



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

April 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. March 27, 2024
- E. Approval of Agenda**
- F. Public Comment**
- G. Old Business**
 - 1. 101 E. Moore Street Major Site Plan (Bullfrog Corner Residential Units)
 - 2. Zoning Text Amendment- Section 3.9 Setback Exceptions and Encroachments
 - 3. Zoning Text Amendment- Section 3.19 Signs
- H. New Business**
- I. Other Business**
- J. Announcements**
- K. Member's Information**
 - 1. Attendance Record
 - 2. Member's Table
- L. Adjourn**



Planning Board Minutes
Community Building 223 E. Bay Street
March 27, 2024
6:00 P.M.

Members Present: Sue Hodgins, Will Hewett, Fred Fiss, Roy Pender, Scott Jones, Dick Sloan, Kevin Locklin, Chris Jones, 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 Rebecca Kelley and Frank Lai
Liaisons:

- A. Chair Sue Hodgins called the meeting to order at 6:00 p.m.
- B. Mr. Donnie Joyner gave the Invocation.
- C. Chair Hodgins led the Pledge of Allegiance.
- D. Appointment to Chair and Vice-Chair.

To bring the Board's officer positions compliant with current UDO Section 2.3(B.)(1.), elections for Chair and Vice-Chair were held.

Vice-Chair Hewett asked for nominations for the Chair position. Mr. Joyner nominated Ms. Hodgins, and there were no other nominations. Mr. Sloan made a Motion to close the nominations, which Mr. Joyner seconded. **Unanimous Vote; Motion Carried.** Ms. Hodgins was reappointed as Chair.

Chair Hodgins called for nominations for the position of Vice-Chair. Mr. Joyner nominated Mr. Hewett for the position, and no other nominations were made. Following this, Mr. Joyner made a Motion to close the nominations, seconded by Mr. Sloan. **Unanimous Vote; Motion Carried.** Mr. Hewett was reappointed to Vice-Chair.

- E. Motion to approve the February 15, 2024, Meeting Minutes by Vice-Chair Hewett and second by Mr. Joyner. **Unanimous vote; Motion carried.**

F. Approval of the Agenda:

Chair Hodgins proposed combining item J (1) on the NCDOT update with item H (1) on the Zoning Map Amendment/PUD Turtle Bay. Vice-Chair Hewett moved to approve the agenda with the amendment, which Mr. Sloan seconded. **Unanimous Vote; Motion Carried.**

- G. **Public Comment:** A Motion was made by Vice-Chair Hewett to open Public Comment and was seconded by Mr. Joyner. **Unanimous Vote; Motion Carried.**

Ms. Rebecca Kelley, 1020 N. Caswell Ave., congratulated Ms. Hodgins and Mr. Hewett on their reelection to leadership positions. She mentioned that all boards with members with expiring terms and applicants for new membership would undergo an application

and interview process for appointments annually in June with City Ordinance having been amended regarding advisory boards and committees. Furthermore, she suggested, election of the Chair and Vice-Chair for the boards should align with the appointments of new members moving forward.

Since there were no further comments, a Motion was made by Vice-Chair Hewett to close Public Comment and seconded by Mr. Scott Jones. ***Unanimous Vote; Motion Carried.***

H. Old Business:

1. Zoning Map Amendment/ PUD Turtle Bay / NCDOT Update- Improvements at NC 87 and Jabbertown Rd.

Ms. Meehan presented a proposed amendment for Turtle Bay at Southport. The applicant, Jackson Starling, is seeking approval for a Master Development Plan and Rezoning for an approximately 54-acre plot on NC 87. The plan proposes 100 single-family dwelling units. The land is designated as Low-Density Residential and Heavy Commercial. Staff has requested an amendment to the Future Land Use Map to designate the entire property as Low-Density Residential. The property is in the extraterritorial jurisdiction (ETJ), and a part of the northern boundary is in Brunswick County's jurisdiction. A petition for annexation has been submitted and will follow the affirmative recommendation to the Board of Aldermen.

Ms. Meehan contacted NCDOT about the improvements at NC 87. They provided an update and explained that the intersection at Jabbertown Rd. must have limited access due to its proximity to NC 211 and the changes inherent with the widening project. Traffic can turn right onto or off Jabbertown Rd. The intersection is still limited, but vehicles can now turn left onto Jabbertown Rd. coming down NC 87, but not when going left off Jabbertown Rd. onto NC 87.

Mr. Joyner agreed that the proposed development is unrelated to the NCDOT's new traffic plan, but he opined that the plan at the Jabbertown Rd. intersection is poorly designed, which may create more traffic congestion and disrupt the community. He stated that he wished the City had been more proactive in gathering feedback on the plan's design.

Chair Hodgkin provided an overview of the widening project for HYW 211. The project was first included in the transportation improvement plan in 2007, and since then, environmental assessments, citizen information workshops, and a public hearing were conducted in 2008 and 2011, respectively. In 2017, a public meeting was held for local officials. The agreement for the project was finalized in 2022.

Chair Hodgkin explained that this project has been in the works for many years. She clarified that while congestion at the 211/87 intersection is unavoidable, enabling left turns from Jabbertown Rd onto 87 would only exacerbate the issue.

Mr. Joyner has expressed concerns about the traffic and evacuation routes from Jabbertown Rd. and would like to discuss them with someone from the NCDOT. Ms. Meehan has offered to arrange a meeting where a representative from the DOT can address and answer any questions.

The group discussed the potential for retail development if the property remained in R-20 with HC in front of the single-family residential area.

Mr. Fiss asked about the number of homes that could be built if the property remained R-20. Mr. Starling explained that it would be limited to 78 units with significantly less open space. He stated that their request for a 100 Planned Unit Development (PUD) includes 10.8 acres of open space, not including the 3.5-acre stormwater pond and wetland areas.

Shifting to concerns of the landscaping plan, Mr. Fiss pointed out invasive species in the plan to Mr. Starling and recommended that the landscape architect review the city's UDO to see a list of native species and landscape requirements. He also suggested researching the Invasive Plant Council's website to identify highly invasive species. Mr. Starling appreciated the advice and promised to have the landscape architect revise the plan to meet all the guidelines.

Mr. Locklin requested clarification on the benefits the city would gain from rezoning the property to PUD for 100 units or retaining R-20 zoning with 78 units. He was especially concerned about the impact on the infrastructure and increased traffic. Ms. Meehan explained that the PUD rezoning would provide more open space and reduce impervious coverage, which aligns with the Land Use Plan. Mr. Locklin suggested that the advantages and disadvantages of the different zoning types be considered to determine which one would be better suited overall.

According to Mr. Terry Ando, the property owner, R-20 can accommodate 78 homes and has the potential for Highway Commercial, allowing for more traffic than the rezoning with 22 additional homes in a PUD. He added that developing a PUD would allow for more open space and walking trails. Additionally, he mentioned that having 100 units would benefit the City in terms of taxation.

Vice-Chair Hewett agreed that even though more units would be developed in the PUD, having Highway Commercial in front could be worse; he stated it would most likely have a more significant impact on traffic and change the appearance of the entrance into the City.

Mr. Chris Jones questioned developing a PUD instead of a residential (R-20) zone. As stated by the Developer, the benefits include generating more tax revenue, removing Highway Commercial development, and creating more open space. However, he also mentioned that he lives in an R-20 zone, and a PUD is currently being developed behind his residence. He noted that looking at the calculations on paper versus seeing them in person can be different, especially since the PUD appears to have more impervious coverage, with scattered space and trees. Mr. Jones expressed concern that the PUD does not align with the Land Use Plan and is unsure whether it would be more beneficial than an R-20 zone. He would like to see a complete comparison and know precisely how much Highway Commercial the City would be giving up.

Ms. Meehan provided some information on current vacant City land: the Highway Commercial area has 91.7 acres of vacant land, representing just over 4% of the land in Southport. Mr. Jones asked if that 91.7 acres are part of the 12 acres the property owners have, and Ms. Meehan confirmed that they were. Mr. Chris Jones said the City would be giving up around 13-14% of Highway Commercial by calculation. Chair Hodgins noted that some surrounding Highway Commercial and proposed businesses are already located near the proposed development.

Mr. Pender asked Ms. Meehan to clarify the precise location of Highway Commercial, and Ms. Meehan explained the area through use of the City zoning map. Mr. Pender then expressed his opinion that the City is already surrounded by Highway

Commercial, and he would prefer to have more residential areas instead of additional commercial ones.

Chair Hodgkin asked the Board if there were any further comments or questions. Since there were none, she asked if the Board wanted to continue review of the submission for additional information to be provided, or proceed with a recommendation.

Mr. Locklin expressed his belief that the property will eventually be developed, saying that the Developer presented a design plan that appears to be of high quality; Mr. Locklin said he felt it would be in everyone's best interest to approve the recommendation as is. While Mr. Jones brought up some valid points about Highway Commercial, Mr. Locklin feels that there is already an adequate amount of commercial activity in the area. Adding more car washes and fast-food restaurants might make the area less appealing, he stated. Mr. Locklin made a Motion to Recommend Approval of the proposed Master Development Plan and Rezoning from R-20/HC to Planned Unit Development (PUD) to the Board of Aldermen, and second by Mr. Pender. ***Unanimous Vote; Motion Carried.*** Chair Hodgkin read the Statement of Consistency recommending approval to the Board of Aldermen.

2. Text Amendment-Section 3.9 Setback Exceptions and Encroachments.

Ms. Meehan provided background for this Amendment, explaining that Mr. Cameron Smith proposed an Amendment to UDO Section 3.9.B. The proposed Amendment related to setback exceptions and encroachments, allowing HVAC, generators, and similar equipment to encroach up to 48 inches into a required setback.

The Planning Board recommended denial of the Amendment to the Board of Aldermen on November 16, 2023. The Board of Aldermen held a Public Hearing on January 11, 2024, and voted to remand the Text Amendment back to the Planning Board.

The Text Amendment Review Committee -- Vice-Chair Will Hewitt, Fred Fiss and Kevin Locklin -- met on March 12, 2024. Also in attendance were Applicant Smith and members of the public.

The Text Amendment review considered past language presented to the Board and safety measures concerning setback encroachments. The conversation focused on nonconforming lots and smaller lots in PUDs. Mr. Hewitt brought forward the County's comparable language concerning encroachment, stating that this language seemed an easy way to calculate and enforce the ordinance.

After discussion, the Committee agreed on the proposed language for setback exceptions and encroachment, partly based on similar standards found in the Brunswick County UDO. The Committee and Applicant agree that consistency throughout the county would be beneficial. The proposed language is found below.

Section 3.9.B.5

Sills, cornices, buttresses, ornamental features, gutters, and eaves shall not extend more than 18" into a required setback. Mechanical equipment such as air conditioning units, generators, pool equipment, and similar items for residential uses may extend into any required side yard no more than 50% of the required setback.

This Amendment will allow the following setbacks for residential encroachments: 4' side yards, 2' encroachment, 6' side yards, 3' encroachment, 8' side yards, 4' encroachment, and 12' side yard, 6' encroachment.

The language was sent to Fire Chief Drew for review to ensure it will provide sufficient clearance for first responders, but Staff had not received a response prior to this meeting. Mr. Fiss said that, unfortunately, a decision will have to be postponed until the Fire Chief reviews the information and determines if this will allow safety clearance.

Mr. Fiss made a Motion to Table the proposed Text Amendment for Setback Exceptions and Encroachments and was seconded by Mr. Sloan. ***Unanimous Vote; Motion Carried.***

3. Text Amendment-Section 3.19 Signs Committee Update and Discussion.

Ms. Meehan provided an overview of the proposed Amendment. Based on a prior applicant-initiated Text Amendment regarding signs, the Planning Board requested a committee work with Staff to review and propose updates to the UDO on the matter. A committee -- Chair Sue Hodgins, Fred Fiss and Kevin Locklin -- reviewed the entire Signage section. Some of the main concerns were signs for Historic District Recognition, Nonresidential Uses in Zoning Districts, Projection Signs, Freestanding Grounds Signs, Window Signs, Illumination, and Murals.

Chair Hodgins said that during the review, it was noted that many other cities included photographs in their ordinances to give clarification and visual examples; she recommended this practice for Southport's UDO.

Mr. Fiss commented on the window signs, saying that the current suggestion is that 50% of a window be the maximum. He feels that seems large and thinks 25% may be more appropriate. Chair Hodgins said that large picture windows would have to be considered and reducing to 25% would potentially discourage some business owners.

Ms. Meehan proposed a compromise allowing a defined percentage of the window for signage. However, the window's square footage would need to be removed from the total wall signage. For instance, if a 40-foot sign was planned and 10 feet were used on the window, only 30 feet would be allowed for the wall sign.

Mr. Fiss recommended adding a clause stating that Window Lighting should be consistent with the UDO's Lighting ordinance. The Board also agreed that neon signage will not be allowed, inside or outside.

Mr. Locklin suggested that instead of proposing 50% of the window, the proposal should include an option of 25% of the window or 25 ft of the window's size, whichever is less. This modification would take into account the window's size.

Mr. Locklin led the discussion on murals, and Chair Hodgins thanked him for his research and offering information and language for inclusion regarding these guidelines.

