherwise met. Non-contiguous areas included in the request will be reviewed for their relationship to the primary rezoning area.*
8. An application for conditional zoning approval shall be accompanied by 12 hard copies and one (1) digital copy of a conditional zoning master development plan. Additional copies may be requested by the UDO Administrator at their discretion.
9. The master development plan shall be prepared by and sealed by a licensed land surveyor, landscape architect, or engineer registered to practice in the state of North Carolina and shall include all of the required information as provided in Appendix A: Submission Requirements and any other information deemed necessary by the UDO Administrator, Planning Board, or Board of Aldermen.
10. The UDO Administrator or his/her designee will review the conditional zoning master development plan and shall require a Technical Review Procedure. The Technical Review Committee may include, but not necessarily be limited to, the following individuals/departments: UDO Administrator, building inspector, city manager, Fire department, Police Department, NC Division of Coastal Management, NC Department of Environmental Quality, North Carolina Department of Transportation, Brunswick County Utilities, or Brunswick County Environmental Health.
11. The UDO Administrator shall, in writing, provide a recommendation to the Planning Board within 90 days following receipt of the complete application for a conditional zoning district proposal and associated master development plan. The UDO Administrator shall have discretion to withhold a proposal from Planning Board consideration if additional information on the proposal is deemed necessary and is not provided prior to advertising deadlines for the public hearing.

12. In accordance with Section 2.10.A.3, the Planning Board shall hold a public hearing prior to providing a recommendation, and may recommend to approve, conditionally approve, or deny the Conditional Rezoning.
13. Following receipt of recommendation from the Planning Board, the Board of Aldermen shall approve, conditionally approve, or deny the conditional rezoning.
14. When evaluating an application for the creation of a conditional zoning district, the Planning Board and Board of Aldermen shall consider the following:
 - a) The application's consistency to the general policies and objectives of the City's Comprehensive Plan, any other officially adopted plan that is applicable, and the Unified Development ordinance.
 - b) The potential impacts and/or benefits on the surrounding area, adjoining properties.
 - c) The report of results from the public input meeting.
15. The Board of Aldermen may not vote to rezone property to a conditional zoning district during the time period beginning on the date of a municipal general election and concluding on the date immediately following the date on which the Board of Aldermen holds its organizational meeting following a municipal general election unless no person spoke against the rezoning at the public hearing.

C. PUBLIC INPUT MEETING

1. Prior to scheduling a public hearing on the rezoning application, the applicant must conduct one (1) public input meeting and file a report of the results with the UDO Administrator. If the report is not filed at a time sufficient for the project to receive proper notice in accordance with public hearing requirements, the case shall be placed on the next available agenda.
2. The report for the public hearing will include a summary of the public input meeting.
3. The applicant shall mail a notice for the public input meeting to the owners of all properties located within 500 feet of the perimeter of the project bounds not less than 10 days prior to the scheduled meeting.
 - a) This notice shall also be provided digitally to the City Clerk and UDO Administrator not less than 10 days prior to the scheduled meeting.
4. The notice shall include the time, date, and location of the meeting as well as a description of the proposal.
5. The applicant's report of the meeting shall include:
 - a) A copy of the letter announcing the meeting
 - b) A list of adjoining property owners contacted
 - c) An attendance roster
 - d) A summary of the issues discussed
 - e) The results of the meeting including changes to the project's proposal, if any.

D. CONDITIONS TO APPROVAL OF PETITION

1. In approving a petition for the reclassification of property to a conditional zoning district, the UDO Administrator and Planning Board may recommend, and the Board of Aldermen may request that the applicant add reasonable and appropriate conditions to the approval of the petition.
2. Any such conditions should relate to the relationship of the proposed use to the impact on city services, surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the participants in the public input meeting, staff, Planning Board, and Board of Aldermen find appropriate or the petitioner may propose. Such conditions to approval of the petition may include right-of-way dedication, easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.
3. The petitioner shall consider and respond to any such conditions after the Planning Board meeting and no less than ten (10) days prior to the scheduled Board of Alderman meeting on which the proposal will appear. If the applicant does not agree with the Planning Board or staff's recommendations of additional conditions, the Board of Aldermen shall have the authority to consider any or all of the conditions forwarded from the review process.
4. If for any reason any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted to rezone the property to its previous zoning classification. All conditions must be consented to in writing by the petitioner prior to the hearing held by the Board of Aldermen to consider the request. Such written consent shall be included in the published agenda packet.
5. The modification of any condition of approval shall require the submittal of a new conditional rezoning application and shall include every step conducted in the original approval of the request.

E. EFFECT OF APPROVAL

1. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the conditional zoning district, the approved master development plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the zoning maps.

2. Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning maps by the appropriate district designation. A parallel conditional zoning shall be identified by the same designation as the underlying general district followed by the letters "CZ" and the number of its instance (for example "CBD-CZ1"). In the case of a conditional zoning district without a reference to an existing zoning district, the district shall be identified by the letters "CZ" and the number of its instance (for example, "CZ-3."
3. The master development plan does not substitute for an approved minor site plan, site plan, or subdivision plat as required by this ordinance. Such cases shall follow the Ordinance defined process for the relevant case type, including any presentation for approval to the Planning Board and/or Board of Aldermen in accordance with the applicable sections of this Ordinance. Such case types may be submitted as part of the Conditional Rezoning application and may be reviewed concurrently at the discretion of the applicant.
4. No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and applicable site plan, subdivision plat, and or permit for the district.
5. Any violation of the approved regulations and conditions for the district shall be treated the same as any other violation of this ordinance and shall be subject to the same remedies and penalties as any such violation.

F. REVIEW OF APPROVAL OF A CONDITIONAL ZONING DISTRICT

1. It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than three (3) years after the date of approval of the petition, the Planning Board may examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. The UDO Administrator shall provide this information to the Planning Board at least once every 12 months and upon request by the Planning Board.
2. If the Planning Board determines that progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the Board of Aldermen a report which may recommend that the property be rezoned to its previous zoning classification or to another district.

Appendix A: Submission Requirements

A. Submission Requirements

Applications submitted to the City of Southport for the following approval types shall include all information listed below.

B. Master Development Plan

1. General Project Information

- a) Proposed or approved name of development, project, subdivision, and/or phase.
- b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
- c) Property owner name(s), including mailing address(es) and telephone number(s).
- d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.
- g) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- h) Boundaries of any proposed or pending zoning districts on site. Boundaries must be described by bearing and distance where they do not follow described boundaries.

2. Land Use

- a) Approximate location, dimensions, density, and description of proposed land use(s) on each tract or parcel, including single-family residential, multi-family residential, commercial, office, institutional, industrial, and recreational. Recreational uses shall specify type and future ownership.

3. Traffic, Parking, Movement

- a) Approximate location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
- b) Location of roads appearing on officially adopted plans.
- c) Approximate location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.
- d) Approximate total square footage of existing and proposed impervious surfaces.
- e) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.
 - i. If trip generation calculations are found to exceed Traffic Impact Study threshold, a Traffic Impact Study shall also be submitted following the process outlined in Section 3.13.

4. Environmental Standards

- a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
- b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
- c) Location and description of environmental features such as wooded areas, marshes,

swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.

5. Landscaping & Tree Preservation

- a) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.

6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

C. Conditional Rezoning

1. General Project Information

- a) Proposed or approved name of development, project, subdivision, and/or phase.
- b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
- c) Property owner name(s), including mailing address(es) and telephone number(s).
- d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.
- g) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- h) Boundaries of any proposed or pending zoning districts on site. Boundaries must be described by bearing and distance where they do not follow described boundaries.

2. Land Use

- a) **Approximate** location, dimensions, density, and description of proposed land use(s) on each tract or parcel, including single-family residential, multi-family residential, commercial, office, institutional, industrial, and recreational. Recreational uses shall specify type and future ownership.
- b) **Approximate** location and dimensions of existing and proposed buildings or structures on the site and all adjacent tracts, including existing buildings or structures to be removed. Total number of stories of all multi-story buildings and height of all buildings must be indicated.
- c) **Proposed dimensional standards.**
- d) **Proposed development standards.**
- e) **Proposed use standards.**
- f) **Preliminary signage plan.**

3. Traffic, Parking, Movement

- a) **Approximate** location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
- b) Location of roads appearing on officially adopted plans.
- c) **Approximate** Location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.
- d) **Approximate** total square footage of existing and proposed impervious surfaces.

- e) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.
 - i. If trip generation calculations are found to exceed Traffic Impact Study threshold, a Traffic Impact Study shall also be submitted following the process outlined in Section 3.13.
- ~~f) Location and dimensions of parking and loading spaces and drive aisles, including handicapped parking.~~
- ~~g) Location and dimensions of existing and proposed sidewalks and accessible accessways.~~
- ~~h) Location and dimensions of all trash containers and required screening.~~
- 4. Environmental Standards
 - a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
 - b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
 - c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
 - d) **Approximate** location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.
 - e) **Approximate** location and size of stormwater basins or other comparable stormwater management mechanisms.
- 5. Landscaping & Tree Preservation
 - a) Locations, dimensions, and size of required buffers, street yards, foundation planting, parking facility planting areas.
 - b) Location, species, and size of all ~~regulated and~~ specimen trees as defined by this ordinance.
 - c) Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.
 - d) Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.
 - e) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.
- 6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

D. Minor Site Plan

- 1. General Project Information
 - a) Proposed or approved name of development, project, subdivision, and/or phase.
 - b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
 - c) Property owner name(s), including mailing address(es) and telephone number(s).
 - d) Name, registration number, and seal of a professional Land Surveyor, Engineer,

Landscape Architect, and/or Architect. (If Applicable).

- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- g) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.
 - i. Only required when prepared by a licensed professional.

2. Land Use

- a) Location, dimensions, density, and description of proposed land use(s) on each tract or parcel, including single-family residential, multi-family residential, commercial, office, institutional, industrial, and recreational. Recreational uses shall specify type and future ownership.
- b) Location and dimensions of existing and proposed buildings or structures on the site and all adjacent tracts, including existing buildings or structures to be removed. Total number of stories of all multi-story buildings and height of all building must be indicated.
- c) Location and labeling of minimum building setback lines.
- d) Total number and type of dwelling units, by development phase.
- e) Signage.
- f) Outdoor Lighting Plan.

3. Traffic, Parking, Movement

- a) Location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
- b) Location of roads appearing on officially adopted plans.
- c) Location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.
- d) Total square footage of existing and proposed impervious surfaces.
- e) Location and dimensions of parking and loading spaces and drive aisles, including handicapped parking.
- f) Location and dimensions of existing and proposed sidewalks and accessible accessways.
- g) Location and dimensions of all trash containers and required screening.
- h) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.
 - i. If trip generation calculations are found to exceed Traffic Impact Study threshold, a Traffic Impact Study shall also be submitted following the process outlined in Section 3.13.

4. Environmental Standards

- a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
- b) Location and description of CAMA Areas of Environmental Concern, including 404

wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.

- c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
 - d) Existing and proposed topography.
 - e) Location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.
 - f) Location and size of stormwater basins or other comparable stormwater management mechanisms.
5. Landscaping & Tree Preservation
- a) Locations, dimensions, and size of required buffers, street yards, foundation planting, parking facility planting areas.
 - b) Location, species, and size of all regulated and specimen trees as defined by this ordinance.
 - c) Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.
 - d) Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.
 - e) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.
6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

E. Major Site Plan & Special Use Permit

1. General Project Information
- a) Proposed or approved name of development, project, subdivision, and/or phase.
 - b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
 - c) Property owner name(s), including mailing address(es) and telephone number(s).
 - d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
 - e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
 - f) Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.
 - g) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
 - h) Boundaries of any proposed or pending zoning districts on site. Boundaries must be described by bearing and distance where they do not follow described boundaries.
 - i) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions

shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.

2. Land Use

- a) Location, dimensions, density, and description of proposed land use(s) on each tract or parcel, including single-family residential, multi-family residential, commercial, office, institutional, industrial, and recreational. Recreational uses shall specify type and future ownership.
- b) Location and dimensions of existing and proposed buildings or structures on the site and all adjacent tracts, including existing buildings or structures to be removed. Total number of stories of all multi-story buildings and height of all building must be indicated.
- c) Location and labeling of minimum building setback lines.
- d) Total number and type of dwelling units, by development phase.
- e) Signage.
- f) Outdoor Lighting Plan.
- g) Location and dimensions of all trash containers and required screening.

3. Traffic, Parking, Movement

- a) Location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
- b) Location of roads appearing on officially adopted plans.
- c) Location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.
- d) Total square footage of existing and proposed impervious surfaces.
- e) Names, cross sections, approximate grades, and pavement widths of proposed road rights-of-way, including design engineering data for all corners and curves.
- f) Location and dimensions of parking and loading spaces and drive aisles, including handicapped parking.
- g) Location and dimensions of existing and proposed sidewalks and accessible accessways.
- h) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.
 - i. If trip generation calculations are found to exceed Traffic Impact Study threshold, a Traffic Impact Study shall also be submitted following the process outlined in Section 3.13.

4. Environmental Standards

- a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
- b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
- c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
- d) Existing and proposed topography.
- e) Location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.
- f) Location and size of stormwater basins or other comparable stormwater

management mechanisms.

- g) Detailed utility plans, including water, sewer, and stormwater, and showing connections to existing systems or plans for individual water supply systems and sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, gate valves, utility and maintenance easements, and daily estimated sewer flow figures. Type of construction materials and brand of appurtenances may require approval from the City of Southport, Brunswick County Utilities, and/or NCDOT. Plans shall include profiles based on mean sea level datum for gravity sanitary and storm sewers.

- i. NOTE: Detailed plans may be submitted after site plan or preliminary plat are approved and must be approved by the City's Public Services Department prior to construction of improvements or the issuance of building permits or approval of a final plat.

5. Landscaping & Tree Preservation

- a) Locations, dimensions, and size of required buffers, street yards, foundation planting, parking facility planting areas.
- b) Location, species, and size of all regulated and specimen trees as defined by this ordinance.
- c) Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.
- d) Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.
- e) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.

6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

F. Preliminary Plat

1. General Project Information

- a) Proposed or approved name of development, project, subdivision, and/or phase.
- b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
- c) Property owner name(s), including mailing address(es) and telephone number(s).
- d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.
- g) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- h) Lots numbered consecutively throughout the subdivision.
- i) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles,

radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.

j) Accurate locations and descriptions of all monuments, markers, and control points.

2. Traffic, Parking, Movement

a) Location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.

b) Location of roads appearing on officially adopted plans.

c) Location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.

d) Total square footage of existing and proposed impervious surfaces.

e) Names, cross sections, approximate grades, and pavement widths of proposed road rights-of-way, including design engineering data for all corners and curves.

f) Type of street dedication, either public or private.

g) Location and dimensions of existing and proposed sidewalks and accessible accessways.

h) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.

i. If trip generation calculations are found to exceed Traffic Impact Study threshold, a Traffic Impact Study shall also be submitted following the process outlined in Section 3.13.

3. Other Land Use

a) Location and dimensions of all trash containers and required screening.

b) Location and labeling of minimum building setback lines.

c) Signage.

d) Outdoor Lighting Plan.

