



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

March 20, 2025
6:00 PM

Agenda

Please turn off all cell phones

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. February 20, 2025 Planning Board Meeting Minutes
- E. Approval of Agenda**
- F. Public Comment**
- G. Old Business**
- H. New Business**
 - 1. Unified Ordinance Amendment to Article 6 Stormwater Regulations - Introduction and Presentation [Maureen Meehan and Tom Zilinek]
 - 2. Unified Development Ordinance Updates for 160D Consistency [Maureen Meehan]
- I. Other Business**
 - 1. Planning and Zoning Updates [Wendell Biddle]
 - 2. Planning Services Director's Updates [Maureen Meehan]
 - 3. Liaison Update [Frank]
- J. Announcements**
- K. Adjourn**



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

February 20, 2025
6:00 PM

Members Present: Sue Hodgins, Fred Fiss, Kevin Locklin, Will Hewett, John Bove, Larry Ashley
Robert Lambert

Staff Present: Maureen Meehan, Planning Services Director
Wendell Biddle, City Planner
Tori Deviney, Deputy Clerk

A. Chair Hodgins Called the meeting to order at 6:00 PM

B. Mr. Hewett provided the Invocation

C. Chair Hodgins led everyone in the Pledge of Allegiance

D. Approval of Minutes

1. January 16, 2025 Planning Board Meeting Minutes
Mr. Fiss had one correction:

Under Nomination of Chair, revise to say Mr. Locklin seconded the motion.

E. Approval of Agenda

A motion to approve the agenda was provided by Mr. Hewett and seconded by Mr. Ashley. ***Unanimous vote, motion carried.***

F. Public Comment

None

G. Closed Session NCGS 143-318.11

1. Motion to go into Closed session pursuant to NCGS 143-318.11

(3) To consult with an attorney employed or retained by the public body in order to

preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Chair Hodgkin asked for a motion to go into closed session which was given by Mr. Hewett and seconded by Mr. Ashley. ***Unanimous vote, motion carried.*** 6:07 PM

2. Motion to close the Closed Session and re-enter the Regular Session.

Chair Hodgkin asked for a motion to come out of closed session which was provided by Mr. Hewett and was seconded by Mr. Ashley. ***Unanimous vote, motion carried.***

End Closed Session at 6:56 PM

H. Old Business

1. 101 E Moore St Major Site Plan [Maureen Meehan] pg. 17-71

Ms. Meehan presented an overview of the subject property, which is located in the Central Business District (CBD). She outlined the zoning requirements for this district, noting that there are no setback requirements, no minimum lot sizes and that at the time of application, the height limit was 40 feet. Ms. Meehan cited State Statute 160D-108, which allows applicants to choose the applicable version of the building regulations in effect at the time of their application. In this case, the applicant is opting to maintain the 40-foot height limit under the previous regulations.

She then provided an overview of the current conditions of the area, highlighting the location of the property at the corner of North Howe and East Moore Street. The proposed project is a three-story mixed-use building, with existing retail on the first floor and two floors of residential units, comprising four units total, two on each floor. The submitted site plan, dating back to April, indicates the provision of four parking spaces required for the residential units. However, no parking spaces are mandated for the commercial retail portion of the building, because commercial zoning does not require parking per the Unified Development Ordinance (UDO).

Ms. Meehan recalled that during the last meeting, the applicant had proposed an alternative parking configuration, which required a variance from the parking requirements. However, the variance was denied at the last Board of Adjustment meeting. As a result, the applicant is proceeding with the site plan that includes vehicles reversing out of the parking lot onto North Howe Street. Ms. Meehan noted that this site plan incorporates all required elements for a major site plan, including the variance granted in 2024 for this project. She also stated that the Planning Board Review Committee met on February 14 to discuss this project and would present their findings. The applicant was present and available to answer any questions, along with a prepared presentation including slides.

Chair Hodgkin invited the applicant to make any comments or presentations.