Mr. Fiss requested clarity on how to proceed with calculating Window Sign percentages and the appropriate direction for Staff to draft language. After discussion, the Board agreed to instruct Staff to consider both options, draft language, and provide visuals for additional review.

There was no further discussion. Chair Hodgins requested Staff to bring revisions and updates to discuss at the next meeting. Vice-Chair Hewett made a Motion to Table the proposed Text Amendment-Section 3.19 Signs for further review ; seconded by Mr. Sloan. ***Unanimous Vote; Motion Carried.***

I. **New Business**

1. Zoning Map Amendment Discussion – Intersection of North Howe Street and River Road SE from Highway Commercial to Business District.

Ms. Meehan explained that Mr. Fred Fiss has proposed discussing the potential of a Map Amendment for the properties located at the junction of North Howe Street and

River Road SE (NC 87). This Amendment would entail changing the zoning from Highway Commercial (HC) to Business District (BD). Ms. Meehan further explained that Mr. Fiss is interested in discussing and reviewing this proposal for future planning for the City's entry corridor. Ms. Meehan's background explanation included the process for requesting a Zoning Map Amendment.

Mr. Fiss said, for clarification, he was proposing most specifically the rezoning of the area around the vacant property between Jabbertown Rd. and Howe Street and around Famous Subs, Walgreens, and the vacant lot next to it for consideration. He understands that the property owners must be contacted to see if they would be interested. He said a benefit of rezoning to the property owners would be that Mixed-Use is allowable for business and residential in BD. He knows that structures' height maximum would be reduced to 30ft in the BD, which might discourage property owners from rezoning. He explained that remaining in the HC district and having 40ft structures at the entry corridor may change the whole character of Southport coming into the city. He feels rezoning has pros and cons but would still like to see it pursued.

Vice-Chair Hewett agreed that the NC211 widening project, reducing four lanes to two at this intersection, will primarily lead to increased congestion. However, if the properties in the area were to be rezoned, it has the potential to alleviate some of the traffic impacts.

It was the consensus of the Board to give Staff the authority to contact the property owners, as discussed, to gain feedback for consideration to be rezoned. Vice Chair Hewett made a Motion to grant Staff the authority to contact the property owners for potential rezoning, gaining feedback, and reporting back to the Board; Mr. Fiss seconded. ***Unanimous Vote; Motion Carried.***

J. Other Business

1. Update on Comprehensive Land Use Plan

The first public meeting for "Plan Southport 2050" will occur on April 30th. Chair Hodgkin attended the initial stakeholders' meetings and brought back comments from attendees. Suggestions included paid parking, shared parking, a trolley service system, more paths, and affordable housing. Stakeholders also want more meetings for different citizen groups to get input on the vision for Southport over the next 30 years.

Chair Hodgkin encouraged the Planning Board Members to attend the upcoming "Green Growth Toolbox" workshop at the Pender County Library on April 25th.

K. Announcements

Mr. Fiss reminded the Board about the Regional Planning Board Workshop on May 22nd in Wilmington.

Since there was no other business, Chair Hodgkin requested a Motion to Adjourn. Vice Chair Hewett made the Motion, seconded by Mr. Sloan. ***Unanimous Vote; Motion Carried.***

Adjournment— 8:04 p.m.

Chair, Sue Hodgkin

Deputy Clerk, Tanya Shannon



MEMORANDUM

To: Chair Sue Hodgins, Members of the Planning Board

From: Maureen Meehan, City Planner

Re: Major Site Plan Review – 105 E Moore Street (Bullfrog Corner)

Date: April 18, 2024

Andrew Laing, property owner, and Full House Properties, LLC, applicant, requested a Major Site Plan Review in August 2022 to redevelop 105 E Moore Street. The property is in the Central Business District (CBD) zoning district and includes existing retail and office space. This mixed-use proposal involves adding four (4) dwelling units built over the existing nonresidential structure. The original staff report attached to this memo contains a complete project description.

Staff presented the complete application to the Planning Board at your September 8, 2022, meeting. A review committee comprising Chair Sue Hodgins, Mr. Fred Fiss, and Mr. Scott Jones met on October 11, 2022. The Committee reviewed the submitted site plan and renderings. The proposed parking configuration needed to be revised regarding parking space size or providing access to the building and trash receptacles. Further, Staff found that the amount of space between the spaces would make leaving the lot without backing into a right of way almost impossible. The project was put on hold until a new site plan was available.

The applicant submitted an updated site plan to Staff on December 22, 2023. Staff sent comments to the applicant in January with concerns about the ability to turn around in the lot. A maneuverability plan prepared by Davenport engineers showed between 10 and 30 point turns to get vehicles out of the parking lot facing forward. This study did not consider key variables, including car door opening, ingress/egress from the building, and trash receptacle placement. The City Engineer confirmed that the proposed maneuverability was not acceptable. I have attached the applicant's submittal and the City Engineer's comments to this memo.

Staff have been working with the applicant to facilitate the addition of off-street parking for this project but have yet to find an option that will allow maneuverability while also meeting all the standards of the UDO. The only other resolution was a variance. The applicant applied for and received a variance from the Board of Adjustment on January 23, 2024. The variance allows guests to pull into required parking spaces and back into the right of way to exit the lot.

The applicant submitted a new site plan with angled parking spaces, including an ADA-compliant space in addition to the minimum amount of 4 spaces. This site plan meets the requirements of the UDO.

Attachments

Site Plan

Previous Staff Report with Attachments

Parking Maneuverability Model





PLANNING BOARD

MEMORANDUM

To: Members of the Planning Board
From: Dorothy Dutton, City Clerk, CZO, CFM
Wes MacLeod, AICP, ASLA: Local Government Services Director, CFCOG
Sam Shore, Planner CFCOG
Re: 101 E. Moore Street (Bullfrog Corner) Redevelopment
Date: 09/08/2022

BACKGROUND

The attached Major Site Plan application is for the redevelopment of an existing property in the Central Business District. This project is subject to the Major Site Plan review procedure as provided in Section 2.7.B of the Unified Development Ordinance (UDO) as more than four (4) dwelling units are proposed. The property is located at 101 E. Moore Street at the intersection Moore and Howe Street. The site is comprised of 4,383 square feet (0.10 acres). The subject property is located in the Central Business District (CBD). The CBD is defined as a restricted zoning district in which commercial uses are densely developed in accordance with the City's historical commerce center. The applicant proposes a mixed use development project comprised of retail (existing, first floor use) and four (4) residential dwelling units.

The existing building will remain on site, with upper story construction above. The redeveloped structure, as proposed, has a height limit of 40 feet in accord with the height requirements of the CBD zoning district. No setbacks are required in CBD per the dimensional requirements as provided in Section 3.9, Table 3.2 of the UDO. The proposed redevelopment project is subject to the mixed use standards of Section 3.7.F of the UDO.

3.7 F. MIXED USES

Where permitted, the following shall apply:

1. The floor area devoted to the dwelling(s) shall not exceed twice the floor area devoted to the permitted business use(s).
2. The minimum floor area for each dwelling shall be 500 square feet and the maximum floor area shall be 1,000 square feet.
3. No mixed-use building shall exceed 40 feet (i.e. one (1) floor commercial plus two (2) floors residential) in height.

4. 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.
5. Parking for such dwelling(s) shall be in addition to that required for the permitted lower floor use(s).
6. 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.

According to the tax records, the existing retail square footage is approximately 3,600 square feet. Together, the four (4) proposed dwelling units comprise 4,000 square feet, each 1,000 square feet, complying with the applicable ratio of business to residential square footage.

Each floor is connected by a separate hallway and staircase/elevator for accessing the exterior subject to the requirements of Section 3.7.F.4. Five (5) parking spots are proposed for the project as required by the off-street parking requirements for mixed uses in Section 3.14 of the UDO. There are no curb cuts or driveways proposed for this project.

Two (2) parking spots are provided on site, with the remaining required two spots provided on an adjacent lot under the same ownership in accord with Section 3.14.D.4 of the UDO.

3.14.D.4: Within any zoning district, if the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to such principal use.

The applicant is not subject to parking lot upfit provisions of the UDO in Section 3.14. B.1, which requires compliance when 10 or more spaces are proposed. The proposed parking spots are in compliance with the required five (5) foot setback per Section 3.14.B.3 of the UDO. One (1) ADA accessible is provided on the proposed site plan.

Any proposed signage and lighting will require compliance with the City's UDO prior to permitting. Compliance with NC Building Codes will be required prior to issuance of any building permits.

Major site plan requirements of the UDO per Appendix A, Table A.1 submission requirements.

Table A.1: Submission Requirements		
APPLICATION TYPE	MAJOR SITE PLAN REQUIREMENTS	ITEMS RECEIVED INDICATED BY "X"
Proposed or approved name of development, project, subdivision, and/or phase.	X	X
Developer/applicant name(s), including mailing address and telephone number(s).	X	X
Property owner name(s), including mailing address and telephone number.	X	X
Name, registration number, and seal of professional Land Surveyor, Engineer, Landscape Architect, and/or Architect.	X	X
Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.	X	X
Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.	X	X
Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.	X	X
Exact existing and proposed or pending property boundary lines by bearings and distances and the location of the intersecting boundary lines of adjacent lands.		
Lots numbered consecutively throughout the subdivision.		
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.	X	N/A
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.	X	X
Accurate locations and descriptions of all monuments, markets, and control points.		
Location, dimensions, density, and description of proposed land uses 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.	X	X
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.	X	X
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.	X	N/A – no proposed rights-of-way/easements.
Location of roads appearing on officially adopted plans.	X	X
Location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.	X	X

Total square footage of existing and proposed impervious surfaces.	X	X
Names, cross-sections, approximate grades, and pavement widths of proposed road rights-of-way, including design engineering data for all corners and curves.	X	X
Type of street dedication, either public or private.		
Location and dimensions of parking and loading spaces and drive aisles, including handicapped parking.	X	X
Location and dimensions of existing and proposed sidewalks and accessible accessways.	X	X
Location and dimensions of all trash containers and required screening.	X	X
FEMA-designated flood hazard areas, including flood zone designations and map panels.	X	X
Location and description of CAMA Areas of Environmental Concern, including 404 wetlands as determined by the Army Corp of Engineers and coastal wetlands as determined by NCDEQ.	X	N/A
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.	X	N/A
Existing and proposed topography.	X	N/A
Location, dimensions, and description of all areas to be dedicated to the public or to a property owners association.		N/A
Location, size, and flow direction of existing and proposed draining courses within or immediately adjacent to the site, including culverts and storm drains.	X	N/A - Applicant proposes no change to the existing drainage system, not increase to impervious surface.
Location and size of stormwater basins or other comparable stormwater management mechanisms.	X	N/A - Applicant proposes no change to the existing drainage system, not increase to impervious surface.
Location and labeling of minimum building setback lines.	X	X
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 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.	X	N/A – Applicant proposes no change to the existing drainage system. Property is currently served by water and sewer.
Total number and type of dwelling units, by development phase.	X	X
For residential uses, the number of units, heights, and a generalized location. For non-residential uses, the height, approximate footprint, and location of all structures.		X
Signage.	X	N/A – No signage proposed at present.

Outdoor Lighting Plan.	X	N/A – No proposed lighting at present.
Locations, dimensions, and size of required buffers, street yards, foundation planting, parking facility planting areas.	X	N/A
Location, species, and size of all regulated and specimen trees as defined by this ordinance.	X	N/A
Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.	X	N/A
Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.	X	N/A
Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plans, trees, or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.	X	N/A
Any other information considered pertinent by the applicant, UDO Administrator, Planning Board or Board of Aldermen.	X	

RECEIVED

AUG 29 2022

CITY CLERK,
CITY MANAGER'S OFFICE**Major Site Plan**

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

PERMIT No. _____ FEE: \$ 500.⁰⁰Date Received: 8/29/2022

Applicant's Name: Full House Properties, LLC (Single Deck, LLC)
 Mailing Address: 6158 River Sound Cir City: Southport
 State: NC Zip Code: 28461 Phone: 760-799-1969
 Email: andrewscottlaing@gmail.com
 Location of the property: 101 E. Moore St.
 Parcel No.: 23746009 Overall Acreage: .10 Number of lots: _____

Property Owner's Name: Andrew Laing
 Address of Owner: 6158 River Sound Cir Phone: 760-799-1969
 City: Southport State: NC Zip Code: 28461
 Email: andrewscottlaing@gmail.com

Surveyor: BANDY WATTS License #: 3494
 Mailing Address: ~~1454~~ 1415 ASHLITRA RD. City: ASH
 State: NC Zip Code: 28420
 Phone: 910-443-1898 Email: _____

Major Site Plan Definition

Per Section 2.7.B of the UDO, Purpose. A major site plan is intended for more intense development proposals requiring greater discretion of the city.

The following development types must submit a major site plan as specified in this ordinance:

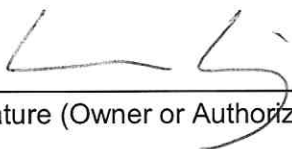
- a) Residential development of four (4) or more dwelling units on a lot.
- b) Nonresidential development whereby 10,000 square feet or more of impervious surfaces are proposed.
- c) All other development not subject to minor site plan approval.