4. Environmental Standards

a) FEMA-designated flood hazard areas, including flood zone designations and map panels.

b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.

c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.

d) Existing and proposed topography.

e) Location, dimensions, and description of all areas to be dedicated to the public or to a property owners association.

f) Location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.

g) Location and size of stormwater basins or other comparable stormwater management mechanisms.

h) Detailed utility plans, including water, sewer, and stormwater, and showing connections to existing systems or plans for individual water supply systems and sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, gate valves, utility and maintenance

easements, and daily estimated sewer flow figures. Type of construction materials and brand of appurtenances may require approval from the City of Southport, Brunswick County Utilities, and/or NCDOT. Plans shall include profiles based on mean sea level datum for gravity sanitary and storm sewers.

- i. NOTE: Detailed plans may be submitted after site plan or preliminary plat are approved and must be approved by the City's Public Services Department prior to construction of improvements or the issuance of building permits or approval of a final plat.

5. Landscaping & Tree Preservation

- a) Locations, dimensions, and size of required buffers, street yards, foundation planting, parking facility planting areas.
- b) Location, species, and size of all regulated and specimen trees as defined by this ordinance.
- c) Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.
- d) Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.
- e) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.

6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

7. Required Certifications:

- a) Certificate of Survey and Accuracy
- b) Certification of Board of Aldermen Approval
- c) Certificate of Purpose of Plat

G. Final Plat

1. General Project Information

- a) Proposed or approved name of development, project, subdivision, and/or phase.
- b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
- c) Property owner name(s), including mailing address(es) and telephone number(s).
- d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- g) Exact existing and proposed or pending property boundary lines by bearings and distances and the location of intersecting boundary lines of adjacent lands.
- h) Lots numbered consecutively throughout the subdivision.
- i) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and

curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.

- j) Accurate locations and descriptions of all monuments, markers, and control points.
 - k) Location and labeling of minimum building setback lines.
2. Traffic, Parking, Movement
- a) Location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
 - b) Location of roads appearing on officially adopted plans.
 - c) Type of street dedication, either public or private.
3. Environmental Standards
- a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
 - b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
 - c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
 - d) Location, dimensions, and description of all areas to be dedicated to the public or to a property owners association.
4. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.
5. Required Certifications:
- a) Certificate of Ownership and Dedication
 - b) Certificate of Survey and Accuracy
 - c) Certification of Board of Aldermen Approval
 - d) Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements
 - e) Certification of Septic and Water Supplies
 - f) Certificate of Disclosure; 404 Wetlands
 - g) Certificate of Disclosure; City of Southport Floodplain Management Regulations
 - h) Acknowledgment of Compliance (Private Developments)
 - i) Certificate of Purpose of Plat
 - j) Certificate of Approval for Recording

with future rezoning/allowed uses are three units/acre (275 units). This number of units assumes both mixed-use development and stand-alone residential uses, so it may be higher than possible.

All properties have existing infrastructure or will connect to Brunswick County sewer and water.

Discussion and Recommendation

Mixed-use developments are common throughout the State. Some communities include mixed-uses within an existing commercial zoning district like Southport and others that designate specific mixed-use zoning districts. Having mixed-use with residential is common in other high-intensity commercial districts. There isn't a right or wrong way to allow this development. Each community tailors their zoning ordinance for specific development patterns and projected needs.

Staff consulted with the City Attorney regarding drafting potential text amendments to other sections of the UDO as part of or instead of this text amendment. Since this is an applicant-proposed text amendment opposed to a staff proposal, the process is to consider the request as written and recommend approval or denial to the Board of Aldermen for a public hearing and their final decision. If the Planning Board would like to pursue the ability to include mixed-use developments in other zoning districts, then you can direct Staff to draft language or other options for inclusion.

Therefore, Staff recommends the Planning Board make a recommendation to the Board of Aldermen. The proposal appears to be consistent with the 2014 CAMA Land Use Plan.



**City of Southport Planning Board
Statement of Plan Consistency and Zoning Recommendation
(As per NC General Statute 160D-604)**

When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

AMENDMENT: ZTA-23-05

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby recommends **denial** of the proposed Zoning Text Amendment to the Board of Aldermen and finds that it is inconsistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the Southport Board of Aldermen.

The statement and motion was seconded and passed _____.

Tanya Shannon, Deputy City Clerk

Sue Hodgin, Chairman



**City of Southport Planning Board
Statement of Plan Consistency and Zoning Recommendation
(As per NC General Statute 160D-604)**

When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

AMENDMENT: ZTA-23-05

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby recommends adoption of the proposed Zoning Text Amendment to the Board of Aldermen and finds that it is consistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the Southport Board of Aldermen. More specifically, the proposed amendment is consistent with Policy 2.1: Southport supports development that blends a mix of uses at a reasonable scale offering convenient retail facilities to nearby residents in an effort to reduce traffic flow on main thoroughfares.

The statement and motion was seconded and passed _____.

Tanya Shannon, Deputy City Clerk

Sue Hodgin, Chairman

STAFF REPORT

ZONING TEXT AMENDMENT APPLICATION

SECTION 3.5 TABLE OF PERMITTED AND SPECIAL USES

APPLICATION SUMMARY	
Presentation Date	December 21, 2023 Planning and Zoning Board
Applicant	S&G Holdings
Relevant Ordinance Sections	Section 3.5 – Table 3.1 Residential Uses – Mixed Uses and Section 3.7.F. Residential Use Standards

ZONING TEXT AMENDMENT PROPOSAL
S&G Holdings, applicant, respectfully submits a Zoning Text Amendment to the City of Southport Unified Development Ordinance. Specifically, the request is to amend Section 3.5 – Table 3.1 Residential Uses to permit Mixed Uses in the HC – Highway Commercial zoning district, with standards. All proposed changes, including additions and deletions, can be found as an attachment to this report and may also be viewed in the City of Southport Development Services Department offices.

REVIEW PROCESS
A Zoning Text Amendment proposal is considered a legislative process. As laid out by North Carolina General Statutes, a legislative process is a policy-level decision with broad discretion by the decision-making authority, in Southport’s case the Board of Aldermen. In a decision to approve or deny a legislative proposal, the Board of Aldermen shall include a statement referencing the decisions consistency with the adopted land use plan for the City of Southport. Per the City of Southport Unified Development Ordinance, the Planning and Zoning Board shall also provide a recommendation on any proposed Zoning Text Amendment to the Board of Aldermen. The Board of Aldermen shall hold a public hearing prior to voting on any Zoning Text Amendment.

AMENDMENT DESCRIPTION AND APPLICANT PETITION
The amendment to this section would allow Mixed Uses in the Highway Commercial (HC) zoning district. The standards that are required for all mixed-use developments would be applicable to any development in the HC district.

The applicant applied for this amendment to expand the housing options throughout the city, especially in the areas along Rob Gandy Boulevard SE. Currently, the only zoning districts that

allow mixed uses are PUD, O-I, BD, and CBD. While the applicant is most interested in the parcels along Rob Gandy Boulevard SE, the addition would allow mixed uses in any of the HC zoning districts. The zoning map below shows HC properties in red.

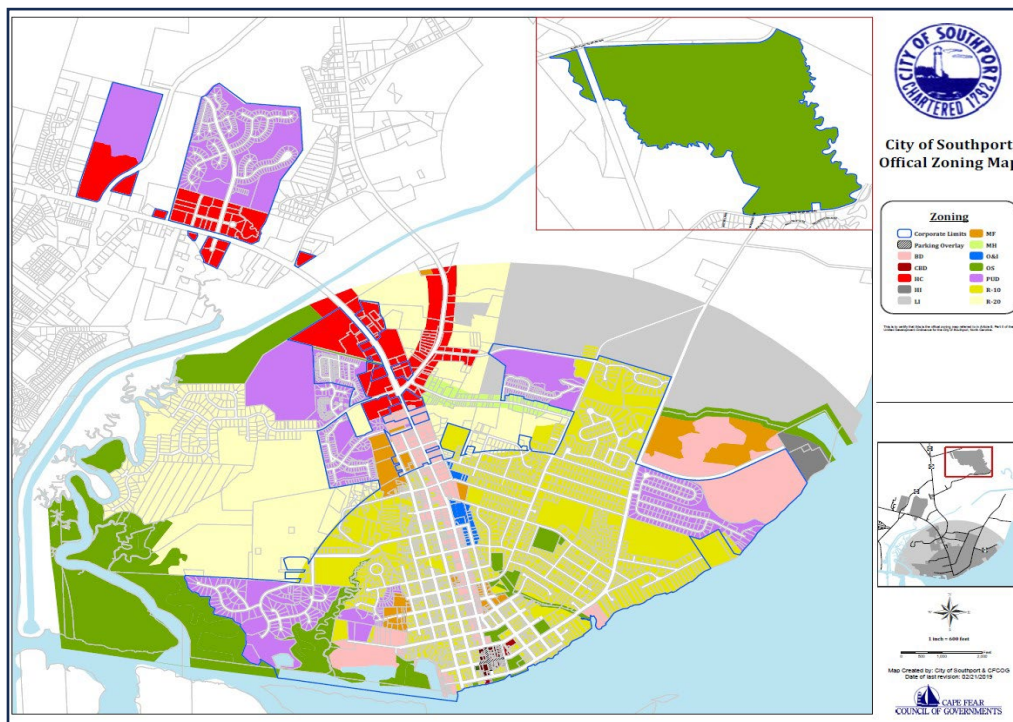


Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													Use Stand ard	
	Uses	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
MIXED USES							PS	PS	PS	PS	PS				3.7.F

F. MIXED USES

Where permitted, the following shall apply:

1. First floor shall be permitted business uses only.
2. The floor area devoted to the dwelling(s) in the CBD or BD shall not exceed the floor area devoted to the permitted business use(s).
3. The floor area devoted to the dwelling(s) in the PUD, O-I, **or HC** shall not exceed twice the floor area devoted to the permitted business use(s).
4. The minimum floor area for each dwelling shall be 500 square feet and the maximum floor area shall be 1,000 square feet.
5. No mixed-use building shall exceed the maximum height limit established in 3.9 Dimensional Requirements, Table 3.2.

6. ~~No mixed-use building shall exceed 40 feet (i.e. one (1) floor commercial plus two (2) floors residential) in height.~~
6. Each dwelling shall have a direct means of access to the exterior of the building so that no access to the dwelling is provided through the use located on the lower floor(s) of the commercial building.
7. Parking for such dwelling(s) shall be in addition to that required for the permitted lower floor use(s).
8. Proposed curb cuts and driveways for required off-street parking lots that eliminate existing on-street parking spaces shall replace the number of on-street parking spaces eliminated by said curb cut(s) and driveway(s) within the parking lot being created, in addition to the number of parking spaces otherwise required by this ordinance.

BACKGROUND AND EVALUATION

Unified Development Ordinance Compliance

Zoning Text Amendments, like General Use Zoning Map Amendments (Rezoning), follow the process laid out in Section 2.10 of the City of Southport Unified Development Ordinance. Pursuant to this section, the Planning Board shall advise and comment on whether the proposed text or zoning map amendment is consistent with the comprehensive plan or any other official adopted plans that are applicable and make a recommendation to the Board of Aldermen. The Board of Aldermen shall, in their final decision-making capacity, base their decision upon the same.

2014 CAMA Core Land Use Plan Compliance

Explicit references to specific lot layout, setbacks, and designs for single family lots are not included in the land use plan. The plan references updating the UDO and other documents to meet the needs of the residents of the city. Further, the following Policies support consistency with the proposed text amendment and the land use plan.

Policy 2.4: Southport will permit residential development to occur in response to market needs provided that the following criteria are met: (1) Due respect is offered to all aspects of the environment. (2) Concurrent planning for improvements to community facilities, infrastructure, and services is provided.

Policy 2.1: Southport supports development that blends a mix of uses at a reasonable scale offering convenient retail facilities to nearby residents in an effort to reduce traffic flow on main thoroughfares.

Policy 7.22: The City shall continuously maintain all official planning documents.

STAFF'S RECOMMENDATION

City Planning Staff submit the proposed Zoning Text Amendment to the Planning Board for their consideration and recommendation to the Board of Aldermen. The proposal is consistent with the 2014 CAMA Core Land Use Plan, specifically regarding residential development occurring in response to market needs.

Attachments

Consistency Statement

Proposed Text Amendment Language

Text Amendment Application

Proposed Text Amendment Language

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													Use Stand ard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
MIXED USES						PS	PS	PS	PS	PS				3.7.F

F. MIXED USES

Where permitted, the following shall apply:

1. First floor shall be permitted business uses only.
2. The floor area devoted to the dwelling(s) in the CBD or BD shall not exceed the floor area devoted to the permitted business use(s).
3. The floor area devoted to the dwelling(s) in the PUD, O-I, **or HC** shall not exceed twice the floor area devoted to the permitted business use(s).
4. The minimum floor area for each dwelling shall be 500 square feet and the maximum floor area shall be 1,000 square feet.
5. No mixed-use building shall exceed the maximum height limit established in 3.9 Dimensional Requirements, Table 3.2.
- ~~6. No mixed use building shall exceed 40 feet (i.e. one (1) floor commercial plus two (2) floors residential) in height.~~
6. Each dwelling shall have a direct means of access to the exterior of the building so that no access to the dwelling is provided through the use located on the lower floor(s) of the commercial building.
7. Parking for such dwelling(s) shall be in addition to that required for the permitted lower floor use(s).
8. Proposed curb cuts and driveways for required off-street parking lots that eliminate existing on-street parking spaces shall replace the number of on-street parking spaces eliminated by said curb cut(s) and driveway(s) within the parking lot being created, in addition to the number of parking spaces otherwise required by this ordinance.



Text Amendment

City of Southport, North Carolina

1029 N. Howe St, Southport NC 28461
www.southportnc.org

Planning & Inspections
 Phone 910-457-7961 Fax 910-457-7957

For Staff Use Only

► RECEIVED ◀

PERMIT No. ZETA-23-05 FEE: \$ 250⁰⁰ Date Received: SEP 19 2023

Applicant's Name: SAG HODINBS
 Mailing Address: 613 LOCKWOOD FERRY City: BOLIVIA
 State: NC Zip Code: 28422 Phone: 919-422-9732
 Email: TRIATCOAST@YAHOO.COM

Current Section Impacted by Proposed Text Amendment: Zoning

Please describe the conditions that makes the proposed text amendment necessary for the promotion of public health, safety, and general welfare; or that identifies an obvious error in the UDO. Also explain why the proposal is or is not consistent with the Land Use Plan and other adopted plans (Attach separate sheet if necessary).