Ms. Schaefer, representing the applicant, expressed appreciation for Ms. Meehan's presentation and staff report. She reiterated much of the previously shared information, emphasizing that the project complies with all sections of the zoning code. She cited the Unified Development Ordinance (UDO), which mandates approval of a site plan if it meets all ordinance standards. She referenced material from the School of Government website, stating that administrative approvals are based on objective standards with minimal

discretion.

Ms. Schaefer provided additional details on the project, including renderings to illustrate the building's height in comparison to surrounding structures. The building's height will only exceed that of the commercial section. She also confirmed that the Planning Board's approval is only the first step in the planning process. Any finalized site plans must undergo further review by the Technical Review Committee (TRC) and adhere to fire ingress, egress, and building permit requirements. She confirmed that the applicant was available for questions.

Chair Hodgkin then opened the floor for Board questions.

Mr. Ashley began by asking for clarification on the specific site plan under review, noting that several different plans had been included in the materials, dated August 25, 2022; November 16, 2022; December 21, 2022; April 17, 2024; and November 5, 2024. Ms. Meehan confirmed that the site plan under consideration was the April 17, 2024 version, found on page 19 of the packet. She acknowledged the various iterations of parking configurations throughout the project's history.

Mr. Ashley expressed gratitude for the additional time to review materials, noting that, as a new member, he wanted to ensure he was making informed decisions. He reviewed the project's timeline, confirming that the initial application was submitted on August 29, 2022, before a UDO amendment in September 2022 reduced the height limit in the Central Business District to 30 feet. Since the application was filed under the previous UDO, the applicant was permitted to proceed under those regulations.

He then inquired about parking lot requirements, asking whether lots require marked entrances or exits. Ms. Meehan clarified that no such requirement exists unless a parking lot exceeds ten spaces, in which case paving is required. She confirmed that handicapped parking is required to meet size specifications but does not necessarily need specific signage.

Mr. Ashley also sought clarification on the ownership and long-term access to the parking spaces. Ms. Meehan confirmed that the applicant owns both the subject property and the adjacent lot providing parking. In response to concerns about ensuring long-term parking access, she noted that a deed restriction could be placed on the property.

Further discussion ensued about the variance granted by the Board of Adjustment, which allowed vehicles to back out onto North Howe Street. Mr. Ashley questioned whether a variance should have been requested for the applicant's primary property at 101 East Moore Street, rather than for the adjacent property at 114 North Howe Street, which contains the parking. Ms. Meehan and the Board attorney explained that the variance applied to the parking configuration rather than to a specific lot.

Mr. Ashley raised concerns about the variance process, questioning why the variance was granted for 114 North Howe Street when the parking was needed for 101 East Moore Street. He pointed out that the applicant for 101 East Moore, the property requiring the parking, had not filed the variance but rather the owner of the parking lot had, even though no changes were proposed for that lot. Ms. Meehan clarified that the variance was granted for the building that holds the parking because that is where the backing-out requirement applied. Mr. DiGuiseppe added that because both properties share the same

owner, a separate variance was not needed for 101 East Moore St property. The Unified Development Ordinance (UDO) allows a property to use parking on a neighboring lot within 400 feet, and conditions such as a deed restriction could be added to an approval if necessary.

Mr. Ashley also questioned the evolving nature of the site plans, asking how changes to parking configurations over time affected the variance approval. Ms. Meehan explained that the variance was granted to allow backing out onto North Howe Street, regardless of the specific site plan layout. The most recent site plan was designed to meet dimensional requirements while maintaining compliance with the granted variance.

Other Board members asked additional questions regarding site plan approval processes. One member asked whether a more detailed site plan would be reviewed by the city beyond the survey currently under consideration. Ms. Meehan confirmed that a full set of engineered drawings would be required for building permits and reviewed for compliance with fire and building codes.