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

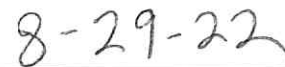
Required Application Materials for Submittal:

- One (1) digital copy and 12 hard copies of the major site plan shall be submitted with all such applications.
- The major site plan shall be prepared by and sealed by a licensed land surveyor, landscape architect, or engineer registered to practice in the state of North

Major site plans shall include all required information as provided in Appendix A: Submission Requirements of the UDO.



Signature (Owner or Authorized Applicant)



Date

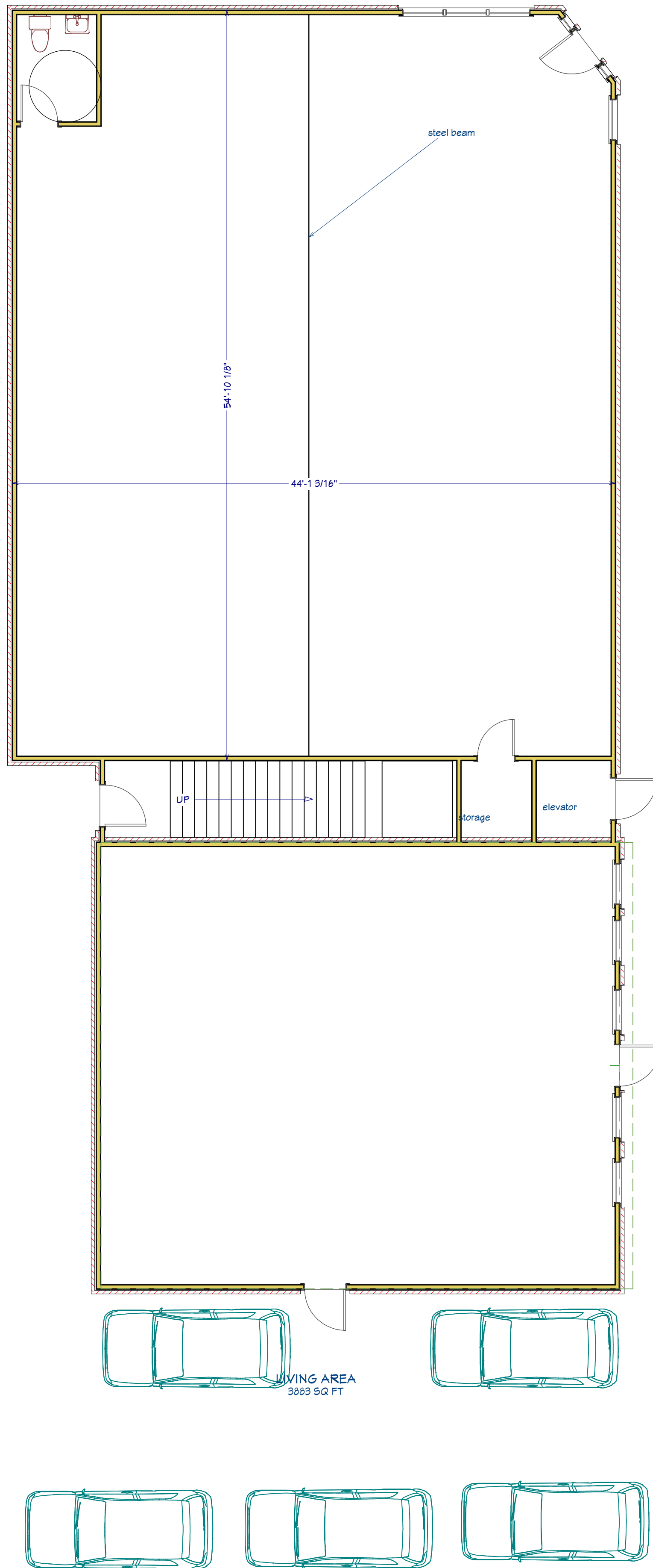
APPROVED BY:

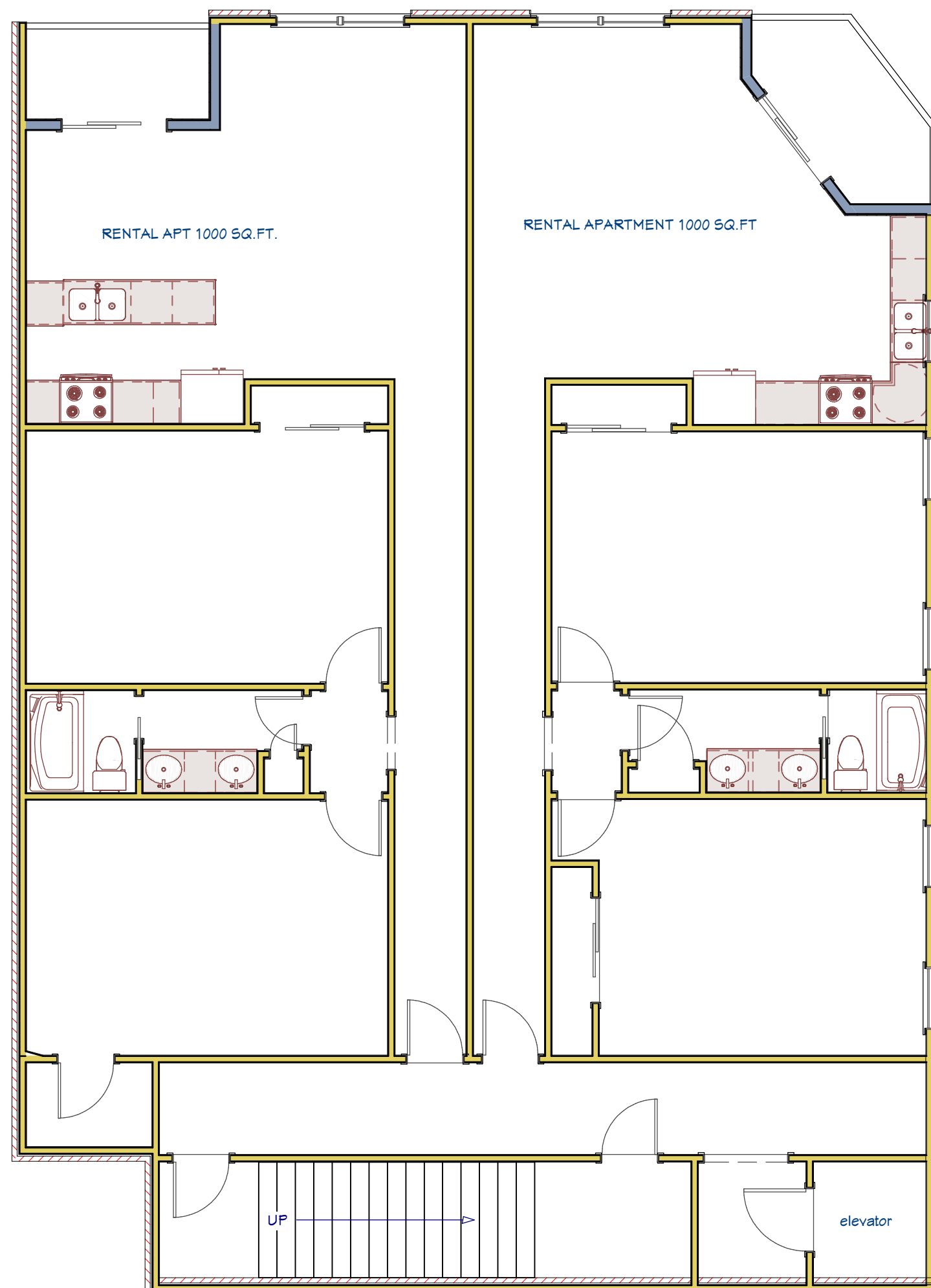
UDO Administrator

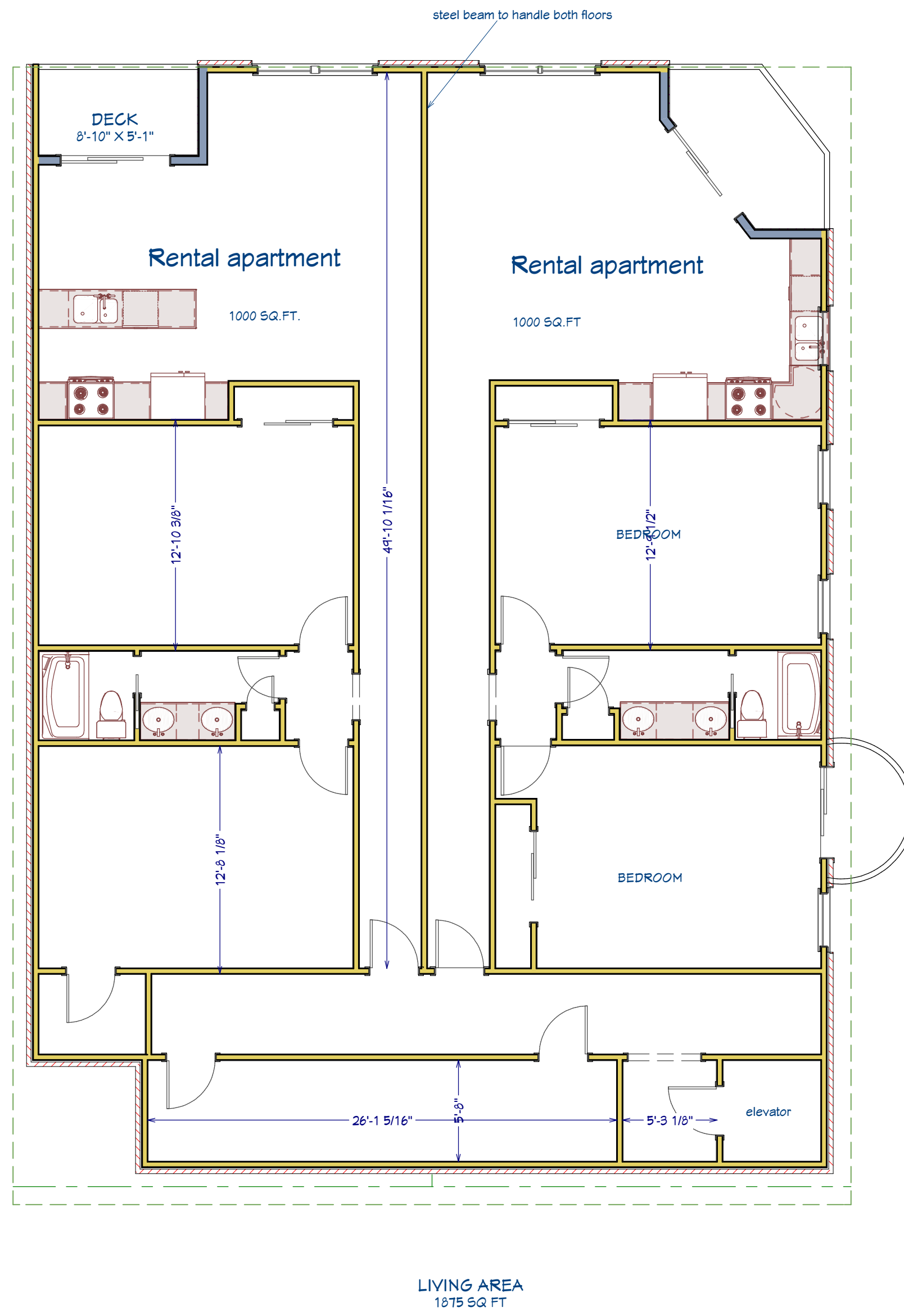
Date









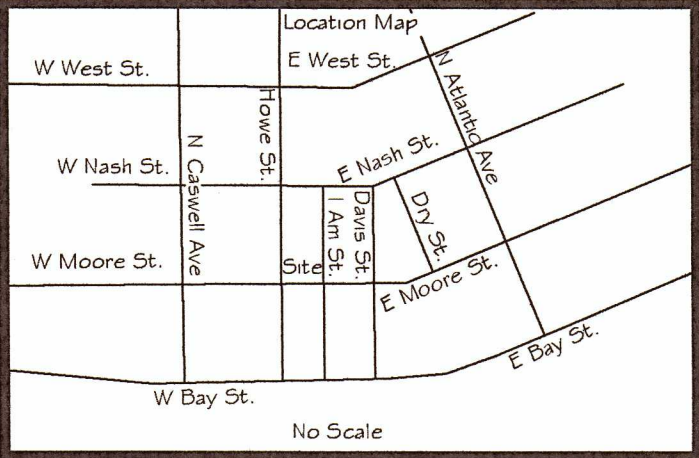
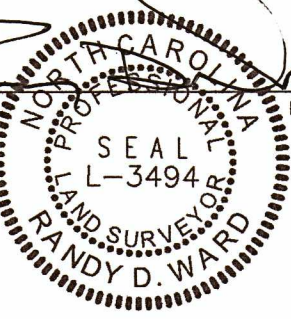


I, Randy D. Ward, a Professional Land Surveyor, certify that the Ratio of Precision is 1: 10,000+ and that this map meets the Minimum Standards of Practice for Land Surveying in North Carolina.
I further certify that this is an existing parcel of land.

Witness my hand and seal this 25th day of August, 2022

Randy D. Ward

L-3494



NC 211 Howe Street

99' RW

SPC NAD 83/2011
N: 62,845.3438'
E: 2,297,579.5662'

Pinch Top
Iron Pipe Fd.