PINCH ID 221LA01409

OFFICE/CONDO UNITS HC ZONE TO MIXED USE

ZONE

Add Mixed Use to HC zoning district - PS

In filing this Text Amendment Petition, I hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Signature (Applicant)

Date

APPROVED BY:

Maween Meehan
 UDO Administrator

Date

STAFF REPORT

7.96 ACRE ROBERT RUARK DR TRACT

REZONING APPLICATION

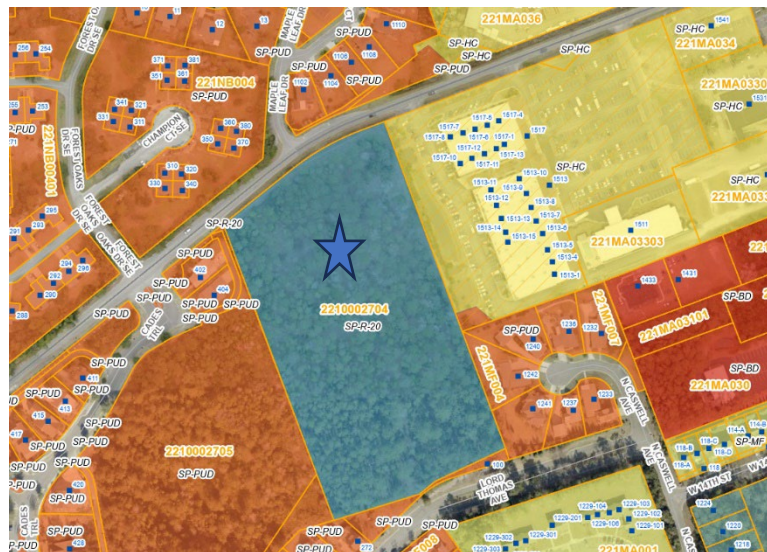
APPLICATION SUMMARY	
Presentation Date	January 18, 2024 Planning Board
Applicant	Blue Ocean Construction
Property Owner	Rich Moore Real Estate Investments, LLC
Parcel ID:	2210002704
Property Size	7.96 acres
Zoning District	R-20
Proposed Zoning District	R-10

REZONING OVERVIEW

Blue Ocean Construction for Rich Moore Real Estate Investments, LLC, is requesting a zoning map amendment from R-20 to R-10 on a parcel of land located on Robert Ruark Drive across from the intersection of Maple Leaf Drive.

LOCATION AND SITE CONDITIONS

The subject property is located on Robert Ruark Drive, adjacent to Cades Cove and Smithville Crossing shopping center, and across the street from Southport Way. The property is located within the Extraterritorial Jurisdiction and can be further identified by parcel number 2210002704.



Most of the property falls within the high suitability land classification on the Land Suitability Analysis Map of the CAMA Land Use Plan. A portion is classified as High Suitability and a portion Least Suitable. The future land use map designation is low density residential which defines single family residences as appropriate uses with a density of 2-3 units per acre.

REVIEW PROCESS

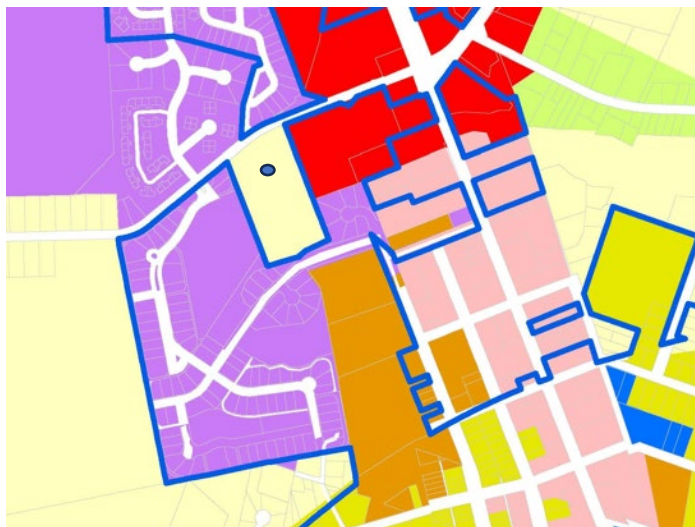
Proposed amendments to the zoning map may be initiated by the Board of Aldermen, Planning Board, city administration, or by the owner, or his or her agent. Every amendment, supplement, change, modification, or repeal of the zoning map/ordinance shall be referred to the Planning Board for its recommendation and report to the Board of Aldermen.

Prior to the Board of Aldermen consideration of a change, a public hearing must occur at a set day and time. The hearing is notified to adjacent property owners by mail, published in a local newspaper of general circulation and posted on the property, for two (2) consecutive weeks not less than 10 days and not more than 25 days before the hearing.

The approval of the rezoning may be adopted by the Board of Aldermen after the duly advertised public hearing and upon the approval of a plan consistency statement and a statement of reasonableness.

PLANNING BOARD REVIEW

This request proposes a map change from Residential Agricultural R-20 to Residential R-10. The future land use map designates the property low density residential.



Zoning Map

The surrounding and adjacent properties to the subject property are zoned highway commercial and PUD - residential.

Light Yellow – R-20

Purple – PUD

Red – Highway Commercial



Future Land Use Map

The future land use map classifies the parcel as low density residential.

Orange – High Density Residential
 Yellow – Low Density Residential
 Red – Heavy Commercial
 Brown – High Density Residential

Permitted Uses

A rezoning request does not allow the applicant to provide a proposed project or site plan. Decisions made on the rezoning must consider all permitted uses in the proposed district in relation to land use impacts, the character of the district and suitability for certain uses, and reasonableness for a small parcel change. Table 3.1 of the UDO highlights the permitted uses for both zoning districts. (R-20 is yellow and R-10 is blue)

The accessory and residential uses for both R-20 and R-10 are the same. Further, both zoning districts have the same uses permitted by right, are special uses, or are permitted/special uses with standards.

Please note that the nonresidential permitted uses are not included in this table for brevity since this request is to change from one residential zoning district to another.

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													Use Stand ard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
Accessory Uses														
ACCESSORY STRUCTURES OR USES, GENERAL		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		3.6.A
ACCESSORY DWELLING, COMMERCIAL						SS	SS	SS	SS	SS	SS	SS		3.6.B
ACCESSORY DWELLING, RESIDENTIAL		SS	SS	SS	SS	SS	SS							3.6.C

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													Use Stand ard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
CEMETERIES AND MAUSOLEUMS		SS	SS	SS	SS	SS	SS	PS	PS	PS				3.6.D
DOCKS, , PIERS, GAZEBOS, BULKEADS, AND LIVING SHORELINES		PS	PS	PS	PS	PS	PS	PS	PS				SS	3.6.E
HOME DAYCARE, ADULT AND CHILD		SS	SS	SS	SS	SS								3.6.F
HOME OCCUPATION		SS	SS	SS	SS	SS								3.6.G
HOMESTAY		PS	PS	PS		PS								3.6.H
MODULAR UNIT					PS	PS	PS	PS	PS	PS	PS	PS		3.6.I
OUTDOOR DISPLAY								PS	PS	PS				3.6.J
OUTDOOR STORAGE									PS	PS	PS	PS		3.6.K
OUTDOOR VENDING MACHINE					PS	PS	PS	PS	PS	PS	PS	PS		3.6.L
PORTABLE STORAGE CONTAINERS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		3.6.M
RECREATIONAL VEHICLE OR TRAVEL TRAILER		PS	PS		PS	PS	PS							3.6.N
SELF-SERVICE ICE VENDING MACHINES									SS	SS				3.6.O
SOLAR ENERGY SYSTEMS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		3.6.P
SWIMMING POOLS		PS	PS	PS	PS	PS	PS	PS						3.6.Q
TEMPORARY SALES OFFICES		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		3.6.R
TEMPORARY HEALTHCARE STRUCTURES		PS	PS	PS	PS	PS								3.6.S
Residential Uses														
DWELLING, SINGLE-FAMILY		P	P	P	P	P	P							
DWELLING, TWO-FAMILY (DUPLEX)		S	S	P	P	P	P							

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													Use Stand ard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
DWELLING, MULTI-FAMILY				PS		SS	SS							3.7.A
DWELLING, TRIPLEX OR QUADRAPLEX				PS	SS	SS	SS							3.7.B
FAMILY CARE HOME		PS	PS	PS	PS	PS								3.7.C
MANUFACTURED HOME ON SINGLE LOT					PS									3.7.D
MANUFACTURED HOME PARK					PS									3.7.E
MIXED USES						PS	PS	PS	PS					3.7.F
MODULAR HOMES		PS	PS	PS	PS	PS	PS							3.7.G

Dimensional Requirements

R-20 zoning district dimensional requirements have a minimum lot size of 20,000 SF and minimum lot width of 100'. R-10 zoning district dimensional requirements have a minimum 10,000 SF lot size with minimum lot width of 75'.

Table 3.2: Dimensional Requirements by Zoning District						
Zoning District	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Minimum Front Setback (feet)	Minimum Rear Setback (feet)	Minimum Side Setback [1] (feet)	Maximum Height Limit (feet)
R-10	10,000	75	25	20	8	40
R-20	20,000	100	40	25	12	40

LAND USE PLAN CONSISTENCY

The 2014 CAMA Land Use Plan (LUP), along with subsequent updates is the plan that is used for policy decisions in the City. The Planning Board and Board of Aldermen shall consult the plan's policies when considering a zoning change. Further, each rezoning must be recommended and ultimately adopted with a statement describing if the action is consistent or inconsistent with the adopted land use plan.

One of the overarching themes found in the Future Demands section of the LUP is increased demand for housing. The goals, objectives, and policies found within the plan

focus on balancing the need for housing and infrastructure with protection of the historic character and environmental resources of the City.

Map amendment considerations must include the specific neighborhood or district and its suitability for uses. Land Use Plan objectives and policies direct future development to areas that are most appropriate for the type of use.

The subject neighborhood has multiple different housing densities and types, including small lot single-family homes and multi-family units. Residential development with 10,000 SF lots would be suitable for the neighborhood's character.

The following policies and implementing actions support the proposed rezoning request.

Policy 2.1 “....rezonings and amendments in classifications to the future land use map should be carefully balanced with a demonstrated need for such proposed development”.

Recommended Action 2.1.A: Consider requiring all rezoning approvals be compared to the land suitability map and analysis, included in this plan, for consistency. This consistency review will be presented to the Planning Board and Board of Aldermen.....

As mentioned previously, there is a need for housing and the subject property is in an area of high suitability on the Land Suitability Map. The future land use map designation supports residential development.

Policy 2.4: Southport will permit residential development to occur in response to market needs provided the following criteria are met:

- 1) Due respect is offered to all aspects of the environment.
- 2) Concurrent planning for improvements to community facilities, infrastructure, and services provided.

These policies are appropriate for the site due to the unique characteristics of the neighborhood and the size of the property.

STAFF RECOMMENDATION

City Planning Staff submit the proposed Zoning Map Amendment to the Planning Board to consider a recommendation to the Board of Aldermen. The proposal appears to be consistent with the 2014 CAMA Core Land Use Plan and is reasonable due to the size, physical conditions, and other attributes of the area.

Attachments:

Consistency Statement

Rezoning Application



**City of Southport Planning Board
Statement of Plan Consistency and Zoning Recommendation
(As per NC General Statute 160D-604)**

When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

AMENDMENT: ZMA 23-03

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby recommends **approval** of the proposed Zoning Map Amendment to the Board of Aldermen and finds that it is consistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the Southport Board of Aldermen. More specifically, the proposed amendment is consistent with **Policy 2.4:** Southport will permit residential development to occur in response to market needs provided the following criteria are met: 1) Due respect is offered to all aspects of the environment. and 2) Concurrent planning for improvements to community facilities, infrastructure, and services provided. Further, the Planning Board finds that the proposed text amendment is reasonable due to the size, physical conditions, and other attributes of the area.

The statement and motion was seconded and passed _____.

Tanya Shannon, Deputy City Clerk

Sue Hodgin, Chairman



**City of Southport Planning Board
Statement of Plan Consistency and Zoning Recommendation
(As per NC General Statute 160D-604)**

When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

AMENDMENT: ZMA 23-03

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby recommends **denial** of the proposed Zoning Map Amendment to the Board of Aldermen and finds that it is inconsistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the Southport Board of Aldermen and not reasonable due to the size, physical conditions, and other attributes of the area.

The statement and motion was seconded and passed _____.

Tanya Shannon, Deputy City Clerk

Sue Hodgins, Chairman

Rezoning Application

City of Southport, North Carolina



1029 N. Howe St, Southport NC 28461

www.southportnc.org

Planning & Inspections

Phone 910-457-7961 Fax 910-457-7957

Date: 11/29/2023

FEE: \$ 1800⁰⁰

Permit #: ZMA-23-03

Project Name (If Applicable): 8 ac Robert Ruark Dr Tract

A complete application for any amendment shall contain a description of the proposed zoning regulation or zoning map amendment. The application shall state in detail whether the proposed amendment is consistent with CAMA Core Land Use Plan and any other officially adopted plan that is applicable. The application shall also give detailed evidence that the proposed amendment is in the interest and will benefit the general public and not solely be of benefit to the applicant; that the uses within the proposed zoning district are similar or comparable to the uses in the district as currently zoned, or that none of the uses permitted in the proposed zoning district may potentially adversely affect property values or the health, safety, morals, or general welfare of the residents of the surrounding area. Such application shall be filed with the Administrator to be processed in accordance with Section 12-5 of the UDO.

The Planning Board and Board of Aldermen may consider the following when deciding: Impact on neighbors and neighborhood, traffic, environment, utilities, suitability of land, harmony with area, schools, economic impact, tax base increase, spot zoning created, road capacity, adequate infrastructure, community opinion, property values, consistency with the Land Use Plan, future land use map, jobs, public services, buffering requirements, environmental impact, site limitations, and consistency with plans and prior decisions. The Boards cannot consider ethnicity, income, affordable housing, owner vs. renter housing, or who the owner is when deciding.

Petitioner Name: Blue Ocean Construction

Mailing Address: 3545 Iris St.

City: Wilmington

State: NC

Zip Code: 28409

Phone: 910-409-2732

Email: scottmoore836@hotmail.com

Street Address and/or Description of Location: 7.96 ac of undeveloped wooded land across from the intersection of Maple Leaf Dr parcel 2210002704

Parcel ID #: 2210002704

Site Acreage: 7.96 ac

Number of Lots: 20 +/- tbd

Current Zoning District: R-20

Proposed Zoning District: R-10

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If the proposed change would require a change in the zoning map, attach an accurate diagram of the property proposed for rezoning showing:

1. All property lines with dimensions and north arrow.
2. Adjoining streets with rights-of-way and paving widths.
3. The location of all existing structures on the property.
4. The existing land uses associated with the property.
5. The zoning classification of all abutting zoning districts.
6. A list of all abutting property owners.

Future Land Use Map Designation: Low density residential

Is the proposed zoning consistent with the Land Use Plan? (Describe how it is consistent below if so)
(Please Circle One): ☒ Yes ☐ No

Please describe the changing conditions in the area or in the City of Southport that makes the proposed amendment necessary to the promotion of the public health, safety and general welfare, or that identifies an obvious error in the zoning map based upon the zoning classification or current land use of surrounding properties. Also include an explanation on why the proposed zoning is or is not consistent with the Land Use Plan and other adopted plans (Attach separate sheet if necessary)

This rezoning is consistent with the future land use plan as low density residential is defined in the plan as "single family residences, manufactured homes, and planned unit developments". The purpose of this rezoning is to decrease the minimum lot size from 20,000 sf to 10,000 sf thus allowing more single family homes.

The parcel is surrounded mostly by planned unit developments with an average lot size ranging from 8,000 sf to 16,000 sf. Allowing this parcel to set the minimum lot size to 10,000 sf would blend nicely in the area.

Rezoning Fees as of July 1, 2018

Rezoning: Less than 3 Acres	\$500.00
Rezoning: 3.01-6.00 Acres	\$1,000.00
Rezoning: 6.01 + Acres	\$1,000.00 + \$100/acre

In filing this Rezoning Petition, I hereby certify that I am authorized to submit this application and that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.



Signature (Owner or Authorized Applicant)

Scott Moore, President
Blue Ocean Construction

Date

11/17/23

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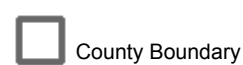
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Brunswick County GIS Data Viewer

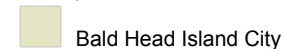


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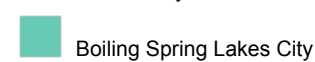
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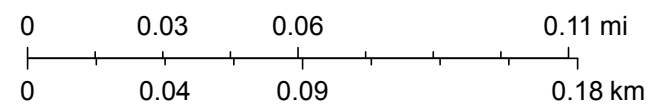
Municipalities



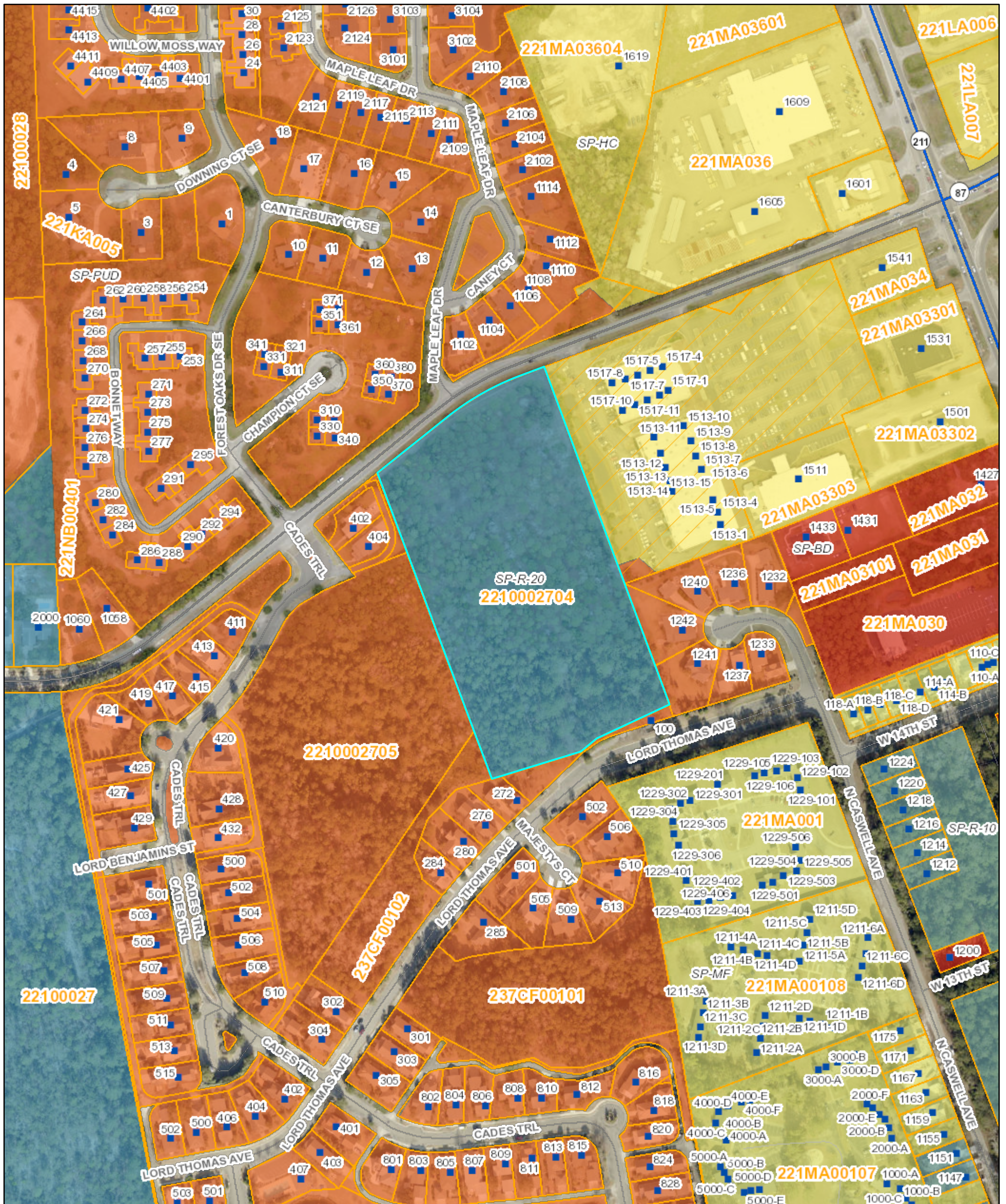
 Belville City



 Bolivia City



Brunswick County GIS Data Viewer



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County Boundary

Roads

Interstate

US Hwv

NC Hwy

State Road

Minor



Addresses

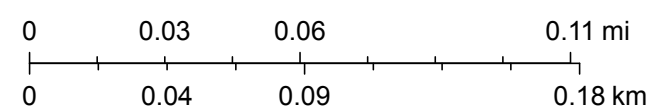
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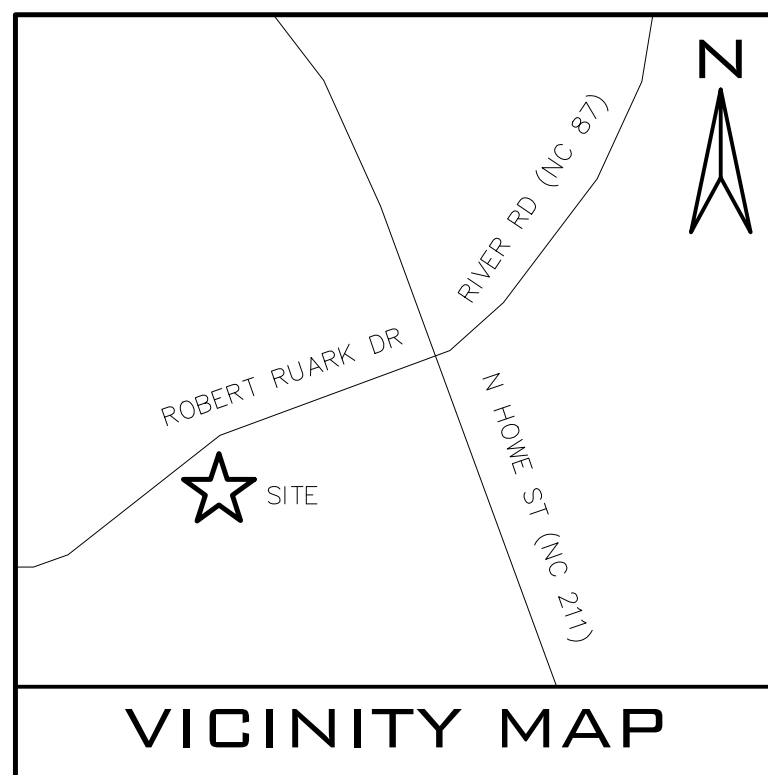
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Green: Band_2

 Blue: Band 3

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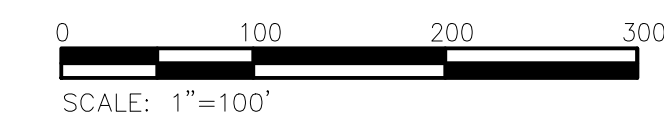
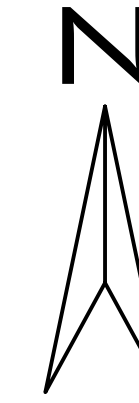
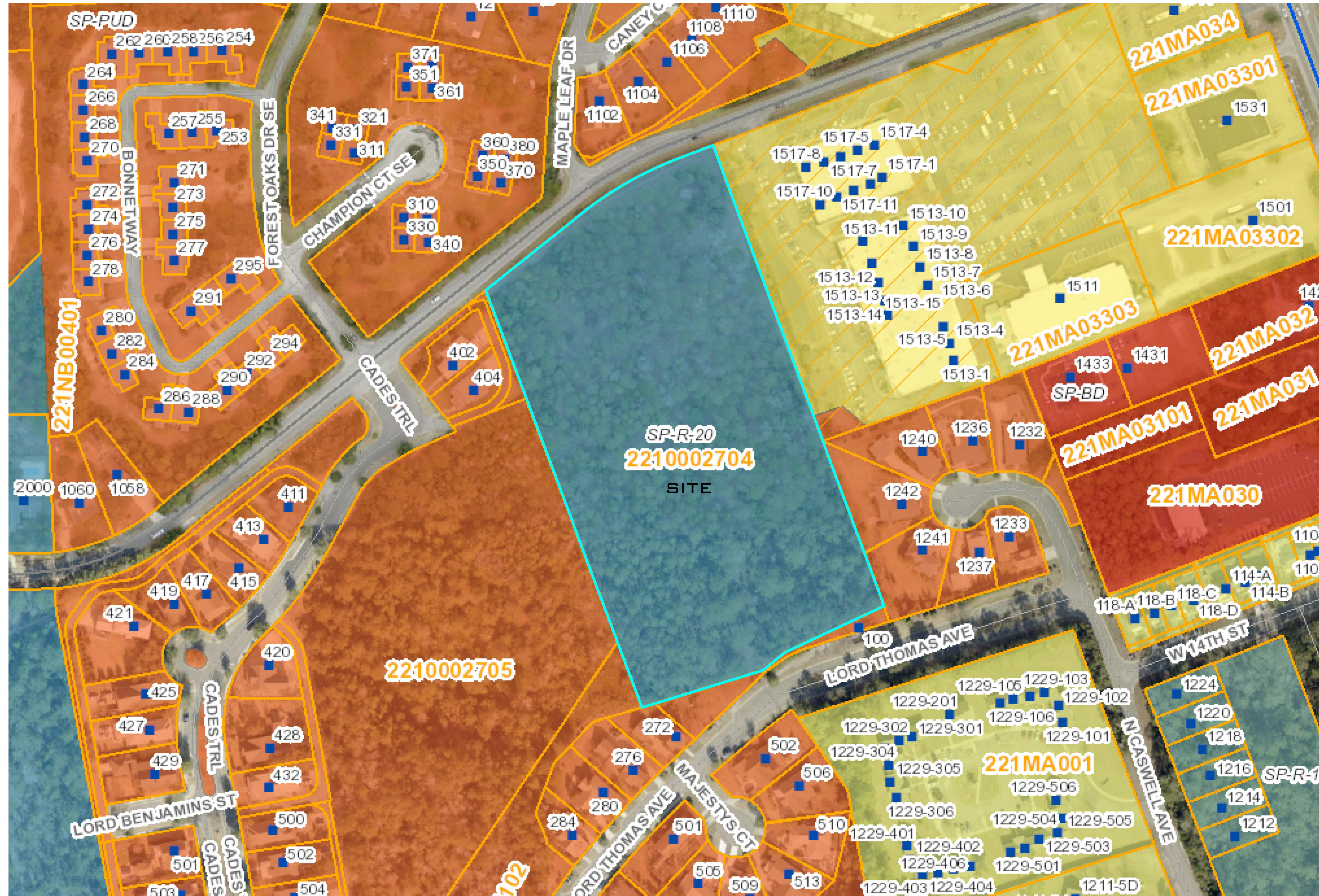
VICINITY MAP

ADJACENT PROPERTY OWNERS

PARCEL #	OWNER	ZONE	USE
221NE00106	CADES COVE HOA	PUD	BUFFER
2210002705	CADES COVE HOA	PUD	BUFFER
237CF00102	CADES COVE HOA	PUD	BUFFER
237CF0009	VEDCF0009	RESIDENTIAL	
237CF00103	CADES COVE HOA	PUD	BUFFER
221MF00101	CITY OF SPT	PUD	UNDEVELOPED
221MF003	STALLINGS	PUD	RESIDENTIAL
221MF004	MCULLOUGH	PUD	RESIDENTIAL
	SILVER CROSSING	MC	COMMERCIAL
2210002707	CITY OF SPT	PUD	UNDEVELOPED
221NG00103	SOUTHWYNDE	PUD	BUFFER
221NB004	FOREST OAKS OF SPT	PUD	RESIDENTIAL

SITE DATA

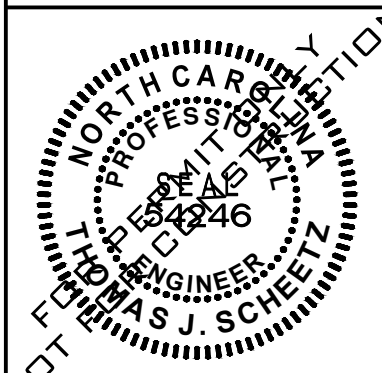
PARCEL #: 2210002704
SITE AREA: 7.96 AC
ZONING: R-20



HEADWATERS ENGINEERING
OF THE CAPE FEAR, PLLC

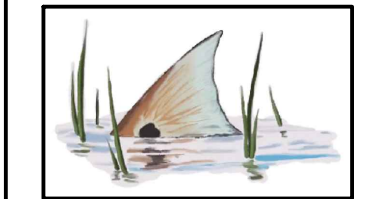
#23-017

DATE:	11/17/23
DESIGN:	TJS
DRAWN:	TJS



CO

SITE PLAN
8 AC ROBERT RUARK DR TRACT
SOUTHPORT, NC
BLUE OCEAN CONSTRUCTION
3545 IRIS ST., WILMINGTON, NC 28409
910-409-2732 scottmoore836@hotmail.com

[illegible]

P-2714
LELAND, NORTH CAROLINA
(910)465-3304
TSCHEETZ@HEADWATERSCAPEFEAR.COM



MEMORANDUM

To: Sue Hodgins, Chair and Members of the Planning Board
From: Maureen Meehan, City Planner
Re: Southport Local Historic District Design Standards Presentation
Date: January 18, 2024

This is a presentation and request for a joint Planning Board and Historic Preservation Commission meeting. No other action is necessary.

The Southport Historic Preservation Commission was established on September 8, 2023 and commission members were appointed in October. Since that time the members have met monthly (and several months bi-weekly) to establish the Southport Local Historic District Goals, Policy and Procedures, and Design Standards. All development within the local historic district must meet the standards established by the Commission and adopted by the Board of Aldermen. The standards provide a framework for review of projects and ensure that all applications are treated equally. The draft design standards are attached for your review.

Attachments

- **Southport Local Historic District Design Standards - DRAFT**

City of Southport
Historic Preservation Commission

IF THESE WALLS COULD TALK
100 Years of Community Memories
School circa 1900
City Hall circa 1900
Franklin Square Gallery 2004
Joyce Grawett
Paul Grawett
Roberta Pierre

The Architecture of Southport
by Carl Lounsbury

WEST STREET
WELL STREET
SOUTHPORT, N.C.

GUYS BAKERY

STEDE BONNET
1688-1718
Barbedian planter turned pirate made N.C. his base. 1718. Captured in naval battle few mi. E of Southport. Buried in Charleston.