Concrete Sidewalk

N 12°45'33" W 100.00'

Concrete Sidewalk

Tax Parcel: 237LG036
Anacott Ventures, LLC
Deed Book 4872, Page 488

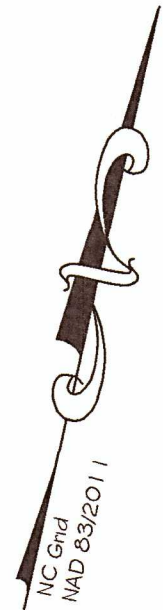
Tax Parcel: 237LG037
Single Deck, LLC
Deed Book 4886, Page 222

Tax Parcel: 237LG012
111 E Moore, LLC
Deed Book 4772, Page 1373

Tax Parcel: 237LG010
Lands Lands, LLC
Deed Book 3813, Page 720

NC 211 E. Moore Street

99' RW



NC Gnd
NAD 83/2011

Notes:

Based on Flood Insurance Rate Map 3720209600K, Community # 370028, Panel 2096, dated 8-28-2018, this parcel appears to be located in Zone X.

Adjoining property owners based on Brunswick County GIS.

NC Gnd established from GPS observation.

Area calculated by coordinates.

Property is currently zoned CBD with 0 Setbacks.

Proposed building height is 40'.

Existing impervious area = 3,790 Sq. Ft.

There will no change to impervious area.

There will no change to existing drainage pattern.

Total # of units 5 (4 apartments) (1 Retail).

Area Summary
4,383.00 Sq. Ft.
0.10 Acres



NORRIS & WARD
Land Surveyors, P.A.

North Carolina & South Carolina

P.O. Box 7894

Ocean Isle Beach, NC 28469

NC -1037

(910) 579-5808

Fax (910) 579-5825

Steve M. Norris, P.L.S.

Randy D. Ward, P.L.S.

Surveyed By: RDW

Drawn By: RDW

Checked By: SMN

File: SouthportMoore & Howe

Tax Parcel: 237LG009

Owner of record
Single Deck, LLC
Andrew Laing
6158 River Sound Circle
Southport, NC 28461

Survey For :

Single Deck, LLC

Of the lands claimed in Deed Book 4886, Page 222

Smithville Township

Brunswick County, NC



Scale 1" = 20'

August 25th, 2022

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Dorothy Dutton

From: Hughes, Benjamin T <bthughes@ncdot.gov>
Sent: Monday, August 29, 2022 3:13 PM
To: Dorothy Dutton
Subject: RE: [External] TIA

Hey Dorrie,

Good hear from you and I hope you are doing well and enjoying your many hats. Don in a separate email pointed out the following:

Please see the attached proposed scope of study for the above referenced project. Being in a downtown area with the grid available to disperse the trips, and the limited parking available for the site, a typical TIA for this project where point impacts are determined is difficult to define. Traffic for this site will likely distribute to the available public on street parking as is typical in most CBD's. We also anticipate that the proposed non-residential uses will provide services to the surrounding residents, and pedestrian/cyclist trips from the surrounding residential areas are also a difficult to quantify aspect given the typical trip generation methods being oriented to vehicular mode.

I agree with the above assessment. A traffic impact analysis would not be possible here as those look at individual driveways for a new development with all traffic coming and going using the driveways. Obviously, with 5 parking spaces here most if not all of the development traffic will be pedestrian using the existing downtown parking infrastructure.

Feel free to reach out to me if you have any questions.

Thanks!

Benjamin T. Hughes, PE

District Engineer
Division 3 | District 3
(910) 632-0891 Direct
(910) 398-9109 Office

From: Dorothy Dutton <Ddutton@cityofsouthport.com>
Sent: Monday, August 29, 2022 11:05 AM
To: Hughes, Benjamin T <bthughes@ncdot.gov>
Subject: [External] TIA

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Good morning, Ben.

We have received an application for a major site plan at N. Howe Street and Moore Street intersection. The first floor has an existing retail space (Bullfrog Corner). The applicant wishes to build two floors on top of the retail space, creating (4) apartments. There will be a total of (5) parking spaces provided off-street. No curb cuts are expected.

Our development ordinances state that a TIA is required when a project would generate (500) trips a day.
I don't believe this project would generate that many trips. Could you please weigh in or forward my message to the appropriate person?

I appreciate your help!

Dorothy Dutton
City Clerk
City of Southport
(910) 457-7900 x1010



Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

Dorothy Dutton

From: Wes Macleod <wmacleod@capefearcog.org>
Sent: Monday, August 29, 2022 12:49 PM
To: Dorothy Dutton
Cc: Gordon Hargrove
Subject: RE: major site plan

Follow Up Flag: Follow up
Flag Status: Flagged

Dorrie and Gordon,

In accord with Section 2.6 of the UDO, I consider the major site plan application to be complete. Permit choice statutes (§143-755, §160D-108) afford applicants/owners advantageous treatment in addition to awarding attorneys fees in the case of a favorable ruling of the applicant/owner. As with any application for a development approval, there are two decisions – the first being application completeness; and the second being compliance with all ordinance terms in order to grant zoning approval for the subject application. There are still a few minor items that should be included on the site plan in accordance with the requirements for major site plan submittal.

Please see comments below regarding remaining application completion items:

- Please provide height of the proposed structure.
- Please indication location of traffic patterns – parking.
- Please indicate the total amount of existing and proposed impervious surfarace.
- Please indicate location of handicap parking, if any, in accordance with NC Building Code.
- Please indication location of trash containers
- Please provide location, size, and flow direction of existing and proposed drainage courses, within or immediately adjacent to the site.
- Please provide the total number of dwelling units
- Please indicate the location of proposed signage proposed, if any. Note: sign permits may be issued at a later date if the location of proposed signage is unknown.

Regarding UDO compliance, please see comments below regarding the initial review of the major site plan application:

- Please indicate compliance with five (5) foot parking lot setback.
- Please indicate off-street parking space compliance with Section 3.14.B.6/7, regarding conflict with exterior building entry/exit and proximity to existing structure.

These are my initial comments, following my brief review upon receipt of the application/site plan this morning.

If you have any questions please let me know.

Thanks,

Wes

From: Dorothy Dutton <Ddutton@cityofsouthport.com>
Sent: Monday, August 29, 2022 10:03 AM
To: Wes Macleod <wmacleod@capefearcog.org>
Cc: Gordon Hargrove <ghargrove@cityofsouthport.com>
Subject: major site plan

Wes,

Good morning! I will call you in a minute to give you some more detail, but we have received an application for a Major Site Plan review. Andrew Laing plans to build two floors above Bullfrog Corner to be used as (4) apartments. The bottom floor remains retail. There is space for (5) parking spaces, and he will add to the site plan the location of the trash receptacles. No buffers are required in the CBD. There are always questions about whether applications are complete. Will you please review the attachments and reply if the application is complete?

I also have his application and fee.

Thank you!

Dorothy Dutton
City Clerk
City of Southport
(910) 457-7900 x1010



From: [Wes Macleod](#)
To: [Maureen Meehan](#)
Subject: FW: 101 E. Moore Street Update
Date: Tuesday, October 4, 2022 1:44:16 PM

From: Wes Macleod

Sent: Tuesday, September 27, 2022 2:20 PM

To: 'beachnsue@gmail.com' <beachnsue@gmail.com>; 'willhewett.68@gmail.com' <willhewett.68@gmail.com>; 'ffiss@bellsouth.net' <ffiss@bellsouth.net>; 'cjonessy03@gmail.com' <cjonessy03@gmail.com>; 'southportjones@gmail.com' <southportjones@gmail.com>; 'donnie.joyner@gmail.com' <donnie.joyner@gmail.com>; 'gemibelli@gmail.com' <gemibelli@gmail.com>; 'saltydogrhs14@gmail.com' <saltydogrhs14@gmail.com>

Cc: 'Dorothy Dutton' <Ddutton@cityofsouthport.com>; Tanya Shannon <tshannon@cityofsouthport.com>; Sam Shore <sshore@capefearcog.org>; ghargrove@cityofsouthport.com

Subject: 101 E. Moore Street Update

Good Afternoon All,

My name is Wes MacLeod, I am currently assisting the City of Southport with Planning Services Administration subject to the departure of the former Director. Most of you may have met my colleague, Sam Shore, at previous meetings for which I could not attend. The purpose of this email is to provide a brief update to the Planning Board regarding the status of an application for a Major Site Plan at 101 E. Moore Street (Bullfrog Corner).

At the September Planning Board meeting, a review committee was appointed for further oversight of the proposed project. To my knowledge, during the Planning Board meeting, there was some discussion concerning additional requirements of the applicant. In particular, compliance with the requirements of the city's Building Design Standards was discussed (Section 3.11 of the UDO). While the applicant has submitted preliminary renderings of the building elevations along Howe and Moore Street; compliance with the Building Design Standards of the UDO is not required. To further clarify, only **new construction** projects are subject to the building design requirements of the UDO. Per the UDO definitions, new construction is applicable only to development on formerly vacant lots, not redevelopment or modification of an existing building. Accordingly, the city cannot require the applicant to submit architectural renderings to demonstrate compliance such design standards as there is no such applicable requirement. The applicant may certainly voluntarily agree to requests of the Planning Board or its review committee, but such requests cannot be binding on the applicant nor a condition of site plan approval. Relevant UDO language is provided below:

3.11. B. APPLICABILITY

The requirements of this section shall apply to the CBD and BD zoning districts in the following circumstances:

1. All **new construction** other than single-family or two-family dwellings.

2. Communication towers, religious institutions, government buildings, public structures, and uses within the LI and HI district shall be exempt from these requirements.

New Construction. Structures and development activity that occurs on a previously vacant lot. For the purposes of this ordinance, new construction does not include redevelopment except where otherwise defined within Article 5.

I hope this helps clarify some of the questions before the Planning Board. It was my intention to provide further detail on these compliance questions at the upcoming Review Committee meeting, but I felt it would be useful to send a clarifying email prior to that meeting.

For those participants on the Review Committee for this application, I look forward to seeing you and answering any further questions you may have once that meeting is held. Please do respond with your availability at your convenience, if any, based upon the City Clerks email pertaining to such.

Best regards,

Wes MacLeod, AICP, ASLA

Local Government Services Director

Cape Fear Council of Governments

1480 Harbour Drive

Wilmington, NC 28401

Tel: 910.274.0352

Fax: 910.395.2684

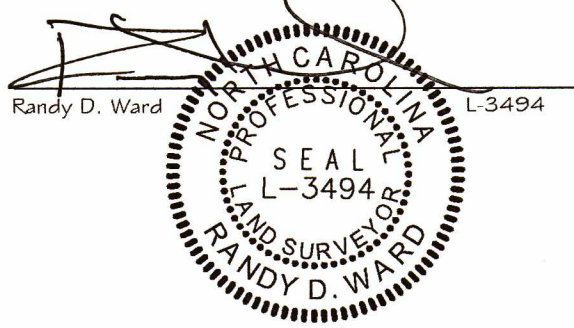
Email: wmacleod@capefearcog.org

E-mail correspondence to and from this sender may be subject to the North Carolina Public Records law and may be disclosed to third parties.

I, Randy D. Ward, a Professional Land Surveyor, certify that the Ratio of Precision is 1: 10,000+ and that this map meets the Minimum Standards of Practice for Land Surveying in North Carolina.

I further certify that this is an existing parcel of land.

Witness my hand and seal this 16th day of November, 2022



NC 211 Howe Street
99' R/W

SPC NAD 83/2011
N: 62,845.3438'
E: 2,297,579.5662'

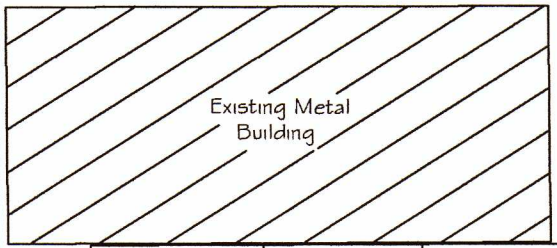
Pinch Top
Iron Pipe Fd.

Concrete Sidewalk

N 12°45'33" W 100.00'

Concrete Sidewalk

S 77°14'27" W 43.82' 0.4'



Existing Metal Building

N 77°14'27" E 66.22'

43.82'

38.0'

5.5'

30.7'

6.0'

4.0'

6.7'

60.1'

11.6'

34.7'

0.4'

Concrete Sidewalk

S 77°14'27" W 43.82' 0.4'

Concrete Sidewalk

Tax Parcel: 237LG036
Anacott Ventures, LLC
Deed Book 4872, Page 488

Tax Parcel: 237LG037
Single Deck, LLC
Deed Book 4886, Page 222

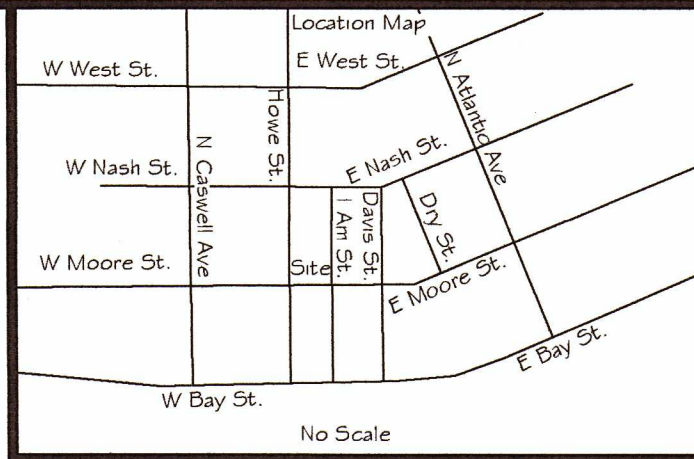
Rebar Fd.