CITY OF SOUTHPORT
FOUNDED 1790

ACKNOWLEDGMENTS

The Southport Historic Design Standards manual was prepared by the Southport Historic Preservation Commission with assistance from City Development Services Staff. We also thank the many Southport citizens who participated in the public meetings and provided input for project completion.

Mayor
Richard Alt

Board of Aldermen
Rebecca Kelley, Mayor Pro Tem
Robert Carroll
Lowe Davis
Frank Lai
Karen Mosteller
Marc Spencer

Historic Preservation Commission
Charles Drew, Chair
Rick Pukenas, Vice-Chair
Alexis Gore Graves
Bonner Herring
Josh Cline McGee
Jim McKee
Joanne Wesson
Bonnie Bray
Tal West

The Southport Design Standards are intended to assist property owners in the locally designated historic district and owners of historic landmarks when they are planning changes to the exteriors of their properties. The guidelines also assist the Southport Historic Preservation Commission and its staff in determining the appropriateness of proposed changes.

A historic district is created because, taken as a whole, it embodies important elements of the city's cultural and architectural heritage. Therefore, when considering projects within a historic district, the Commission is charged with reviewing exterior alterations to an individual building, as well as their impact on the district as a whole. Originally designated in 1980, the City of Southport National Register Historic District consists of a combination of residential, commercial and institutional buildings.

Design standards do not apply to National Register historic districts. The National Register of Historic Places is the official list of the nation's historic places worthy of preservation. Listing in the National Register is an honorary designation and places no restrictions on what an owner may do with a listed property. Locally designated historic districts are created to protect historic properties from insensitive alteration. Therefore, standards help property owners determine appropriate maintenance and rehabilitation measures for their historic buildings. Where the boundaries of a local historic district and a National Register historic district coincide or overlap, the application of design guidelines is in effect strictly due to the local designation.

Through the establishment of the Southport Local Historic District (historic district), the City of Southport and the Historic Preservation Commission hope to retain the remaining historic building stock, to encourage the efforts of area residents to conserve the historic neighborhoods, and to protect Southport's character and charm. Local designation provides review of proposed changes to exteriors, landscaping, site features, and archaeological resources.

1) Secretary of Interior's Standards for Rehabilitation

The Secretary of Interior's Standards for Rehabilitation are the broad preservation principles on which these Design Standards are based. These ten national standards outline a hierarchy of preservation practices that focus on the maintenance and protection of historic properties, valuing preservation over the repair or replacement of historic features. The standards also address landscape features, site, and setting as well as additions and new construction.

The Secretary of Interior's Standards for Rehabilitation, developed in 1992, were codified as 36 CFR Part 68 in the July 12, 1995, Federal Register (Vol. 60, No. 133). They replaced the 1978 and 1983 versions of 36 CFR Part 68, entitled The Secretary of the Interior's Standards for Historic Preservation Projects. The ten Standards are listed below with additional information and guidance available on the National Park Service website: <http://www.cr.nps.gov/hps/tps/tax/rehabstandards.htm>.

In the rare instance that a particular application includes an element that is not specifically addressed in these Design Standards, the Secretary's Standards for Rehabilitation will be applied to that part of the application. It should be noted that, although the first standard addresses use, the Commission does not review proposed uses of historic buildings.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

8. Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to project the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2) Administration of the Southport Local Historic District

Historic Preservation Legislation—Federal, State, and Local

Historic preservation activities in Southport are guided by several important pieces of legislation on the federal, state, and local levels. Foremost of these is the National Historic Preservation Act (NHPA) of 1966. Among other things, this landmark federal act and its amendments established the National Register of Historic Places, the system of State Historic Preservation Offices, and the Certified Local Government program. It also mandated consideration by the federal government of the effects to historic resources from federal undertakings. Through additional historic preservation-related legislation enacted in 1976 and 1986, the federal government has created tax credits for the certified rehabilitation and preservation of income-producing historic properties.

In North Carolina, localities can establish historic districts and Historic Preservation Commissions to administer them pursuant to the provisions of North Carolina G.S. 160D-940-951. This statute defines the criteria for historic district and landmark designation, details the potential powers and duties of a local Historic Preservation Commission, and mandates that a Certificate of Appropriateness (COA) be obtained for changes to the exterior of individual landmarks and buildings within a historic district or to their setting.

The state statutes provide the legal underpinning for the City of Southport's Local Historic District Ordinance, first adopted by the Southport Board of Aldermen on September 8, 2022. The Southport Local Historic District Ordinance, much of which is based on the State Statute above, is found in Chapter 2, Division 3 of the City Code of Ordinances.

Makeup of the Southport Historic Preservation Commission (HPC)

The City of Southport's Historic Preservation Commission (HPC) consists of seven (7) regular members and two (2) alternate positions, who are voted in as voting members when a regular member is absent. The HPC elects its own chairperson and vice-chairperson to one-year terms. All members must be residents of the City of Southport, though not necessarily a resident of the historic district, and shall have demonstrated special interest, experience, or education in preservation, history, or architecture. The HPC is assisted in its duties by City Staff, including the Development Services Director, City Planners, Building Inspectors, and the City Clerk.

The Southport Historic Preservation Commission holds regularly scheduled meetings on the first

Wednesday of every month at 4:00 PM. Meetings are generally held at the Indian Trail Meeting Hall (113 W. Moore Street). All cases are advertised in accordance with City ordinance. The HPC may also hold special meetings to discuss particular topics and are advertised as such, and all meetings of the HPC are open to the public.

3) Duties and Responsibilities of the HPC

Among the most important powers and duties of the HPC detailed in Section 2.195 of the Southport historic district regulations are the following:

- Maintain an inventory of historic properties;
- Recommend to the Board of Aldermen the designation of historic districts and landmarks in Southport, as well as recommend the removal of a building or landmark's historic designation;
- Review and act upon proposals for alterations, demolitions and relocations, or new construction within historic districts in Southport; the HPC also reviews changes to individual landmarks.

This last duty is the one most frequently encountered by the public in Southport. To fulfill this responsibility, the HPC is empowered to *“review and pass upon the appropriateness of the construction, reconstruction, alteration, restoration, moving or demolition of any buildings, structures, outdoor advertising signs or other exterior features in the historic district.”*

The purpose of the review is to assist the HPC perform its duty as provided by N.C. General Statute 160D-947 to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings or structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district which would be incongruous with the special character of the landmark or district.

Quasi-Judicial Decision

Local historic designation requires a certificate of appropriateness (COA) from the HPC to make any changes to their property. The commission reviews all COAs and makes its decision based on evidence and the design standards in this document. The Commission must use its judgement to come to a conclusion of law.

Due to the judgement required to make the COA decision, the standard procedural requirements for quasi-judicial decisions shall be followed. The standard that applies to historic preservation decisions asks “is the project incongruous with the special character of the district or landmark?” (as identified in these design standards).

Procedural elements that must be followed as outlined in the general statutes include:

The preservation commission

- “Shall take such steps as may be reasonably required in the ordinance and/or rules of procedure to inform the owners of any property likely to be materially affected by the application”;
- “shall give the applicant and such owners an opportunity to be heard”

- “may hold a public hearing concerning the application”;
- Shall review and act upon all applications “within reasonable time, not to exceed 180 days from the date the application for a certificate of appropriateness is filed.”

Certificate of Appropriateness

Probably the most frequently asked question of the HPC is “When do I need a Certificate of Appropriateness (COA)?” The COA is a permit that a property owner receives indicating that a proposed change or action has been reviewed and approved by the HPC for congruity with the special character of the historic district or landmark and for consistency with the historic district regulations. As a part of the COA review process, the HPC shall consider the preservation of the character and integrity of the City and its historic districts and individual landmarks. To verify that the proposed action requires a COA, call City Hall at 910-457-7900.

According to Section 2.198 of the City historic district regulations “ordinary maintenance or repair of any exterior architectural feature in the Southport Historic District which does not involve a change in design, material, or outer appearance” does not require a COA. As a general rule, however, all other external changes or modifications to a building/structure or its setting in the historic district, demolitions and relocations in the historic district, new construction in the historic district, and the installation or alteration of any sign in the historic district can only be undertaken after the granting of a COA. The COA must be obtained before any proposed work can be performed. A COA is generally required regardless of whether any other building or zoning permit is required. Note that the interior of a publicly owned building or an individual landmark for which consent for interior review has been given by the owner also falls under HPC review.

Routine Maintenance Actions (COA Not Required)

Property owners should be aware of certain actions that are considered “routine maintenance” or are otherwise not subject to HPC review and thus do not require a COA. These items include:

- Repair of painted surfaces;
- Seasonal decorations;
- Moveable playground equipment;
- Temporary real estate “open-house” or “yard sale” signs placed and removed on that day;
- Replacing gutters or downspouts;
- Minor landscaping, including planting of flowers and vegetable gardens.

Minor Work Items (COA Required with City Staff Approval)

In an effort to expedite the review of COA applications, the HPC has defined certain minor proposed building and/or site changes that will have no discernible impact on the special character of the building, site, and historic district. These “Minor Work Items” do require completion and submittal of a COA application, but they do not require review by the HPC. Instead, they are reviewed by City Zoning and Planning staff for consistency with the historic design guidelines. City staff may, at their discretion or at the request of the applicant, forward the COA for a hearing and approval by the HPC.

Minor Work Item	Comments
Cleaning: Ordinary maintenance of a property and/or replacement of architectural features using the same materials, design, etc. that do not alter the exterior appearance of the property.	
Roof: Replacement of existing roof using same materials, colors, design, etc.	See “Roofs” section for standards on new roofs.
Fences: Side and rear yard fences and walls of all styles and materials.	See “Fences” section for standards for fences in front yards and for corner lots.
Landscaping: Planting or removal of trees, in rear and non-visible side yards. Removal of any diseased or damaged trees in any location. Utilitarian wood garden sheds, painted to match primary structure, in rear or non-visible side yard not to exceed 150 square feet. Trellises, arbors, and above-ground swimming pools in rear or non-visible side yards.	Minor landscaping does not require approval of a COA. City Tree Protection and Landscape Preservation permit process still applies. Major “hard” landscaping in public view, such as the removal or installation of stone or brick terraces, water features, berms, and ground moving activities require HPC review. Removal of major landscaping features that contribute to the character of the historic district, such as all mature trees and landscape features such as berms, terraces, and walkways require a COA.
Mechanical Equipment: Installation of mechanical equipment including roof vents, exterior air conditioners, furnaces, generators, and satellite dishes on rear or non-visible side elevations.	Installation of all features mentioned at left on a front or visible side elevation requires HPC review.
Installation of window air conditioning units, window fans, and TV antennas on rear or non-visible side elevations. Central air conditioning units on the rear or side of the building not seen from the street.	Central air conditioning units on a visible side can be approved by the HPC but must be screened with shrubbery or appropriate fencing.
Shutters: Shutters or blinds on rear or non-visible side elevations, subject to design guidelines.	See “Windows” section of guidelines for discussion of common shutter and blind types.

Storm Windows/Doors: Installation of metal or wooden storm doors and windows which have a painted color that matches window trim or is appropriate for the house. Storm windows for double hung sashes shall have horizontal dividers that are in alignment with the horizontal meeting rails of the original upper and lower sashes. Installation of wooden storm doors or windows painted to match trim or house. Installation of painted wooden window screens and screen doors on all elevations.	See “Windows and Doors’ section of guidelines for more detail.
Siding: Removal of artificial siding and other non-original material where original siding is known to exist.	
Accessibility: Erection, alteration, or removal of temporary features that are necessary for medical conditions, but which do not permanently alter exterior features.	Installation of permanent ramps and features structurally attached to the building requires HPC review.
Collapsible Porch Gates: Gates should be truly temporary and removable, with purpose to restrain young children and pets.	Reviewed by HPC on a case by case basis.
COA: Six-month renewal of Certificate of Appropriateness previously granted, ONLY if work has been started but not completed within the one-year validation period.	

Pre-Application Process

For all but the smallest project, a property owner is strongly urged to take advantage of the HPC’s pre-application process. This process, involving informal consultation with City staff can save untold time, money, and headaches during the rest of the COA application process. It allows owners/applicants to present conceptual ideas, to discuss different alternatives, and to receive helpful guidance and comments. An applicant may request an informal meeting with Staff to become familiar with the Southport Historic Design Guidelines.

It is important to realize that completion of the pre-application process does not guarantee approval of the COA application by the full HPC, or that the COA application will not be modified. The HPC renders its decision on an application after careful consideration, hearing of evidence from

other Southport residents or expert witnesses, and discussion among its members, all accomplished at the regularly scheduled HPC hearings.

Certificate of Appropriateness (COA) Application Process

1. Early consultation with applicable permitting agencies and the City Building Inspector and City Planning Staff is strongly encouraged so that the impact of requirements on the COA application may be assessed and the permitting process can be facilitated for the applicant.
2. Having determined that a COA is required, having reviewed the sections of the historic district standards relevant to the project and having completed the pre-application process (if needed), the property owner then completes the COA application. This application can be obtained in person from the City Hall or it can be downloaded from the City of Southport website at www.cityofsouthport.com.
3. The completed COA application must be signed and dated. The COA must be filed with the Development Services Department in accordance with the Department's established deadline calendar in order to be considered on a respective agenda of the HPC. For the schedule of HPC meetings and meeting agendas, check the City's website at www.cityofsouthport.com.
 - a. Pursuant to the above, Staff reserve the right to withhold a proposal from an agenda if additional information was requested and not received in time to allow proper public notice of the hearing.
4. In order for a thorough review of the COA to be undertaken by City Staff and the HPC, the application must include sufficient supporting documentation. The level of documentation depends on the complexity of the proposed project, but it is rare that too much documentation is ever submitted. The checklist of required documents for the COA application is found attached to the application and is listed on the next page.
5. Development Services Staff screen the completed COA application in an effort to determine compliance with all applicable City zoning ordinances and codes. If Staff determine that an application is not in compliance with zoning or other land use provisions the applicant will be notified. If the applicant does not withdraw his application or amend the same to bring it into compliance with zoning or other land use provisions, the HPC will not have jurisdiction of the application, and will deny a COA on that basis.
6. Applicants should note that in addition to a COA, additional permits may be required for projects within the Historic District, particularly along the waterfront. These include, but are not limited to CAMA permits, wetlands impact permits, stormwater permits, driveway permits, and numerous other permits issued by federal, state, and local agencies. City building permits will be issued only after a project has received all required permits, including a COA.
7. Early consultation with applicable permitting agencies and the City Building Inspector is advisable so that the impact of requirements on the COA application may be assessed and the permitting process can be facilitated for the applicant. The HPC may choose to delay consideration of a COA application to consult with federal, state, or local agencies. This is particularly important when the North Carolina HPO is asked to review and comment on the project as part of a required environmental review process. Any comments from North

Carolina HPO must be documented in writing.