S 12°45'33" E 40.50'

Tax Parcel: 237LG010
Lands Lands, LLC
Deed Book 3813, Page 720

Tax Parcel: 237LG012
111 E Moore, LLC
Deed Book 4772, Page 1373

NC 211 E. Moore Street
99' R/W



Notes:

Based on Flood Insurance Rate Map 3720209600K, Community # 370028, Panel 2096, dated 8-28-2018, this parcel appears to be located in Zone X.

Adjoining property owners based on Brunswick County GIS.

NC Gnd established from GPS observation.

Area calculated by coordinates.

Property is currently zoned CBD with 0 Setbacks.

Proposed building height is 40'.

Existing impervious area = 3,790 Sq. Ft.

There will no change to impervious area.

There will no change to existing drainage pattern.

Total # of units 5 (4 apartments) (1 Retail).

Area Summary
4,383.00 Sq. Ft.
0.10 Acres



NORRIS & WARD
Land Surveyors, P.A.

North Carolina & South Carolina

P.O. Box 7894

Ocean Isle Beach, NC 28469

NC -1037

(910) 579-5808

Fax (910) 579-5825

Steve M. Norris, P.L.S.

Randy D. Ward, P.L.S.

Surveyed By: RDW

Drawn By: RDW

Checked By: SMN

File: SouthportMoore & Howe

Tax Parcel: 237LG009

Owner of record
Single Deck, LLC
Andrew Laing
6158 River Sound Circle
Southport, NC 28461

Survey For :

Single Deck, LLC

Of the lands claimed in Deed Book 4886, Page 222

Smithville Township

Brunswick County, NC



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From: [Maureen Meehan](#)
To: [andrewscottling@gmail.com](#)
Cc: [Dorothy Dutton](#)
Subject: FW: Bull Frog Parking results
Date: Friday, December 1, 2023 12:08:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image001.png](#)

Andrew,

Please see comments from the City Engineer below, which need to be considered for the parking lot as proposed. The lot size restricts the parking that is required by the UDO for each of the units. I believe that it may be necessary to either consider a variance from the required parking standards and then bring a new site plan to the Planning Board, or reduce the number of units, which I know is not the ideal answer. Think about the options and let me know your thoughts.

I am happy to sit down with you to discuss options. I want to work with you to get the best project possible while meeting all the requirements of the UDO.

Thanks,

Mo

Maureen Meehan
City Planner
City of Southport
Development Services
(910) 457-7900 x1043
www.cityofsouthport.com



From: Tom Zilinek <tzilinek@cityofsouthport.com>
Sent: Wednesday, November 8, 2023 1:12 PM
To: Maureen Meehan <mmeehan@cityofsouthport.com>
Subject: Re: Bull Frog Parking results

Mo

This parking plan is totally unacceptable. Below are some of my notes as to why.

1. The turns proposed for exiting the spaces are between 10 and 30 point turns (not even close to a 3 point turn). The level of service for these spaces is extremely poor.
2. None of the spaces allow for doors to open on either the driver or passenger side (depending on which direction the car is facing).
3. The proposed space closest to Howe St adjacent to the building is blocking a door on the building. This limits ingress and egress to the building.
4. The accessible space should be located in the shortest route to the accessible entrance to the building. The space appears to be located with the farthest route.
5. The design is for a passenger car but does not state which type of passenger car. A passenger car can be as small as 14 feet (compact) and up to 18 feet (full size or minivan). It is not inconceivable that a pickup truck at 20 feet would use one of the spaces. These larger passenger vehicles would only increase the number of point turns to exit the area and lower the already proposed extremely poor level of service for the parking area.
6. The spaces are proposed directly adjacent to the building and neighboring property. If a vehicle is not parked just about touching the building (not very likely to occur) the proposed 12 foot parking aisle will be reduced. It is not inconceivable the driveway width could be reduced down to 8 feet or less due to vehicle door access. This is nowhere near wide enough for the driveway.
7. In the layout engineering notes it lists the following assumptions.
 - a. Design is only for vehicular movements and does not allow for:
 1. Building setback to spaces.
 2. Pedestrian ingress and egress to building
 3. No allowance for car door opening
 4. No allowance for building trash receptacles
 - b. Only departure trips were analyzed
 - c. ADA accessibility was not analyzedAll these assumptions will have a negative impact on the layout and its effectiveness

This is all based on a quick cursory review. If you need anything else or more detail let me know

Tom Zilinek, PE
City Engineer
City of Southport
910-457-7900 X 1021

From: Maureen Meehan <mmeehan@cityofsouthport.com>
Sent: Wednesday, November 8, 2023 10:43 AM
To: Tom Zilinek <tzilinek@cityofsouthport.com>
Subject: FW: Bull Frog Parking results

Tom, here is the parking circulation we spoke about for the addition of 4 apartments over Bullfrog Corner. Scroll Down for the diagrams.

Thanks!

Mo

Maureen Meehan
City Planner



From: Andrew Laing <andrewscottlaing@gmail.com>
Sent: Tuesday, September 19, 2023 9:59 AM
To: Maureen Meehan <mmeehan@cityofsouthport.com>
Subject: Bull Frog Parking results

Andrew Laing
760-799-1969

Begin forwarded message:

From: Evan Brigham <ebigham@davenportworld.com>
Date: September 18, 2023 at 3:26:39 PM EDT
To: Andrew Laing <andrewscottlaing@gmail.com>
Cc: Don Bennett <dbennett@davenportworld.com>, Randy Ward <randyward@atmc.net>
Subject: Bull Frog Parking results

Hi Andrew,

I've reviewed the layout for your parking lot in Southport, NC. I feel confident that 4 parking stalls will work using the attached configuration. I've ran the turning simulations and multiple other engineers from the team have back-checked and/or replicated these results. We were able to make it work, but it's very tight. This analysis includes the following assumptions:

- Driveway entrance does not move/shift. No work is done in the public right of way, all work occurs on site.
- Design is only for vehicular movements between the buildings and does not consider:
 - Setbacks. Our original scope notes a 1' setback from the buildings on all sides. This configuration is very difficult to maintain – all space was needed.
 - Landscaping requirements
 - Utility access and/or protection
 - Pedestrian ingress/egress to building
 - Car door opening.
 - Other technical requirements that deduct from the footprint of the lot.
 - Trash receptacles.
- This design does allow for the planter to stay where it is.
- Forward movement to NC 211 was assumed (no backing out)
- Only departure trips were analyzed.
- Vehicle type was a passenger car and used dimensions and turning assumptions from AASHTO 2018 guidance.
- ADA accessibility was not analyzed
 - Cross slopes will need to be met (ie the traveled way for peds is less than 2% perpendicular to travel)
 - Handicapped space needs to be within 100' of subject entrance
 - Paving may be required to ensure surface meets ADA requirements
- This task was to determine if 4 vehicles could depart the parking lot in a forward direction. This task was not to design the parking lot and ensure adherence to ADA and/or building codes or any other requirements.
- Parking stalls are 9'x18' per Town of Southport guidance.
- 12' parking aisle is maintained
- ADA is 11' parking spot and 5' loading area per NC building code. This width can likely be increased without issues.

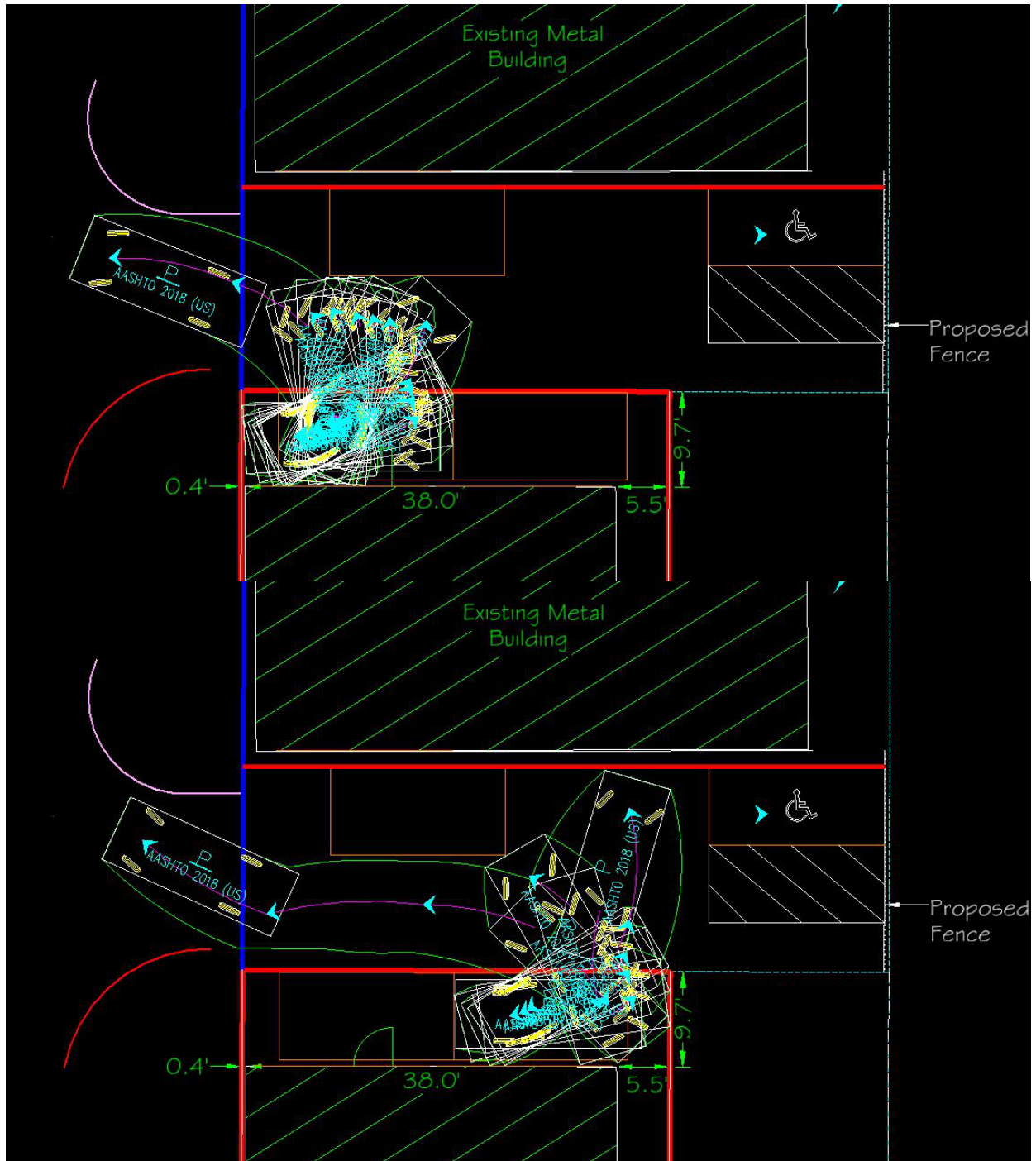
The above and attached conclude our obligations under Task 1 of the attached scope. We're more than happy to progress to Task 2 and prepare engineering drawings and seal. I would advise that you take the attached screen shots to the Town and make sure that they agree with the layout before we move forward. I'm happy to answer any questions you may have.

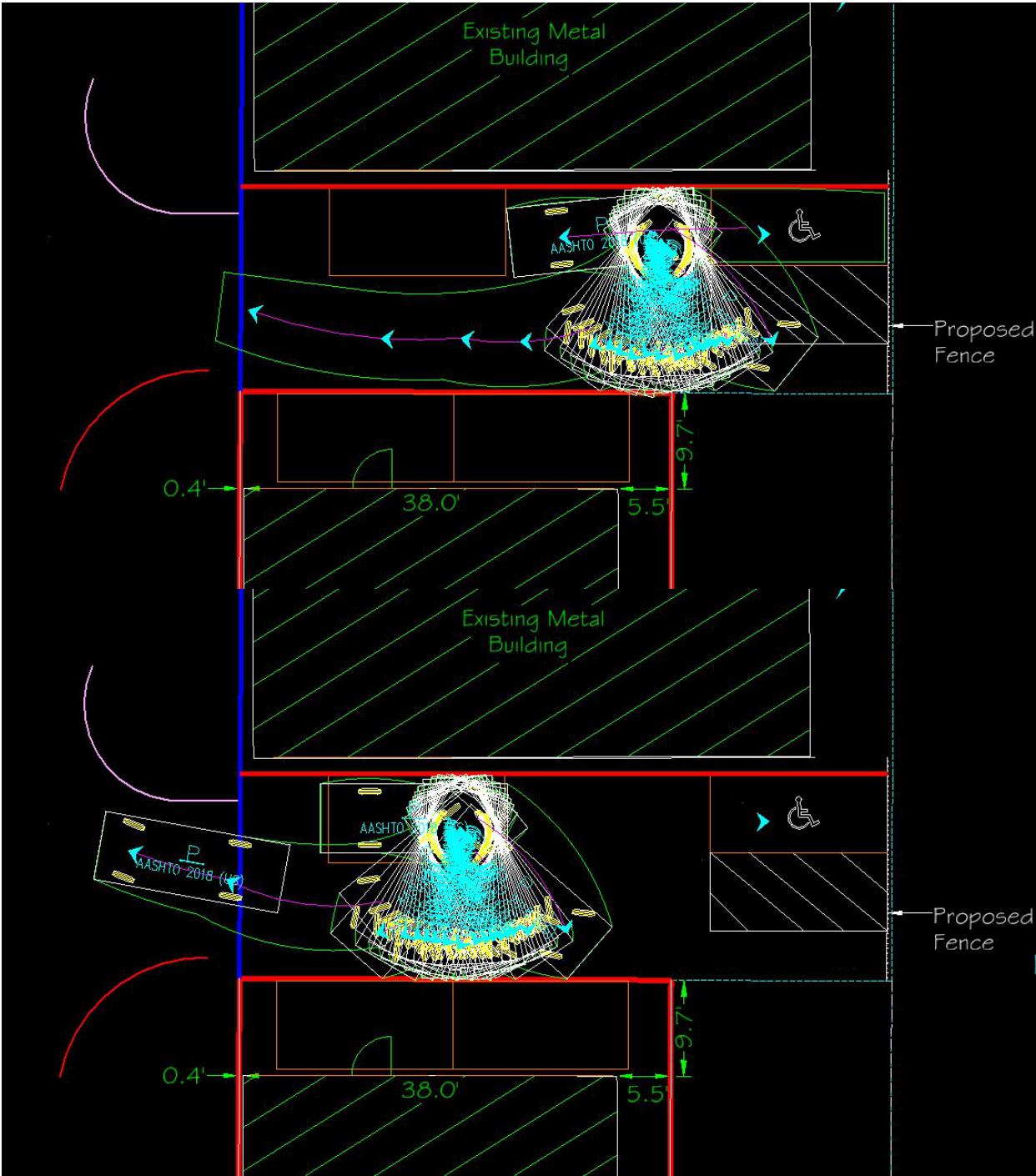
Thanks,
Evan



Evan Brigham, PE | Roadway Design Manager
DAVENPORT
119 Brookstown Avenue, Suite PH1
Winston-Salem, NC 27101
Direct : (336) 742-0880
www.davenportworld.com

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MEMORANDUM

To: Chair Sue Hodgin, Members of the Planning Board

From: Maureen Meehan, City Planner

Re: Text Amendment – Section 3.9.B Setback Exceptions and Encroachments

Date: April 18, 2024

Background

Cameron Smith requested an amendment to the Unified Development Ordinance Section 3.9.B. and presented it to the Planning Board at the September 21, 2023 meeting.

At your November 16, 2023 meeting, there was a vote to send the Board of Aldermen a recommendation of denial for a Unified Development Ordinance Amendment to Section 3.9.B Setback Exceptions and Encroachments to allow HVAC, generators, and other similar equipment to encroach up to 48" into a required setback. Staff presented another option that you considered which allows a 42" encroachment but not more than 24" from the property line. The Board of Aldermen held a duly advertised public hearing at the regularly scheduled January 11, 2024, meeting and voted to remand the text amendment back to the Planning Board at their February 8, 2024, regular meeting.

The text amendment review committee assigned at your regular February meeting met on March 12, 2024. Attendees included committee members Vice-Chair Will Hewitt, Fred Fiss, Kevin Locklin, applicant Cameron Smith, and members of the public.

Committee Meeting Report

The text amendment review considers past language presented to the Board and life and safety measures. The conversation focused on nonconforming lots and smaller lots in PUDS. Mr. Hewitt brought forward encroachment language found in the Brunswick County UDO. He stated that this language is an easy way to calculate and enforce the ordinance.

After discussion, the committee agreed on the proposed language for setback exceptions and encroachment, which is partly based on standards found in the Brunswick County Unified Development Ordinance. The committee and applicant agree that consistency throughout the county will be beneficial. The proposed language is found below.

Section 3.9.B.5

Sills, cornices, buttresses, ornamental features, gutters, and eaves shall not extend more than 18" into a required setback. Mechanical equipment such as air conditioning units, generators, pool equipment, and similar items for residential uses may extend into any required side yard no more than 50% of the required setback.

This amendment will allow the following setbacks for residential encroachments: 4' side yards, 2' encroachment, 6' side yards, 3' encroachment, 8' side yards, 4' encroachment, and 12' side yard, 6' encroachment.

Fire Chief Charles Drew reviewed the proposed text amendment and agrees that it will be a good compromise for the ability to access the property and allow encroachments when necessary.

Attachments

Consistency Statement

Previous Staff Report with Attachments



**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-23-03

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 2015 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.

The statement and motion was seconded and passed _____.

Tanya Shannon, Deputy City Clerk

Sue Hodgins, Chairman

STAFF REPORT

ZONING TEXT AMENDMENT APPLICATION

SECTION 3.9 DIMENSIONAL REQUIREMENTS

APPLICATION SUMMARY	
Presentation Date	September 21, 2023 Planning and Zoning Board
Applicant	Cameron Smith
Relevant Ordinance Sections	Section 3.9.B.5 Setback Exceptions and Encroachments

ZONING TEXT AMENDMENT PROPOSAL
Cameron Smith, applicant, respectfully submits a Zoning Text Amendment to the City of Southport Unified Development Ordinance. Specifically, the request is to amend Section 3.9.B.5 Setback Exceptions and Encroachments to modify the maximum setback encroachment for heating and air conditioning units, generators, pool equipment, and other similar items. 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 heating and air conditioning (HVAC) units and similar equipment to encroach into a side or rear setback no more than forty-eight (48) inches or four (4) feet.

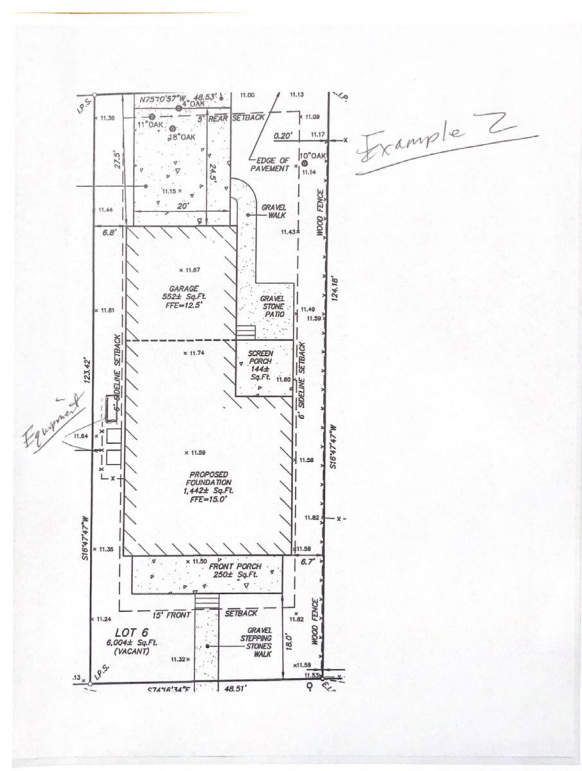
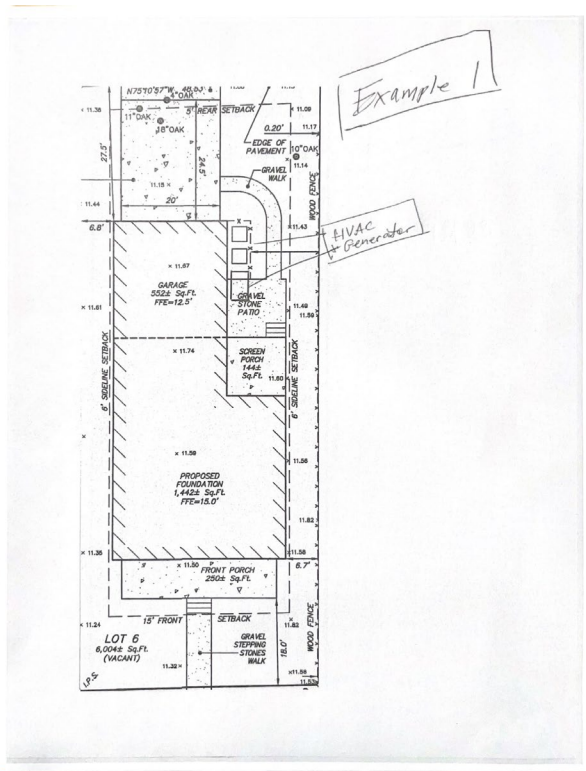
Currently, Section 3.9.B.5 of the UDO states, "Sills, cornices, buttresses, ornamental features, gutters, eaves, heating and air conditioning units and similar items may project into a required setback not more than 30 inches."

The applicant, Cameron Smith, applied for this amendment to accommodate narrow lots approved for PUD subdivisions and nonconforming R-10 lots throughout Southport. Mr. Smith is a builder in the city and has stated that most HVAC and whole house generators need to be 48" off the main structure to meet code requirements. As homes are being built on smaller lots, using most of if not all the buildable width for desired home designs is becoming a necessity. He further states that this causes an undue hardship on homeowners since the units cannot go in the front of homes and many times the rear of the home does not work either, an example of this would be for properties that include a rear loading garage.

Specifically, the applicant has requested the following text amendment:

Sills, cornices, buttresses, ornamental features, gutters, and eaves, ~~heating and air conditioning units and similar items~~ may project into a required setback not more than 30 inches. Heating and air conditioning units, generators, pool equipment, and similar items may project not more than 48 inches into a required setback.

Examples from the applicant are shown below. Example 1 is a site plan that cannot meet the 30" encroachment standards so the equipment is located near the outdoor living area. Example 2 is a site plan showing where equipment has historically been allowed and away from living areas.



BACKGROUND AND EVALUATION

Previous editions of the UDO did not include heating and air conditioning units in the encroachment provisions. The current UDO, adopted on September 23, 2020, added these types of mechanical units. Since October 2022, this section of the UDO has been enforced. Staff encounter equipment encroachments beyond the 30" standard regularly in site plan and final as built survey review. The instances have been reduced since the standard has been enforced, although staff do have to address the issue often. Historical plan review and approvals enforcing this standard cannot be confirmed.

Justification for this text amendment is to be able to accommodate smaller lot widths within cluster subdivisions and nonconforming R-10 lots throughout the city. Nonconforming lots not located in subdivisions many times have a 4' side setback, therefore the units would be allowed to have no setbacks.

Staff consulted the Cape Fear Council of Governments (CFCOG), the Building Inspector, and the Fire Marshall during review of this proposed amendment. Each entity was able to give insight on setback requirements found throughout the region and codes that must be met.

Mr. Wes MacLeod, with the CFCOG confirmed that 30 inches is a standard encroachment throughout the region for these types of units. Further, independent research found examples that allow HVAC and other units 30 inches or a 50% encroachment of the setback, whichever is greater, that allow the encroachment of stoops for air conditioning, but the stoop can only be large enough to accommodate the unit, and there are some examples of 48" in other coastal areas.

Southport's Building Inspector stated that HVAC units must meet manufacturer listed setbacks to allow air circulation. The average is approximately 24" and some can be as close as 12" to meet the National Fire Protection Act (NFPA). Generators must have a minimum clearance of 18" per the manufacturer's installation guidelines and NFPA. The Fire Marshall did not have any issues with these types of equipment being installed in side yard setbacks.

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 Policy supports 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.

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 appears to be consistent with the 2014 CAMA Core Land Use Plan, specifically regarding residential development occurring in response to market needs.

Attachments

Proposed Text Amendment Language

Text Amendment Application

Consistency Statement

Proposed Text Amendment to Section 3.9.B

5. Sills, cornices, buttresses, ornamental features, gutters, and eaves, ~~heating and air conditioning units and similar items~~ may project into a required setback not more than 30 inches. Heating and air conditioning units, generators, pool equipment, and similar items may project not more than 48 inches into a required setback.



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

PERMIT No. ZTA-23-03 FEE: \$ 250 Date Received: 8/8/23

Applicant's Name: Cameron Smith
Mailing Address: 107 Bennett's Creek Lane City: Southport
State: NC Zip Code: 28461 Phone: 910-443-5880
Email: _____

Current Section Impacted by Proposed Text Amendment: 3.9.B.5

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).

see attached

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]
Signature (Applicant)

8/2/23
Date

APPROVED BY:

Mamoon Mehar

8/8/23

This is how the ordinance currently reads. 3.9 B.5 Sills, cornices, buttresses, ornamental features, gutters, eaves, heating and air conditioning units and similar items may project into a required setback not more than 30 inches.