8. Upon completion of local zoning and land use screening, the case liaison will forward the COA application to the HPC for its review and action. Notification of the meeting date, time, and place will be sent to the applicant and adjoining property owners by mail no less than ten (10) days prior to the HPC meeting. Attendance at the meeting by the applicant (or a designated proxy) is required, should any questions or concerns regarding the project arise. Failure of the applicant to attend a meeting may result in unnecessary delay if the HPC fails to obtain information deemed necessary to make an informed decision. Any interested party is welcome to attend the meeting or to review the application at City Hall prior to the HPC hearing.
9. Most COA applications are reviewed and decided upon the day of the meeting. The HPC must issue or deny a COA within one hundred and eighty (180) days after a completed application has been filed, except when the time limit has been extended by mutual agreement between the applicant and the HPC or when more time is needed to obtain comments from other federal, state or local agencies involved in the permitting, funding, or approval of the proposed project. The time limit extension applies to Staff request for technical advice from HPO.
10. In determining whether the work proposed in the application would be congruous with the special character of the district, or in certain cases, designated landmarks outside the district, the HPC commission will consider the items generally and specifically set forth in these guidelines including the following principles:
 - a. The special character of the district is primarily defined by the following elements:
 - i. Architectural styles, sizes, scales, height and proportions of historical Southport buildings and other structures.
 - ii. Vistas of the Historic District should be maintained. These include seascapes, landscapes, and streetscapes.
11. All decisions of the HPC, in which a COA was awarded or denied, are furnished in writing and mailed to applicants within fourteen (14) working days of the meeting. The COA must be visibly displayed at the project site during the entire duration of the project.
12. Once issued, a COA is valid for twelve (12) months and may be renewed for an additional six months at the written request of the applicant. The COA clock starts at the time of approval or when a building permit is issued, if necessary. If work has not begun after 12 months, the applicant must re-apply for a new COA. An approved COA may also be transferred to a new property owner if that owner certifies in writing that he has reviewed the approved application and agrees to comply with all the terms and conditions of the COA.
13. An approved or pending COA application may be modified by a written request from the applicant to the HPC. The request should include a description of the proposed changes, as well as drawings, a site plan, and other appropriate documentation if necessary. If the HPC finds that the modifications constitute a substantial change from the previous application, a new COA application submission will be required and all notification procedures will be followed.

14. An appeal may be taken to the Southport Board of Adjustment from the HPC's action in granting or denying any certificate. An appeal may be filed by any aggrieved party within 30 days following formal action by the HPC with regard to the granting or denying any certificate in accordance with City ordinance and state statute. Any appeal from the Southport Board of Adjustment's decision in any such case shall be heard in Superior Court.
15. If work is performed without a COA when a COA is required, the persons responsible for such work will be in violation of City ordinance and subject to enforcement action under the ordinances of the City of Southport.

4) Goals of the Historic Preservation Commission

Goal 1: The City of Southport Historic Preservation Commission endeavors to preserve the heritage of Southport by enacting regulations and architectural design standards within the locally designated historic district(s), by extending protection of landmark status to especially significant structures, buildings, sites, areas, or objects, and by utilizing Certificates of Appropriateness to ensure that projects within those districts or involving those landmarks are consistent with the historic character of the City.

Goal 2: The City of Southport Historic Preservation Commission shall establish policies and procedures to prevent the loss of historically significant structures within locally designated historic districts.

Goal 3: The City of Southport Historic Preservation Commission will lead efforts to provide education on the benefits of historic preservation to property owners and residents of the City at large.

Goal 4: The City of Southport Historic Preservation Commission shall support public participation in the historic preservation process, including but not limited to publicly-initiated nominations of local landmarks and through transparency in Commission actions in accordance with all applicable state statutes.

5) Protecting Southport's Historic Vistas

- **Battery Island and Quarantine Platform**
- **Tree-lined streets**
- **Water views at street ends**
- **Franklin Square Park**
- **Old Burying Ground**
- **Howe/Moore corridors**
- **Yacht Basin**
- **Brunswick Street Marsh**
- **Garrison Lawn**
- **Indian Trail Tree and Keziah Memorial Park**

How to Use the Design Guidelines

Users of these guidelines are encouraged to read them in their entirety. They can also reference selected sections to answer specific questions about the repair, alteration, and rehabilitation of Southport's historic architecture, and new construction within the historic district.

- Section 6 – Standards for Rehabilitation of Individual Landmarks and Buildings in the Southport Historic District provides guidelines for proposed changes to individual landmarks and buildings in the Southport Historic District.
- Section 7 – New Construction and Additions in the Southport Historic District provides guidance for new construction and its integration within the historic district.
- Section 8 – Setting in the Southport Historic District discusses the setting of the historic district related to landscaping, fencing, utilities, lighting, and signage.
- Section 9 – Relocation of Building Standards discusses best management for relocation of buildings.
- Section 10 – Demolition of Landmarks and Buildings in the Southport Historic District discuss the topics of appropriate demolition in the district.
- Section 11 – Disaster Preparedness and Prevention provides guidelines for historic properties within flood prone areas and best practices of preparation for and rehabilitation after natural disasters.

6) Standards for Rehabilitation of Individual Landmarks and Buildings in the Southport Historic District

Roof Standards

- 6.1.1. Retain historic roof-top features such as ornamental eaves, cornices, rake-boards, dormers, gables, chimneys, finials, cresting, steeples, belfries, cupolas, and railings that add to the overall architectural character of a structure. All original and significant later features should be preserved and restored, rather than removed. The design of any new roof features should be based on documentary evidence and are compatible with both the building and surrounding buildings. It is not appropriate to make alterations to the front or other primary portions of the roof of a contributing structure if that roof slope can be seen from public view.
- 6.1.2. Preserve, maintain, and repair historic roofing details and materials such as slate, standing seam metal, and tile. Replace in-kind only if necessary due to deterioration or damage. Replace only the damaged or deteriorated portion using materials identical to the original if possible.
- 6.1.3. New roofing materials should be compatible with either the existing or original roofing material. Match the historic material as closely as possible in color, shape, size, and texture. Asphalt, fiberglass-asphalt shingles, and metal roofs are acceptable. Any distinctive patterns of shingles or slates shall be retained and/ or replicated exactly.

- 6.1.4. Contemporary or non-historic roof features may be installed on areas of the roof not seen from the public view or on other non-character defining secondary roofs. Included are skylights, roof-mounted vents, dormers, chimneys, antennas, and solar collectors. These are not permitted when their installation or later removal would damage or destroy a significant roof feature. In certain instances, new dormers may be permitted on side or rear elevations if their design is compatible with the building and the roofline.
- 6.1.5. Install new gutters without damaging or obscuring architectural features. It is inappropriate to replace concealed, built-in gutter systems with modern exposed gutters. Gutters of all materials except copper shall have a painted finish. Half-round gutters are appropriate for most contributing properties. Wood gutters may be appropriate for certain period restoration projects. Replacement of gutters is usually reviewed as a Minor Works item.
- 6.1.6. Ridge vents, where needed, shall be of the low-profile type and shall not diminish the original design of the roof or destroy any character-defining architectural details. Other vents, such as gable vents and roof-mounted vents, should be installed so as not to be visible from the public view where possible. If they must be visible, they should be installed to respect the architectural details and character of the subject building.
- 6.1.7. It is not appropriate to create a false sense of historical development by making changes to roofs, such as adding conjectural features lacking insufficient historical, pictorial, or physical documentation.
- 6.1.8. Avoid altering the existing roof pitch or introducing a new roof pitch.
- 6.1.9. Avoid using a substitute material for the replacement of a deteriorated historic element that does not convey the visual appearance of the surviving parts of the roof or that is physically or chemically incompatible.
- 6.1.10. Avoid constructing additional stories resulting in an altered appearance.

Wood Siding, Trim, and Ornament Standards

- 6.2.1. Preserve and maintain existing original wood siding, trim, ornamentation, and other wood decorative elements.
- 6.2.2. Preserve and repair existing wood elements wherever possible. Use preservation techniques which encourage repair (such as epoxies, splicing, and patching where applicable) rather than wholesale replacement.
- 6.2.3. Replace historic wood elements only where the original is too deteriorated to repair. If replacement is necessary, use new replacement wood that matches the original as closely as possible in all properties: shape, profile, texture, and detailing. The deteriorated or damaged condition should be documented. Replacement of these features in kind and according to the guidelines does not normally require a COA.
- 6.2.4. If a portion of a historic wall is deteriorated beyond repair, replace only the damaged portion. In other words, a damaged portion of a wall does not provide an excuse for

wholesale replacement.

- 6.2.5. Prepare surfaces for painting using the gentlest means possible. Low-pressure power-washing should be used only after a test panel of washing has been performed by the contractor and reviewed by the owner for excessive damage. Sandblasting and high-pressure water blasting are not appropriate treatments.
- 6.2.6. Avoid stripping paint with the object of staining it or leaving it unfinished for a supposedly “natural” appearance when such an appearance cannot be historically documented.
- 6.2.7. Avoid replacing clapboard siding with shingle siding (or vice versa) or replacing clapboard siding with siding of a different width or profile, particularly if the later siding has gained historic significance in its own right.
- 6.2.8. It is not appropriate to compromise the architectural integrity of a building by introducing or removing siding, trim or other decorative features, or by concealing or removing decorative details such as cornices, corner boards, brackets, pilasters, door and window moldings, pediments, medallions, dentil and modillion molding, corner boards, and other character-defining architectural trim.
- 6.2.9. The use of vinyl or aluminum siding is not permitted. Where vinyl or aluminum siding exists, it can be maintained and replaced.
- 6.2.10. The HPC may allow the replacement of siding with new substitute siding if the proposed replacement will be more in keeping with the original appearance of the structure and can match the profile and texture of the original siding. Substitute siding with a simulated wood grain will not be permitted.
- 6.2.11. The use of fiber cement siding may be approved for new structures, non-historic structures, and additions to historic structures not visible from public streets or waterways.
- 6.2.12. To avoid creating a false historical appearance, do not use trim salvaged from another building or buildings or stock trim. Likewise, avoid moving or rearranging existing trim to another part of a building without historical evidence to back this up. Do not use stock trim when original trim can be replicated.
- 6.2.13. Blown in insulation should be placed in the house so as not to disturb siding.

Brickwork and Masonry Standards

- 6.3.1. Retain and preserve historic brick and masonry elements, including walls, chimneys, foundations, and retaining walls. Preserve masonry elements that are character-defining features of the building or property.
- 6.3.2. Repair and restore historic masonry elements, rather than replace. Remove vegetation and vines from masonry to prevent structural or moisture damage.
- 6.3.3. Clean historic masonry only with low-pressure water washing and mild detergents formulated for the specific application. Use chemical cleaners formulated for historic

masonry only if water and detergent cleaners are not effective.

- 6.3.4. Sandblasting, high-pressure water blasting, and other abrasive cleaning methods which may damage historic masonry are not appropriate in the historic district.
- 6.3.5. Water-repellant sealers are generally not appropriate because they may trap moisture, causing deterioration or discoloration.
- 6.3.6. For repointing, use only mortars that are compatible with historic mortars in composition, color, strength, and joint finish or surface tooling. Maintain the historic joint width, joint profile, and bond patterns when making repairs. Modern mortars may cause damage to older, softer bricks.
- 6.3.7. Use only hand tools to remove deteriorated mortar joints, under the direction of a skilled mason. Do not use power tools or saws to remove mortar joints.
- 6.3.8. When replacing damaged brick or stone, use replacements that match the original units as closely as possible.
- 6.3.9. Avoid painting masonry surfaces that were not painted historically. When painting masonry that has been previously painted, use acrylic latex paints for best durability.

Window and Door Standards

- 6.4.1. Retain and preserve historic windows and doors, including all significant related elements such as frames, sashes, shutters, hardware, old glass, sills, trim, and moldings. Documented restoration is allowable.
- 6.4.2. Repair existing historic windows and doors where possible, rather than replacing entire window or door units. Use techniques such as wood epoxies and wood patches to repair and strengthen deteriorated wood elements. Replace only those elements that cannot be repaired. Reproduction glass is desirable but not required.
- 6.4.3. Use replacement windows and doors that match the existing historic elements as closely as possible. Wood windows are encouraged to be replaced with wood windows. If replacement windows or doors are required, consider first replacing only the deteriorated element, such as a single sash or door, rather than the entire frame or unit. Any new replacements shall match the original in all dimensions, materials, and detailing as closely as possible. Replacement or new windows or doors outside of public view can be of other materials than original.
- 6.4.4. Use storm windows to improve energy efficiency where needed. New storm units should have a finish compatible with the color of the house. Unpainted aluminum is not appropriate. Storm windows for double hung sash shall have horizontal dividers that are in alignment with the horizontal meeting rails of the original upper and lower sashes. Storm windows are usually a Minor Work item.
- 6.4.5. Replacement of historic windows and doors for the sole purpose of improved thermal performance is not appropriate. Wood or appropriately painted metal storm windows and

doors should be used.

- 6.4.6. Tinted glass is not appropriate in the historic district in any area visible from public view. Energy-saving or “low-E” glass may be used only if it is not tinted.
- 6.4.7. New windows must match the original overall size, opening area, muntins, and grilles. Snap-in grilles or grilles between glass are not appropriate for windows visible from public view.
- 6.4.8. Use storm doors to improve energy efficiency where needed. New storm doors should be compatible with the original exterior doors and with the style and period of the structure. Storm doors should be the wood full view type and have a paint finish in a color that is compatible with the colors of the structure. Louvered wood doors are also appropriate. The standard “colonial” type storm door with scalloped trim and cross-buck bottom half is not permitted. Metal storm doors that match the period of the house with a full view opening and painted to match the door trim may be appropriate.
- 6.4.9. Preserve and repair original or historic shutters. It is appropriate to add louvered shutters to a historic structure if there is evidence that it once had blinds. All shutters shall be installed so that they will fit the window frame opening if closed and shall be of correct proportions for each window. Blinds shall be provided with operable hardware, consisting of hinges, pintles and holdbacks located in the appropriate positions. Shutters may be operable or fixed. Shutters made of synthetic or substitute materials, that duplicate the look, appearance and patina of wood may be allowed. They should not be nailed or screwed onto the building surface.
- 6.4.10. New window and door openings shall not alter the historic character of the building or cause damage to historic materials or other significant architectural features. They must be detailed and sized to be compatible with the existing structure.
- 6.4.11. Avoid the placement of metal awnings over windows and doors. Fabric awnings may be used if the house originally or historically had them. Install awnings in such a manner that they do not conceal architectural features or damage historic building fabric. Choose colors and patterns that harmonize with the building and do not compete with it.

Porches and Entrances Standards

- 6.5.1. Retain and preserve historic porches, entrances and doorways including related features such as railings, posts or columns, ceilings, steps, lattice, flooring, piers, ornamental trim, and other character defining elements.
- 6.5.2. Repair, rather than replace, historic porch and entrance elements, wherever feasible. Use repair techniques which preserve historic material, including patching, epoxy repair, reinforcing, or splicing-in of new wood in place of deteriorated sections. Replacement elements should match the original in size, shape, pattern, color, and texture.
- 6.5.3. Use appropriate materials in the repair and restoration of historic porches. Woods that are naturally rot-resistant or treated will provide the greatest durability for exposed elements

such as railings, steps, flooring, and floor framing. The use of pressure-treated wood is appropriate when painted within six months. The use of substitute material that duplicates the look and patina, and architectural detail is allowed.