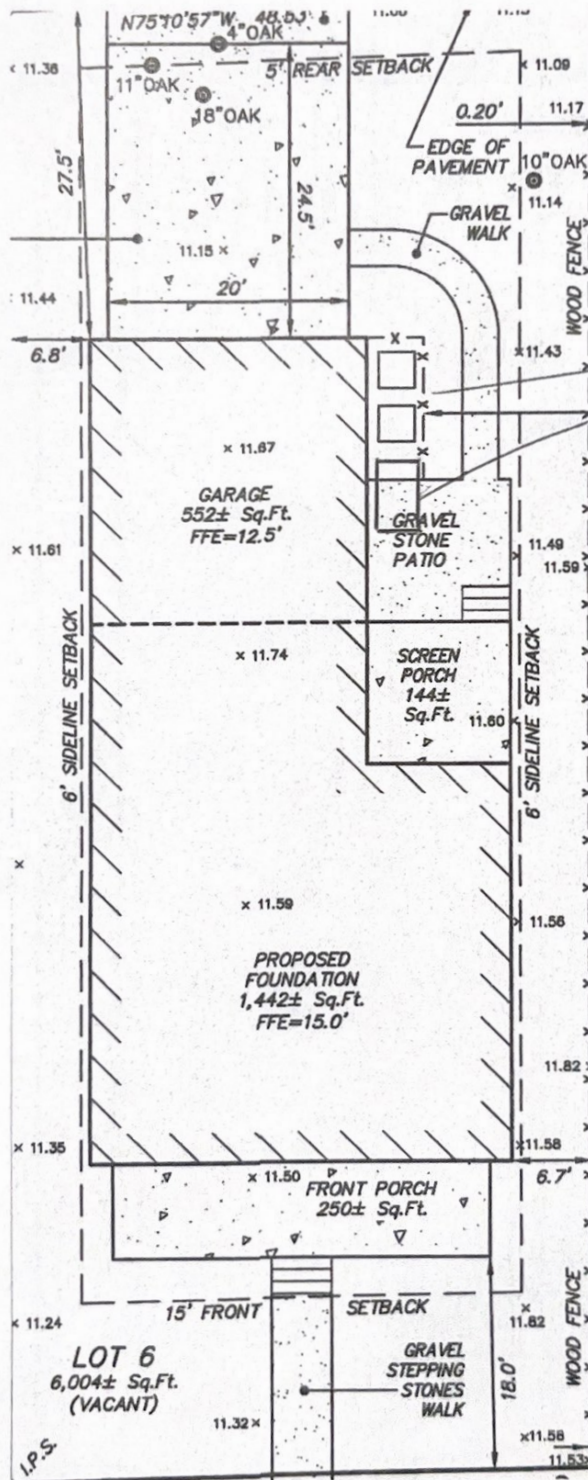
Proposed text amendment : 3.9 B.5 Sills, cornices, buttresses, ornamental features, gutters, eaves, ~~heating and air conditioning units~~ and similar items may project into a required setback not more than 30 inches. HVAC units, generators, pool equipment, and similar items may project not more than 48 inches into a required setback.

Rationale behind revision: In the previous 24 years I have built homes in Southport this ordinance was either not in the UDO or not enforced. Items that are fixed to the structure such as cantilevers, etc were enforced with the 30" rule but never the equipment (HVAC, generators, etc). Many of the homes I have built in communities with narrower lots have equipment on the sides of the homes that would not have met this ordinance. Most air condensing units and generators need 48" off the structure to meet codes for clearances. In my opinion, this 30" guideline creates an unnecessary hardship. Many homeowners, especially in communities with narrow lots (PUDs or some of our city lots) need to use the majority of their buildable width for their home design. The equipment cannot go in the front of the home and in many cases the rear of the home doesn't work well either. A prime example of this would be homes with rear load garages on narrow lots and I have included an example site plan.

Example 1 shows what happens when the equipment is not allowed to go on the side of the home as it typically does due to the 30" guideline. The small rear outdoor space is adversely affected. In addition, having the equipment alongside the garage instead of the house foundation doesn't work in the construction world for a variety of reasons.

Example 2 shows where the equipment should be placed and where it has been allowed historically speaking. Changing this 30" guideline to 48" will allow this to work.

Another point I would like to make in regards to existing homes is many people are now wanting to install whole house generators and may not be able to with the enforcement of this 30" guideline. There is really no downside to this revision that I can see and it will be permitting this equipment placement to continue as it has been allowed in the past.



Example 1

A/VAC
Generator



MEMORANDUM

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

From: Maureen Meehan, City Planner

Re: Section 3.19 Signs – Committee Update and Text Amendment Discussion

Date: April 18, 2024

After an applicant-initiated text amendment to the sign ordinance, the Planning Board requested a committee to work with Staff to update the UDO Section 3.19 Signs. The committee consists of Chair, Sue Hodgins, Fred Fiss, and Kevin Locklin.

The committee met in December and early February to discuss existing signage throughout the city and changes to consider. In addition to in-person meetings, there have been email exchanges with draft text and ordinance examples from other jurisdictions. With the committee's recommendation, Staff reviewed the Warrenton, VA, Mt. Pleasant, SC, Beaufort, NC, and Key West, FL sign ordinances.

At the March 27, 2024 meeting there were corrections and new additions that were requested to be included. The draft changes are attached to this memo.

3.19 SIGNS

A. GENERAL

1. It is the intent of this section to protect public interest, safety and welfare and, to that end, the purpose of this section is specifically declared to be as follows:

- a) To promote economic development and preserve the historic character while ~~and~~ minimizing the negative impacts that signs may have on the visual appearance of the City of Southport;
- b) To provide orientation and guidance to our tourists and visitors and identification of public areas, natural resources, historical and cultural landmarks and places of interest and in so doing reduce confusion and traffic congestion;
- c) To inform and educate visitors and residents of opportunities and events both commercial and noncommercial occurring in the City of Southport; and
- d) To permit and regulate signs in such a way as to support and compliment land use objectives.

2. Encroachment Into Right-of-Way. No part of any sign shall be located on or extended into a public right-of-way without all applicable permits except as allowed by this section.

3. Visibility. No sign or structure shall be erected or maintained to impede safe and adequate visibility from vehicles or for pedestrians.

4. Illumination. Where permitted, illuminated signs shall be subject to the following conditions:

- a) Any light used for illumination shall be shielded so that the beams or rays of light will not shine into surrounding areas or on the public roadway.
- b) Neither direct nor reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.
- c) Sign illumination shall be only at the minimum level required for nighttime readability.

5. Signs for Nonconforming Uses. Signs for nonconforming uses, where such uses may be continued, shall be allowed, but shall comply with all regulations for signs in the zoning district where such signs are located.

B. APPLICABILITY

1. Except as otherwise provided in subsection C, it shall be unlawful to erect or maintain any sign without first obtaining a sign permit. Any sign proposed in the local historic district shall obtain a Certificate of Appropriateness prior to issuance of a sign permit. No permit shall be required, however, for maintenance of a sign restored back to its original condition. Failure to secure a permit shall constitute a violation of this section.

2. A scaled drawing displaying the location of the sign on the associated property, the sign dimensions, construction, height, setbacks from all property lines, lighting, electrical and all other elements associated thereto shall accompany all sign permit applications.

3. If actual work for the permitted sign on the site is not commenced within 60 days from the date of such sign permit or if substantial work for the permitted sign is suspended for a period of 60 consecutive days after issuance of the sign permit, the permit shall automatically become null and void. Provided, however, for new construction, the sign permit shall not become null and void until 60 days after the Certificate of Occupancy has been issued.

4. When any permit has been revoked under the terms of this section, the permit fees shall not be refunded. If a sign permit is denied, however, the permit fee will be refunded.

5. All permanent signs shall be designed and constructed to meet the requirements of the NC Building Code. Depending on the type of sign construction, the building inspector may require engineer certified plans.

7. Any sign proposed to be constructed beyond the mean high-water line requires the issuance of a Conditional Use Permit Special Use Permit in accordance with the requirements set forth in Article 2. Any such sign shall not be located off-premise and must comply with applicable sign type provisions provided in this section.

C. SIGNS EXEMPT FROM PERMIT REQUIREMENTS

Unless otherwise prohibited hereinafter the following signs are exempt from permit requirements but subject to the provisions provided herein:

1. Signs which are not designed to be visible beyond the boundaries of the lot upon which they are located and/or from any public thoroughfare or right-of-way, except as such signs may be regulated hereinafter.

2. Official governmental notices and notices posted by governmental officers in the performance of their duties; governmental signs or signs installed under governmental authority.

3. Noncommercial Flags, pennants, or insignia of any nation, organization of nations, state, county or city, any religious, civic or fraternal organization, or any educational or cultural facility.

4. Temporary decorations or displays.

5. Temporary or permanent signs to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, and similar devices or signs providing directions around such conditions.

6. Merchandise, pictures, or models or products or services which are incorporated as an integral part of a window display.

7. Signs displayed on trucks, buses, trailers or other vehicles which are being operated in the normal course of a business which are affixed or painted onto moving vans, delivery trucks, contractors' vehicles, and equipment and the like provided that, when not being so operated, such vehicles are parked or stored in areas appropriate to their use as vehicles.

8. Trademarks or product names which are displayed as part of vending machines, dispensing machines, automatic teller machines, and gasoline pumps.

9. Signs required for or specifically authorized for a public purpose by any law, statute, or ordinance. These signs may be of any type, number, area, height above grade, location or illumination authorized by law, statute, or ordinance under which such signs are required or authorized.

10. Signs that display information pertinent to the safety or legal responsibilities of the general public with regard to a particular piece of property shall be located on the premises to which the information pertains.

11. Signs attached to buildings (integral sign) which identify buildings and which are permanently integrated by etching, embossing, and/or engraving or which are otherwise permanently made a part of building facades.

12. Special event signs are limited to up to four (4) signs per event. These signs may remain in place for up to 30 days within a calendar year. Signs shall be removed immediately following the event.

13. Signs affixed to windows of vehicles displaying information regarding the sale of said vehicles.

14. Real Estate Signs. Temporary signs advertising the sale, rental, or lease of the property on which said signs are located are allowed, provided such signs are not illuminated.

a) Residential zoned property. One (1) double faced sign per street frontage is allowed. Each sign face square footage shall not exceed six (6) square feet (excluding sign support structure).

b) All other zoned property. One (1) double faced sign per street frontage is allowed. Signs may not exceed 32 square feet per face or eight (8) feet in height.

c) Removal. All such signs shall be removed within seven (7) days after the closing of the sale, rental, or lease of the property.

15. Directional Signs. Directional signs shall be located on the premises to which directions are indicated. Directional signs shall not exceed four (4) square feet per face, two (2) faces per sign, and shall not exceed three (3) feet in height if freestanding or six (6) feet in height if attached to the principal or an accessory structure. The maximum number of signs allowed per lot shall be four (4). These signs may be internally or externally illuminated.

16. Incidental Signs. Incidental signs shall be located on the premises to which the information pertains. These signs shall be single-faced only and wholly attached to a building (including the windows or doors).

17. Copy Changes and Maintenance. No permit shall be required for copy changes made to a changeable copy sign, menu board, marquee sign, or off-premise sign; provided any such changes do not change the classification of the sign under this section. No permit shall be required for maintenance where no structural changes are made.

18. Political Signs. On private property, one (1) sign shall be permitted per lot, not exceeding eight (8) square feet in area per display face, and two (2) faces per sign. Within NCDOT right-of way, sign placement and duration shall be in accordance with NCGS 136-32 during the period beginning on the 30th day before the beginning date of "one-stop" early voting under NCGS 163-227.2 and ending on the 10th day after the primary or election day, subject to the following provisions. A person must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

- a) No sign shall be permitted in the right-of-way of a fully controlled access highway.
- b) No sign shall be closer than three (3) feet from the edge of the pavement of the road.
- c) No sign shall obscure motorist visibility at an intersection.
- d) No sign shall be higher than 42 inches above the edge of the pavement of the road.
- e) No sign shall be larger than 864 square inches.
- f) No sign shall obscure or replace another sign.
- g) No sign shall be located in the city's right-of-way.

19. Construction Signs. Construction signs shall be allowed provided such signs do not exceed one (1) sign per street frontage with a maximum of two (2) signs per construction site. Such signs shall not exceed 32 square feet in area display face and no more than 10 feet in height. Construction signs shall not be erected prior to the issuance of a building permit and shall be removed within seven (7) days of the issuance of a certificate of occupancy.

20. Fence-wrap signs affixed to fences surrounding a construction site may be allowed in accordance with NCGS 160D-908.

21. Temporary Signs. Each lot in a residential zoning district or each establishment within a nonresidential zoning district shall be allowed one (1) temporary sign not exceeding six (6) square feet or four (4) feet in height. Such sign shall not be constructed utilizing wood, cement, steel, or other similar structures of a permanent nature. Such sign shall be easily removed and placement thereof shall not be of a permanent fashion.

22. A-frame Sign. Any premises, including those containing multiple businesses, may place only one (1) A-frame sign per street frontage, per business.

a) Placement: The sign must be placed directly in front of the business it promotes. Placement of the sign must be in accord with the Americans with Disabilities Act, which requires four (4) feet of sidewalk clearance in addition to the amount of space occupied by the sign. The sign shall be placed in a manner so as not to impede the line of sight for vehicular and/or pedestrian traffic. Along streets with diagonal or perpendicular parking, the sign may be placed within one (1) foot of the curb but must not obstruct a pedestrian's pathway from a parked car to the sidewalk.

Along streets with parallel parking, the sign must be at least two (2) feet from the curb. No sign may be placed where the unobstructed space for the passageway of pedestrians is reduced to less than four (4) feet. No signs are allowed in driveways or on improved city streets.

b) The sign must not exceed 48 inches in height, 24 inches in width and eight (8) square feet per side in area (which includes legs/stand/bracing).