- 6.5.4. The enclosure or other alteration of original or historic front porches is not appropriate in the historic district. The enclosure of porches at the rear, or other areas not seen from the public view, is appropriate if the enclosure is designed and constructed in a manner that preserves the historic character and features of the porch.
- 6.5.5. Covering a porch with non-historic material such as vinyl or metal siding, or “winterizing” a screened porch by permanently attaching plastic sheeting is not permitted.
- 6.5.6. Using indoor-outdoor carpeting to weather-proof a porch floor is not permitted.
- 6.5.7. Use architectural details and ornamentation that are compatible with the style, period, and detailing of the porch and structure. Such features as new metal columns or wrought iron posts, over-scaled columns with elaborate capitals, metal or plastic balustrades are not allowed. The creation of a false historical appearance, such as adding Victorian ornament to a plain early 20th century porch, is not appropriate.
- 6.5.8. Removing a porch that is not repairable and not replacing it or replacing it with a new porch that does not convey the same visual appearance on contributing historical properties is not permitted.
- 6.5.9. Reconstruct missing porches or porch details based on accurate documentation of such features. Such documentation may include: evidence found on the subject building; historic photographs; or compatible details found on another porch in the district of the same period and general style. The owner shall provide the commission with such documentation in the application for a Certificate of Appropriateness.
- 6.5.10. It is not appropriate to add new porches, entrances, or balconies to primary elevations or other areas of a building that are seen from the public view if none existed historically.
- 6.5.11. Collapsible gates on porches to restrain pets or young children are reviewed by the HPC on a case-by-case basis and should be truly temporary and removal. Permanent gates are reviewed by the HPC. Gates of any kind at the foot of porch steps create an unnecessary visual barrier and are not appropriate.
- 6.5.12. New handicapped access ramps and other modifications to improve access shall be designed so that the modifications are reversible and do not damage or obscure the buildings’ architectural features or diminish its historic character. (SEE GUIDELINES FOR ACCESSIBILITY AND LIFE SAFETY).

Foundation Standards

- 6.6.1. Retain and preserve original and historic foundations and related elements wherever possible, including: pier size, vents, grilles, lattice, materials, and other significant details.

- 6.6.2. Retain and preserve existing historic materials wherever possible, rather than replace. For repairs or rebuilding, select new brick, mortar, ballast stones, and other materials to match the historic materials as closely as possible in all respects.
- 6.6.3. If a portion of a historic foundation is deteriorated beyond repair, replace only the damaged portion using materials and finishes that match the original. Do not use replacement of a damaged portion as an excuse for wholesale replacement without thorough documentation of the reasons for this change.
- 6.6.4. New vents or access doors should be centered between piers. Use inconspicuous vents, such as black iron or dark plastic, rather than unpainted aluminum. Locate access doors and other new openings in areas not visible from public view.
- 6.6.5. For infilling between existing brick piers, construct a curtain wall that is recessed approximately 1" to 2" back from the outer face of the piers so the original piers stand out; use this treatment for both old and new foundations. Flush foundations and infill are not appropriate. Concrete block may be used only if covered with a veneer of brick or sand-finished stucco. Leave foundations under porches open wherever possible to promote air circulation to prevent rot and deterioration; use wood lattice or grilles to enclose.
- 6.6.6. Wood grilles or lattice are appropriate for infill if compatible with the period or style of the structure. Stock lightweight lattice is not appropriate in areas in the public view.
- 6.6.7. Existing, unpainted historic foundations should not be painted. Previously painted foundations should be repainted an appropriate color. Avoid removing paint from a previously painted foundation (see BRICKWORK AND MASONRY standards).
- 6.6.8. Covering an existing foundation with later siding (artificial or wood) or covering with stucco, cement, or pressed metal siding strips that replicate rusticated concrete block is not permitted.
- 6.6.9. The raising of a building's foundation should be undertaken for sound structural and/or flood control reasons ONLY, and these reasons should be well-documented by flood maps, an architect or engineer's report accompanying an owner's COA application.
- 6.6.10. Locate new utilities and mechanical equipment such as package unit furnaces, heat pumps, and air conditioning coils at the rear or other areas not seen from public view. Utilities should never be located at the front of a structure or site. Provide screening with plantings, fences, or plant treatments.

Accessibility and Life Safety Standards

- 6.7.1. Locate fire exits, stairs, landings, and ramps so that they are compatible with the character of the building or site. For example, wheelchair ramps may replicate a railing detail on a building or be of a simple design that allows it to blend discreetly with its surroundings. Such elements should be painted to tie in with the structure.
- 6.7.2. Introduce new or alternate means of access to the historic building, in ways that do not compromise the appearance of an historic entrance or front porch.

- 6.7.3 Construct wheelchair ramps and chair lifts that are portable or temporary and do not permanently damage, obscure, or require the removal of character defining architectural features. Such alterations should be reversible in nature to maintain the integrity of the historic resource. (SEE MINOR WORKS).

Historic Storefront Standards

- 6.8.1 Retain and preserve historic commercial storefronts and building façades, including display windows, entrance configurations, doors, transoms, bulkheads, windows, cornices, parapets, and brickwork.
- 6.8.2 Replace historic storefront features only when original elements are too deteriorated to repair. Replacement materials should match the originals in design, dimension, texture and color. Identical replacement materials are preferred but substitute materials may be approved on a case-by-case basis.
- 6.8.3 To reconstruct missing or altered storefront features, design new façade details to be compatible with the subject building and the surrounding historic buildings of the same period and style. Consider returning altered facades to original window sizes and configuration. Materials used must conform to the above guidelines (2) for replacement storefront features. Base the rehabilitation on sound historical evidence. Avoid historically false “colonial” features such as carriage lamps, eagles, bay windows, broken-arched pediments, and other popular artifices.
- 6.8.4 Preserve and rehabilitate rear facades where possible, particularly where access is provided from rear parking areas. Eliminate or consolidate utility lines, pipes, meters, mechanical units, etc. to improve the appearance of rear facades. Locate trash cans and dumpsters away from public rear access doors and screen them from public view.
- 6.8.5 Retain original roof forms and features. Do not add additional stories, penthouse, roof decks, skylights, mechanical equipment or any other features that can be seen from the sidewalk, right-of-way or any public rear access walkway. Exceptions may be made on a case-by-case basis if there is a clear historic precedent.
- 6.8.6 Always try to repair or replace on a limited basis, rather than embark on whole-sale replacement. Do not introduce a new design that is incompatible in size, scale, material, and/or color with its surrounds.
- 6.8.7 When possible, remove late-twentieth century and early-twenty-first century replacement storefronts and restore storefronts to their historic configurations. Reconstruct storefronts based on historic photos or physical evidence. Storefronts must be compatible with the historic character of the building with design, proportion, profiles, and finish consistent with those of typical storefronts from the same era.
- 6.8.8 If an entire storefront or building surface, detail, or element must be replaced due to deterioration, replace only with materials that match the original in size, shape, design, profile, scale, color, and texture.

- 6.8.9 Install fabric or canvas awnings, where historically appropriate, so that they do not obscure windows, doors, or other character defining features. Select an awning design based on historical profiles, styles, and shapes. It is not appropriate to install pent roofs or plastic or metal awnings over commercial storefronts. Flat-roofed metal awnings may be appropriate on buildings/ storefronts constructed in the 1960s and later.

7) New Construction and Additions in the Southport Historic District

Building Placement

- 7.1.1 Maintain a similar front, side, and rear yard setback to other contributing historic buildings on the block and/or side of the street.
- 7.1.2 Maintain the pattern of building separation and lot coverage that is found on the block and/or side of the street.
- 7.1.3 Place outbuildings and accessory structures in side and rear yards. Avoid locations that obscure the principal building's prominent architectural features or significant site features.
- 7.1.4 Minimize ground disturbance during new construction to avoid unnecessary damage to unknown archaeological resources.
- 7.1.5 For new construction on Southport's waterfront, minimize any negative impact on historic vistas.

Building Height/Scale

- 7.2.1 New construction shall not exceed the maximum height limits outlined in Section 3.9 of the Unified Development Ordinance.
- 7.2.2 Make the scale of the proposed building compatible with the scale of contributing structures on the block or side of street.
- 7.2.3 Design the proportion (the ratio of height to width) of the proposed new building and its architectural elements to be consistent with the proportion of contributing buildings and their associated architectural elements on the block or side of street.
- 7.2.4 Use windows and doors in new construction that are compatible in proportion, shape, location, pattern, and size with windows and doors of contributing buildings on the block or side of street.
- 7.2.5 If a contributing building was demolished or moved from the site, design the replacement building to be of similar height, scale, massing, and location as the previously existing building. Applicants will have a heavy burden to demonstrate to the HPC that a replacement structure with different height, scale, and massing as the previously existing building is congruous with the Historic District.

Materials

- 7.3.1 Keep the siding and trim material of the proposed building consistent with the materials traditionally used on the immediate block and in the historic district. Wood siding, wood shingles (as typically found in gables of Victorian period residential architecture), and brick, were common sheathing materials and should be used.
- 7.3.2 The use of substitute products such as vinyl, aluminum and pressed board siding and other modern-day products marketed to imitate traditional building materials are not allowed. Smooth fiber cement siding may be used on a case-by-case basis. Use of fiber-cement lap siding may be approved for use on new structures. In all circumstances every effort shall be made to ensure that new structures and the application of modern-day products achieve compatibility with existing historic buildings that define the character of the Southport Historic District.
- 7.3.3 Use materials in traditional ways. New materials should appear as if they were applied in a traditional manner to convey the same visual appearance as historically used and applied building materials.

Details

- 7.4.1 Use architectural details on the building that complement the architectural details of contributing structures on the block and/or side of the street.
- 7.4.2 Provide a date brick or other exterior date identification marker on all new construction to assist future generations in the dating of buildings.

Texture and Color

- 7.5.1 Create in new construction a similar degree of texture that is found in contributing buildings in the historic district. Texture is the relief on a building surface that is achieved through use and interaction of a variety of building materials and shapes. Materials such as weatherboard siding, decorative fish-scale shingles, and beaded-board porch ceilings are examples of wooden architectural elements that have different physical and visual qualities and contribute to the “texture” of a building surface.

Form and Rhythm

- 7.6.1 Design new construction that reflects the basic shapes and forms on the block and in the historic district.
- 7.6.2 Maintain consistency with style of buildings and contributing structures found on the block and/or side of the street. Roof forms commonly found in the historic district include gable varieties with an average pitch of 4/12 or greater and hipped roofs in the residential areas and flat roofed buildings in the late 19th and early 20th century commercial downtown.
- 7.6.3 Maintain similar percentages and patterns of window and door openings consistent with the style of buildings. Openings which vary considerably from the established patterns found on the block in which the new construction is placed will tend to have a disruptive

effect on the desired harmony of the streetscape.

Landscaping

- 7.7.1 Retain and protect mature trees during construction in accordance with Section 3.17 & 3.18 of the UDO.

Additions to Historic Buildings Standards

- 7.8.1 Where possible, locate new additions at the side or rear so that they have a minimal impact on the façade and other primary elevation of the affected building or adjacent properties.
- 7.8.2 The overall proportions of a new addition should be compatible with the existing building in height, scale, size and massing so as not to overpower it visually. A new addition should never be taller or wider than the original structure unless required by code or a non-aesthetic functional requirement. Observe the principle of “additive massing” where the original structure remains dominant, and the additions are adjoining and smaller masses.
- 7.8.3 The design elements of a new addition should be compatible with the existing building in terms of materials, style, color, roof forms, massing proportion and spacing of doors and windows, details, surface texture, and location. Contemporary adaptations of the original which clearly look like an addition and reflect the period of construction are encouraged.
- 7.8.4 Additions should be constructed so that they can be removed from the original building in the future without irreversible damage to significant features.
- 7.8.5 Vinyl or aluminum are not appropriate on additions to historic buildings. Other substitute siding may be allowed. (SEE SIDING GUIDELINES)
- 7.8.6 Wood windows are most appropriate for new additions within the historic district; however, substitute window materials are acceptable for new additions provided the proposed windows meet the requirements set forth in the WINDOWS AND DOORS guidelines.
- 7.8.7 Rooflines of new additions should be similar in form, pitch, and eave height to the roofline of the original building.
- 7.8.8 Foundations should be similar to or compatible with the existing foundations in material, color, detailing, and height. SEE FOUNDATIONS GUIDELINES.
- 7.8.9 Consider in your plan older additions or other alterations to existing buildings that have acquired significance over time when planning and building a new addition.
- 7.8.10 For additions to Southport’s waterfront that will impact historic vistas, the design should be consistent with policy statements found in this document.

Decks on Historic Buildings Standards

- 7.9.1 Locate decks only on the rear ground level of historic buildings or other ground-floor level

where the deck is not visible from public view.

- 7.9.2 Design decks to eliminate physical or visual damage to significant historic architectural features.
- 7.9.3 Decks should be attached to the historic building so that they may be removed without significant damage.
- 7.9.4 Provide proper flashing and other details to reduce or eliminate moisture damage to the historic structure.
- 7.9.5 Decks may not be constructed on the roof of any historic structure in the historic district.

8) Setting in the Southport Historic District

Landscaping Standards

- 8.1.1 Preserve and maintain historic public and private landscapes that contribute to the character of the historic district, including open spaces, streetscapes, and yards.
- 8.1.2 Preserve and maintain the individual components and historic features that contribute to Southport's historic character, including: mature trees, ornamental trees, and hedge rows.
- 8.1.3 Preserve and maintain mature canopy trees. Planting of non-native trees not historically associated with Southport, such as banana trees, is discouraged. Planting of native palm trees listed in the Unified Development Ordinance, including sabal palmetto, sabal minor, and needle palm, is permitted. Any use of non-native plant materials not historically associated with Southport that can be viewed from public property should be limited to a minor complementary presence. Replanting of any native tree damaged by storm activity or other natural factors is encouraged. As property size permits, planting of a variety of native trees and shrubs is encouraged. As property size permits, planting of native understory trees should be undertaken in concert with planting of native overstory trees, such as live oak trees.
- 8.1.4 Maintain the relationship between the mass/proportion of the building and open space within the context of the streetscape for new construction, additions and landscape.
- 8.1.5 New construction and additions should be sited in locations that will not require the removal of mature plantings, if possible.
- 8.1.6 New walkways shall not exceed a width of four (4) feet and shall not be built past public sidewalks where they exist. No hardened structures are allowed within the public right of way. (BOA ROW policy/direction/ordinance update to be included here)
- 8.1.7 Contemporary edging or border materials, such as exposed landscape timbers, railroad ties, pre-cast concrete, plastic, or other substitute material borders are not appropriate in areas

seen from the public view.