The sign must be constructed of materials that present a finished appearance and have locking arms on the sides that enable the sign to withstand high winds.

c) The sign must be removed and stored inside the business after business hours or at dusk (whichever comes first) and may not be outside on days when the business is closed. A-frame signs shall not be artificially illuminated.

d) Any person erecting an A-frame sign or a portable off-premise sign shall indemnify and hold harmless the city and its officers, agents and employees from any claim arising out of the presence of the sign on city property or rights-of-way. Any person erecting an A-frame sign must sign an indemnification agreement approved by the city attorney prior to the issuance of a permit. The indemnification agreement must be accompanied by proof of insurance covering the liability assumed in this subsection and the agreement.

D. SIGNS PROHIBITED IN ALL ZONING DISTRICTS

The following signs and/or sign features shall not be erected or maintained in any zoning district within the planning jurisdiction of the City of Southport.

1. Signs on roadside appurtenances or snipe signs. On- or off-premise signs on city owned roadside appurtenances, including, but not limited to roadside benches, planters, utility poles, trees, and refuse containers.
2. Vehicle/Trailer signs. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign.
3. Signs of illusion. Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion.
4. Signs resembling traffic signals. Signs displaying intermittent light resembling the flashing light customarily used in traffic signals, or used by police, fire, ambulance, or other emergency vehicles, nor shall any sign use the word "stop," "danger," or any other words, phrase, symbol, or character in a manner that might be construed as a public safety warning or traffic sign.
5. Animated signs and flashing signs.
6. Signs obstructing access. Signs which obstruct free ingress to or egress from a driveway or a required door, window, fire escape, or other required exit way.
7. Billboard Signs.
8. Any sign or outdoor advertising display which contains statements, words or pictures of an obscene character as defined in NCGS 14-190.1 such as will offend public morals or decency.
9. Feather flags.
10. Any temporary or permanent off-premise sign unless explicitly permitted by this ordinance.

E. ON-PREMISE SIGNS: RESIDENTIAL DISTRICTS R-10, R-20, MF, MH, AND PUD

The following signs may be allowed within residential zoning districts subject to the issuance of a sign permit. Within a PUD, the following signs may only be permitted in the residential portion of the development.

1. Subdivision and multi-family development signs must either be freestanding ground signs or attached wall signs. If the signs are freestanding ground signs, the height shall be limited to six (6) feet from grade and the minimum setback shall be 10 feet. Each entrance may have two (2) signs no more than 32 square feet per face.

2. Nonresidential uses located in residential zoning districts are allowed one (1) freestanding ground sign or attached wall sign, either of which may be only a changeable copy sign, with the total area of the changeable copy sign no greater than 12 square feet per face, with two (2) sign faces per sign and a maximum of six (6) feet in height, with a minimum setback of 10 feet.

2. Nonresidential Uses in Residential Zoning Districts:

a) One permanent ground mounted sign may be permitted on a lot containing a nonresidential use in a residential zoning district provided the sign meets the following requirements:

1. The sign shall be set back a minimum of 10 feet from the street right-of way and any adjacent lot lines.

2. The maximum sign area shall be 32 square feet.

3. The sign may include a changeable copy sign, to be included as part of the maximum sign area.

4. No such sign or any portion of the structure shall exceed six (6) feet in height.

5. The sign may only be illuminated through an external light source.

b) Attached single faced wall signs shall be permitted for all nonresidential uses in a residential district in the same manner as permitted for nonresidential uses in the BD zoning district.

F. ON-PREMISE SIGNS: NON-RESIDENTIAL DISTRICTS CBD, BD, HC, O/I, LI, HI AND PUD

The following signs may be allowed within nonresidential zoning districts subject to the issuance of a sign permit. Within a PUD, the following signs may only be permitted in the nonresidential portion of the development.

1. Attached Single Face Wall Sign. Shall be allowed on all sides of a business. The total allowable tenant face signage shall not exceed 25% of the building face of 32 square feet, whichever is greater.

a) Single tenant building. Wall area shall be total area of the applicable exterior wall.

b) Multi-tenant building. Wall area shall be defined by that area of the exterior wall enclosed by the intersection of the interior floor, ceiling and wall(s) of the tenant's space.

2. Roof Signs. Signs on the surfaces of a mansard roof and on parapets shall be allowed provided the signs do not extend above the roof or parapet to which they are attached. The size of the sign shall be subject to the 25% allowable area for an attached single face wall sign.

3. Projecting Double Face Signs. One (1) projecting sign per street front shall be allowed.

1. Signs shall not project more than ~~three (3)~~ four (4) feet from the facade of the building.

2. Clearance over sidewalks shall be at a minimum of nine (9) feet and clearance over streets, alleys or driveways shall be a minimum of 14 feet.
3. Signs shall not project above third story of the building or above the building soffit, eave line, or building parapet.
4. The maximum sign area for a projecting sign shall be nine (9) square feet.
5. Projecting signs shall not be internally illuminated.

4. Freestanding Ground Sign. One (1) freestanding ground sign shall be allowed per street front per lot.
Freestanding ground signs are not allowed in the CBD zoning district.

1. Such signs may contain signage for each establishment within a multi-tenant building subject to the height and size requirements provided in Table 3.10. See Table 3.10 for height and area requirements based on zoning district in which it is located.
 - a. Each sign for multi-tenant signs shall be uniform in color and make. Individual logos using the same color pallet can be incorporated.

2.

Table 3.10 Freestanding Ground Sign Size

Zoning District Maximum Height Maximum Square Footage per Face

CBD 6 ft. 25 sq. ft.

HC 25 ft. 125 sq. ft.

BD/OI/PUD 10 ft. 8 ft. 60 sq. ft.

LI/HI 25 ft. 187.5 sq. ft.

5. Window Signs. Window signs in all nonresidential districts do not require a sign permit provided they comply with the standards in Section 3.19 and not occupy more than 25% or 25 SF of the window, whichever is less.

5. Electronic Message Center (EMC) Signs. EMC signs which do not exceed ten (10) square feet per sign face are allowed and shall be included in the allowable sign area, provided, however, if an existing freestanding sign is located on the lot, then the EMC sign must be incorporated into the existing freestanding sign.

- a) The EMC portion of the sign may not exceed 30% of the permitted sign face. No variations in light intensity are permitted.
- b) EMC signs shall only be permitted in the HI, LI, and HC zoning districts.

6. Inflatable Sign. One (1) inflatable sign shall be allowed once per calendar year per business.

- a) Further, inflatable signs shall not be internally illuminated; shall not be higher than 25 feet above grade; and shall not be erected or maintained on a building parapet or roof. The time allowed for these signs shall not exceed 10 days. These signs shall be located on either an attached, tethered, or freestanding structure. The sign and its structure shall not block or inhibit the visibility of vehicular traffic or in any way pose a danger to pedestrians or vehicular traffic or property.

G. MAINTENANCE

1. All signs erected must be properly permitted and inspected for compliance with the applicable codes of the State of North Carolina and the City of Southport and with other parts of this ordinance.
2. Sign in disrepair. Signs that are unsafe, or which no longer can be easily recognized for their intended purpose due to disrepair or fading.
3. The following maintenance requirements must be observed for all signs visible from any public street or highway within the jurisdiction of this article.
 - a) No sign shall have more than 20% of its surface area covered with disfigured, cracked, ripped, or peeling paint or poster paper for a period of more than 30 successive days.
 - b) No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts or be allowed to stand more than 15 degrees away from the perpendicular for a period of more than 30 successive days.
 - c) No sign shall be allowed to have weeds, vines, landscaping, or other vegetation growing upon it and obscuring its view from the street or highway from which it is to be viewed for a period of more than 30 successive days.
 - d) No neon or internally illuminated sign may be allowed to stand with only partial illumination for a period of more than 30 successive days.
 - e) If a sign or sign structure is damaged such that more than 50% of the value is lost, with such determination made by the UDO Administrator, any repair or replacement must be done in conformance with this Section.

H. ILLUMINATION

1. Where illuminated signs are permitted, they shall conform to the following requirements:
 - a) All signs illuminated under the provisions of this section shall be constructed to meet the requirements of the National Electrical Code.
 - b) Signs which contain, include, or are lighted by any flashing, intermittent, or moving lights are prohibited, except Electronic Message Center signs.
 - c) Illuminated signs shall be limited to those lighted internally with glass or plastic faces bearing the advertisements and diffusing the direct rays of the light source to prevent any direct line of sight with said light source.
 - d) Backlit and halo lighting that otherwise meet the provisions of Section 3.19 of this ordinance are allowed.
 - e) No sign shall be brighter than is necessary for clear and adequate visibility.
 - f) No sign may display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver or result in a nuisance to a driver.

g) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.

h) The light source color temperature for outdoor lighting shall not exceed 3,000 degrees Kelvin.

i) Neon, argon, or other gas tube lighting or signage shall be prohibited on external walls or placed in the interior window. Neon, argon, or other gas tube logo signs placed inside the building and not exceeding 25% of the window area or 32 square feet whichever is less shall be permitted.

j) Flood and display lighting shall be shielded so as to prevent direct rays of light from being cast into a residential area or district and/or on a public right-of-way from any direction. Such lighting shall also be shielded so as to prevent view of the light source from a residence or residential district and/or vehicles approaching on a public right-of-way from any direction. In addition, no sign shall permit light to emit upwards towards the sky.

k) Flame as a source of lighting is prohibited.

I. MURALS

Decorative works of art, defined as drawings or murals that do not direct attention to an organization, a business operated for profit, a product, commodity or service for sale or lease shall be required to obtain a sign permit and meet the following guidelines:

1. Murals must reflect the character, culture, and history of historic Southport and surrounding areas.
2. Murals shall not be located on the side of a structure that is adjacent to or directly across a right-of-way across from a residential structure unless written approval from the adjacent property owners is obtained by the applicant.
3. Murals must be of appropriate scale and colors must be consistent with the surrounding area.
4. Murals located on a primary frontage of a structure shall be subject to the wall sign area allowances for the district which they are located.
5. Murals located on rear and secondary facades of a structure shall not be subject to square footage limitations, provided such murals do not contain commercial copy, to include any tradename, trademark, or the name or logo of the establishment associated with the mural.
6. Mural materials and paint should be of high quality and weatherproof and shall not be reflective, neon, or florescent.
7. Murals may not extend beyond the eaves, parapet, or sides of a building, nor project from the surface.
8. Murals shall be maintained in a state of good repair.

J. NONCONFORMING SIGNS

All nonconforming, previously unprohibited signs existing on the date of the adoption of this Ordinance shall be allowed to remain unless structurally altered or damaged greater than 50% of the value of the sign. This does not preclude changing the face of the sign with the applicable permit.

J. SIGN ENFORCEMENT

1. Notice of Violation. The UDO Administrator shall have the authority to issue a notice of violation for all violations of this section in accordance with Section 2.15 Enforcement of this ordinance. Where the owner of the sign is indicated on the sign or is otherwise apparent or known to the UDO Administrator, a copy of the notice of violation shall be delivered to the sign owner by hand delivery, or mail, or by attaching a highly visible sticker reading "VIOLATION" to the face of the sign. The letter, and/or sticker shall include the date that it was attached to the sign with instructions of the violation, and to contact the Administrator immediately.

2. Time to Remedy Violation. All sign violations shall be remedied within 15 days.

3. Extension of Time for Compliance. The UDO Administrator shall have the authority to grant a single 15-day extension of time within which to remedy the violation of any sign.

4. Remedies for Failure to Comply.

a) In addition to or in lieu of the other remedies set forth in this ordinance, the UDO Administrator shall have the authority to issue a remove order for any sign not repaired or in violation by the foregoing provisions. Remove orders shall be issued to and served upon the person(s) described in subsection (1) by the means set forth therein. The sign shall be removed 15 days after the service of the remove order at the expense of the offender. The remove order shall describe with particularity the location of the sign to be removed and all of the reasons for issuance of the remove order, including specific reference to the provisions of this section which have been violated. In the event it is not claimed within 15 days, the administrator shall have authority to dispose of the sign.

b) The UDO Administrator shall have the authority to remove, without notice, and impound any sign that is hazardous; or attached to trees, utility poles or natural features; or abandoned signs; and/or signs erected without a permit.

5. Removal and Recovery of Expense. In the event of failure to comply with the requirements of a remove order, the UDO Administrator may cause such sign to be removed. The sign owner and property owner may be jointly and severally liable for the expense of removal. Notice of the cost of removal shall be served upon the person(s) described in subsection (1) by the means set forth therein. If said sum is not paid within 30 days thereafter, said sum shall be collected by the city in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of NCGS 14-4.

2024 PLANNING BOARD ATTENDANCE

<u>NAME</u>	Jan.	Feb.	March	April	May	June	July	August	Sept.	Oct.	Nov.	Dec.			Total Absences
Sue Hodgins Chair	P	P	P												
Will Hewett Vice-Chair	P	P	P												
Fred Fiss	P	P	P												
Christopher Jones	A	P	P												1
Scott Jones	P	P	P												
Donnie Joyner	P	P	P												
Dick Sloan	P	P	P												
Roy Pender	P	P	P												
Kevin Locklin	P	P	P												

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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) 269-9971	Board of Aldermen Liaison		