- 8.1.8 Historic sidewalks and other paving materials should be preserved and maintained. New sidewalks shall be compatible in material, detailing, color and finish to existing historic sidewalks.
- 8.1.9 Utility wires, including power, telephone and cable should be placed underground whenever substantial utility construction takes place. Above ground utility boxes, fixtures, and equipment should be in inconspicuous locations and should be screened from view.
- 8.1.10 New tool sheds, swimming pools and other modern yard features should be located in areas screened from public view.
- 8.1.11 Use a combination of fences and plantings to screen parking lots. To provide adequate visibility for drivers entering and leaving, screening should not exceed height of four (4) feet at the street/sidewalk edge. (SEE OFF STREET PARKING GUIDELINES for more details)

Fences and Walls Standards

- 8.2.1 Retain and preserve historic fence and wall material wherever possible. If replacement is necessary, use new material that matches the historic material in composition, size, shape, color, pattern and texture.
- 8.2.2 Design new fences that are compatible with the associated building, site and streetscape in height, proportion, scale, color, texture, material and design. Substitute fence materials are not allowed along front or visible side property lines in the historic district. Fence types such as wire, hurricane, chain-link, vinyl, corrugated metal, stockade, and wooden post and rail are not allowed in public view.
- 8.2.3 Fences shall not exceed a height of four (4) feet in front yards and other areas of primary visual concern. Fences at rear yards and other areas not readily seen from the public view may be up to eight (8) feet high. The transition between low front fences and higher rear fences should be made as far to the rear of the enclosed structure or yard as possible, and no more than half the depth of the yard forward of the principal structure. Avoid attaching a portion of the fence to a building because of possible termite damage.
- 8.2.4 Historic retaining walls should be preserved. New low walls are appropriate only where a sharp change in grade exists and shall not exceed a height of two (2) feet. Such walls should be constructed of brick or concrete block covered with a true sand-finish stucco.
- 8.2.5 The use of false historical details or other non-original architectural embellishments on existing fences is not appropriate.
- 8.2.6 Use a combination of fences and plantings to screen parking lots. To provide adequate visibility for drivers entering and leaving, the fence should not exceed a height of four (4) feet at the street/sidewalk edge. (SEE OFF-STREET PARKING GUIDELINES for more

details)

- 8.2.7 Contemporary or utilitarian fence materials are not appropriate for fences in the public view. Inappropriate materials include: plastic, vinyl, chain link, wire, and all other modern materials. The use of modern fencing is permitted for rear yards only, in areas not seen from the public view, using vinyl-coated chain link (dark green or black), standard chain link or heavy wire (“hog wire”). Use plantings such as ivy, climbing roses, jasmines, or other vines to hide wire fences.

Outside Utilities Standards

- 8.3.1 Locate utilities, vents and meter boxes and other utility connections in side or rear yards and screen from public view with plantings, fencing, or other means.
- 8.3.2 Locate roof ventilators, antennas, solar panels, and satellite dishes in areas not visible from public view. Satellite dishes exceeding 24” in diameter shall not be installed in the historic district.
- 8.3.3 Paint meter boxes, vents, and other utility fixtures visible from the street in colors that will allow them to blend in with the historic/existing building.
- 8.3.4 Avoid placing window air-conditioning units on the front façade of the building.
- 8.3.5 When installing utility fixtures—such as streetlights, signal boxes, or utility poles—in the public right-of-way, take into account the impact of the fixtures on the character of the streetscape and the historic district as a whole. Utility fixtures will be evaluated in terms of location, design, color, scale, and compatibility with surrounding streetscape features, and the overall visual impact on the district.
- 8.3.6 Install utilities underground whenever possible.
- 8.3.7 Avoid radically pruning street trees located under utility wires. Such pruning practices permanently damage the form and long-term health of the tree. Refer to LANDSCAPING guidelines for proper tree planting practices.

Exterior Lighting Standards

- 8.4.1 Unless original fixtures already exist, choose fixtures that are simple and unobtrusive and complement the building or site.
- 8.4.2 Choose lighting sources that generate a soft white light instead of a more intensive yellow or orange light. Metal halide bulbs will achieve the desired effect instead of sodium vapor or fluorescent light sources.
- 8.4.3 Avoid placing fixtures in areas that will obscure or damage character-defining architectural elements or site features.

- 8.4.4 Use ground-mounted spots or ornamental light fixtures to illuminate signs instead of internal lighting. Screen spots and accent lighting from view.
- 8.4.5 All lighting should be directed toward the property for which it was intended and should not spill over onto adjacent properties.

Off-street Parking Standards

- 8.5.1 Locate new parking lots and driveways in the historic district as unobtrusively as possible. Parking lots consisting of large expanses of concrete or asphalt with little planting or other screening are not appropriate.
- 8.5.2 Proposals for new parking lots or off-street parking areas should be accompanied by scaled site plans, including all proposed landscape and ground cover changes and information on proposed lighting types, placement, and intensity.
- 8.5.3 Site new parking areas in interior or rear lot locations where possible.
- 8.5.4 Avoid removing trees and other landscape elements that contribute to the historic character of a site.
- 8.5.5 Integrate pedestrian scale lighting into parking areas to avoid excessive glare and Illumination to adjoining properties. See EXTERIOR LIGHTING guidelines and the Southport Zoning Ordinance for further details on lighting standards.
- 8.5.6 Incorporate existing mature trees into new parking areas. Avoid the placement of impervious surface materials such as asphalt and concrete in areas below the canopy crown of the tree. Use turf stone, gravel, marl, or other pervious materials in these areas.
- 8.5.7 Use paving materials that were traditionally used on surface parking areas and driveways on the surrounding block or street. Gravel, marl, crushed shells, asphalt, and concrete are typical parking lot treatments, while grass, gravel or concrete runners with a grassy median, brick, and marl are typical driveway treatments. Use bricks, stone, or metal to contain loose paving materials. Landscaping timbers, railroad ties, and concrete or plastic edging are not allowed.

Signage Standards

- 8.6.1 Use traditional materials found in the district, such as wood and metal for new signage. substitute materials that have the appearance of wood are allowed. Plastic signs, flashing signs, or portable mobile signs, except those listed in item 9, are not allowed in the historic district. Interior neon signs larger than 10” by 18” that are located within five (5) feet of a window or glass door on an exterior wall and are so placed as to be seen from the outside are not allowed. INTERNAL GLASS MOUNTED SIGNS ARE NOT SUBJECT TO HPC REVIEW.
- 8.6.2 Place signs so that they do not visually overwhelm the building or streetscape or damage

or obscure character defining architectural details. Recognize that maximum signage allowances granted by the Southport Unified Development Ordinance may be inappropriate in the context of the building or site under review.

- 8.6.3 Signs on commercial buildings are preferred to be located in a signboard frieze located above the display windows. In this location the sign serves as a boundary between the upper and lower façade.
- 8.6.4 Neon colors or fluorescent colors on signs is not allowed.
- 8.6.5 Use simple, clear graphics and lettering styles in sign design.
- 8.6.6 Use of flashing signs (including illumination of vending machines) is prohibited. Use ground-mounted spotlights concealed by landscaping or wall-mounted lights to light signs at night.
- 8.6.7 Freestanding signs must be low-mounted and must not obscure pedestrian views. No more than one (1) freestanding sign shall be allowed per street frontage. Freestanding pole supports should be simple and unobtrusive in design. Freestanding signs in the CBD may be inappropriate.
- 8.6.8 Consolidate public signage on uniform poles to reduce visual clutter.
- 8.6.9 The use of an A-frame sign is allowed in the historic district and must not contribute to visual clutter of the streetscape nor impede the flow of pedestrian traffic. No more than one (1) A-frame sign per business is allowed. The signs must conform to the basic guidelines for signage including color, material, style, graphics and placement. A-frame signs may not exceed eight (8) square feet on either side (which includes legs/stand/bracing) The sign may not exceed four (4) feet in height. Signs of this type must be removed from outside the location at the close of the business day.

Docks, Piers, and Boardwalks Standards

- 8.7.1 Use a design that is simple, functional, and utilitarian. Avoid lighting fixtures that are too prominent or that are not utilitarian and functional in appearance.
- 8.7.2 Built in features such as pavilions, gazebos, screened rooms, or other types of roofed structures such as boat sheds are not appropriate.

Archaeology Standards

- 8.8.1 Retain and preserve archaeological resources that are important to the history of the site or district.
- 8.8.2 Minimize ground-disturbing activities in the historic district to avoid possible damage or destruction to known or unknown archaeological resources.
- 8.8.3 Recognize that archaeological resources exist both below ground and below water.

8.8.4 Preserve archaeological resources intact in their original state and location wherever possible.

8.8.5 When disturbance of archaeological resources is unavoidable, use qualified archaeologists to employ contemporary methods of investigation and evaluation.

9) Relocation of Buildings Standards

9.1.1 Choose relocation only as a last resort to demolition. Property owners that want to relocate a contributing building should design the replacement building to reflect the relocated building's height, scale, massing, and location. Applicants will have a heavy burden to demonstrate to the HPC that a replacement building with different height, scale, massing, and location as the previously existing building is congruous with the historic district.

9.1.2 Document the original site thoroughly with drawings and photographs prior to relocation.

9.1.3 Hire reputable movers who have experience with historic properties.

9.1.4 Move the building as a single unit in lieu of partial or complete disassembly, if possible.

9.1.5 Choose a site in the historic district, if possible.

9.1.6 If moved within the historic district position the building on the new site so it relates to adjacent buildings and the overall streetscape. Place the building so that orientation of its principal façade and front and side setbacks are compatible with the surrounding buildings. Refer to NEW CONSTRUCTION GUIDELINES for further information on placement.

9.1.7 Provide a new foundation whose height, design, and facing materials match those of the original, if possible.

9.1.8 Maintain any existing mature trees on the new site, if possible. This will help create an established building site context for the new structure.

10) Demolition of Historic Landmarks and Buildings in the Southport Historic District

10.1.1. Choose demolition only as a last resort. Property owners of contributing buildings should design the replacement building to reflect the demolished building's height, scale, massing, and location. Applicants will have a heavy burden to demonstrate to the HPC that a replacement building with different height, scale, massing as the previously existing building is congruous with the Historic District.

10.1.2. Document the historic resource prior to demolition. Documentation shall take the form of black and white photographs, and color digital photographs of the building, structure, or site's principal elevations, architectural elements (both in exterior and interior), and special features. Measured drawings of the resource may also be required. The HPC shall determine on a case-by-case basis the extent of documentation required and the parties

responsible for producing such documentation. The documentation shall be submitted to the HPC and become a permanent record of the City of Southport.

- 10.1.3. Salvage architectural features and building materials for reuse or study. Contact antique dealers and used building supply establishments to arrange for removal. Consider donations of items to interested non-profit organizations or museums or the NC-SHPO.
- 10.1.4. Minimize ground-disturbing activities during demolition to avoid damage to potential unknown archaeological resources and neighboring historical properties.
- 10.1.5. Retain mature trees on site, if possible.
- 10.1.6. Clean the site thoroughly of all building debris and leave the lot in safe/similar condition.

11) Disaster Preparedness and Prevention

- 11.1.1. Identify, retain, and preserve the historic materials, features, and spaces of the building, site, and setting that are important in defining the historic character of the property and landscape.
- 11.1.2. Protect and maintain historic materials, features, and spaces—including wood, masonry, metal, paint and color, foundations and walls, roofs, doors and windows, porches and entrances, storefronts, walkways and driveways, fences and walls, lighting and signage, and outbuildings—according to the Standards for Rehabilitation of Individual Landmarks and Buildings in the Southport Historic District.
- 11.1.3. Repair historic materials and features—including wood, masonry, metal, paint and color, foundations and walls, roofs, doors and windows, porches and entrances, storefronts, walkways and driveways, fences and walls, lighting and signage, and outbuildings according to these standards. It is inappropriate to remove significant materials and features rather than repair them.
- 11.1.4. If historic materials and features are deteriorated beyond repair, replace in-kind only the damaged portion, matching the original in material, size, shape, design, profile, scale, color, and texture. If the traditional material is located below the Base Flood Elevation (BFE) and is not inherently resilient to flood damage, consider a proven damage-resistant substitute material that matches the original in size, shape, design, profile, scale, color, and texture and meets Standards for Rehabilitation of Individual Landmarks and Buildings in the Southport Historic District.
- 11.1.5. Utilize existing historic and non-historic building and site features—including window shutters, gutters and downspouts, foundation vents, and site topography—that can minimize and/or mitigate damage from wind and water.
- 11.1.6. Retain historic materials, features, and spaces when planning and undertaking any temporary or permanent flooding adaptation treatment. Consult a structural engineer, contractor, or architect to ensure that the intervention is appropriately calculated and that

the building or site feature is structurally able to withstand both the intervention and any displaced loads from wind or water.

- 11.1.7. Install or employ temporary and permanent protective measures in a manner that does not damage or destroy historic materials, details, and other character defining features of the historic building or site.

2023 PLANNING BOARD ATTENDANCE

MEETING DATE	Jan.	Feb.	Mar. 8 Special	Mar.	Apr.	May 3 Special	May	June	July	Aug	Sept	Oct	Nov	Dec	
<u>NAME</u>															Total Absences
Sue Hodgins Chair	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Will Hewett Vice-Chair	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Fred Fiss	P	P	P	P	P	P	P	P	P	A	P	P	P	P	1
Christopher Jones	P	P	P	P	P	P	P	P	P	A	P	P	P	P	1
Scott Jones	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Donnie Joyner	P	P	A	P	P	A	P	P	P	P	A	P	P	P	3
Dick Sloan	P	P	P	P	P	P	P	P	P	P	P	P	A	P	1
Roy Pender					P	P	P	P	P	A	P	P	P	P	1
Kevin Locklin					P	A	P	P	P	A	A	P	P	P	3
Gustavo E. Mibelli	P	R	R	R	R	R	R	R	R						

P = Present
A = Absent
R= Resigned

PLANNING BOARD MEMBER LIST SPRING 2023

MEMBER	ADDRESS	PHONE NUMBERS	APPOINTED	EXPIRATION	
Sue Hodgins, Chair sue.hodgins@southportnc.org	608 Cottage Point Way	(910) 477-1808	February 10, 2022	June 2025	IN
Will Hewett, Vice-Chair will.hewett@southportnc.org	129 Cape Fear Dr	(910) 520-3291	August 11, 2022	June 2025	IN
Fred Fiss fred.fiss@southportnc.org	216 N. Atlantic Ave	(910) 269-6901	February 10, 2022	June 2024 (completing the term)	IN
Christopher W. Jones chris.jones@southportnc.org	1008 Dutchman Cove SE	(910) 549-1407	March 12, 2020	June 2026	ETJ ALT
Scott Jones scott.jones@southportnc.org	1001 Pete's Camp Rd	(910) 471-0802	August 14, 2020	June 2024	ETJ
Donnie Joyner donnie.joyner@southportnc.org	635 Jabbertown Rd	(910) 368-7501	August 14, 2020	June 2024	ETJ
Richard Sloan dick.sloan@southportnc.org	509 E. Moore St	(910) 946-1771	February 10, 2022	June 2025	IN
Roy Pender roy.pender@southportnc.org	102 S. Fodale	(910) 477-6057	April 13, 2023	June 2026	IN
Kevin Locklin kevin.locklin@southportnc.org	209 N. Lord St.	(540) 272-0808	April 13, 2023	June 2025 (Completing the term)	IN ALT
Mo Meehan mmeehan@cityofsouthport.com	1029 N. Howe St	(910) 457-7900 X 1043	Staff Planner		
Tanya Shannon tshannon@cityofsouthport.com	1029 N. Howe St	(910) 457-7929	Staff Deputy Clerk		
Rebecca Kelley rkelly@cityofsouthport.com		(910) 269-9940	Board of Aldermen Liaison		
Frank Lai flai@cityofsouthport.com		(910) 263-9935	Board of Aldermen Liaison		