Mr. Ashley concluded by expressing concern about the fluid nature of site plan revisions and the process for variances, noting that multiple versions and applications could create confusion. Ms. Meehan assured the Board that the April 17, 2024 site plan was the definitive version under review.

Chair Hodgkin thanked all participants for their time and asked if there were any additional questions.

Mr. Fiss expressed his concerns about the project, emphasizing that while his heart tells him he cannot approve the proposal due to safety concerns for the citizens of Southport, as a Planning Board member, he is required to approve it. He made it clear that he was grappling with the decision.

Mr. Locklin agreed with Mr. Fiss and also acknowledged the concerns raised by Mr. Ashley regarding the procedural aspects of the project. He suggested that this case should prompt the city to reevaluate how information flows between the city planning office and the Board of Aldermen. He recommended better coordination and communication, particularly regarding pending matters, to improve the process in the future.

Mr. Hewett stated that he was not implying any wrongdoing on the part of the applicant but rather recognized that the applicant utilized the benefits of the existing system. He emphasized that if the system needs improvement, changes should be made to prevent similar issues in the future. He noted that the Planning Board should act on the current matter but also consider subsequent amendments to the Unified Development Ordinance (UDO) to address concerns. He proposed that, as part of the approval, conditions should be imposed, including the installation of visual cues and signage for pedestrian safety. He also suggested that legal counsel be consulted regarding a condition ensuring the parking area remains available in perpetuity for the residents of Bullfrog.

Chair Hodgkin provided concluding remarks on behalf of the Committee. She noted that the Committee and the full Board had spent a significant amount of time considering this site plan submission, seeking ways to address concerns that were in the best interest of Southport as a whole. She highlighted the importance of preserving the small-town character of Southport, which is a key factor in why many residents choose to live there.

She acknowledged flaws in the city's planning and adjustment processes and stated that this situation highlighted the need for reform.

She reviewed the history of the application, noting that the applicant had been advised by city staff in 2022 that all required elements for the application were present. However, it later became clear that this was not the case, as the parking plan did not comply with the UDO. Despite this, the application was accepted and moved forward to the Planning Board. A Review Committee was then formed to work with the applicant to find acceptable parking solutions. The applicant ultimately sought and obtained an adjustment allowing a parking reconfiguration that reduced the required spaces by one and permitted cars to back out onto one of Southport's busiest intersections at Howe and Moore Streets.

Chair Hodgins expressed disappointment that in January and February 2024, the city failed to provide proper legal advice regarding Board of Adjustment processes and appeal rights. She explained that had the Committee been fully informed of its appeal options, they would have pushed for the City to challenge the adjustment decision in the greater interest of Southport. However, the applicant later sought another variance to eliminate all parking requirements, which was denied by the Board of Adjustment.

Chair Hodgins emphasized that, given the procedural history and the applicant's legal standing, the Planning Board had no choice but to approve the major site plan. The applicant's legal counsel had already warned that if the matter were delayed further, they would pursue legal action to compel approval. Recognizing that their options were limited, The Board resolved to approve the plan with conditions. Chair Hodgins states:

“For the record. I want it known that our Committee advanced every idea, every option it could conjure for best and required parking options for this submission. The applicant pursued and obtained for his benefit, as he is allowed by statute and the UDO, a formal adjustment which reconfigured a parking drawing, reducing the required spaces by one and allowing cars to back out into Southport's busiest intersection at Howe and Moore St. Our Review Committee believes that the city failed us in January and February 2024. whether by staff, leadership or counsel, by not giving proper advice regarding Board of Adjustment processes and then the appeal right post Adjustment action. That window closed well before we ever learned that the city could have had legal representation at that January 2024, Board of Adjustment hearing to present evidence about the safety concerns that we, as a Committee of this Board, found to be glaring. I also want it on record that our Review Committee, had we been well-informed of the processes for that Adjustments hearing and all of our appeal options within that 30 day window following, would have pressed full court for the City's appearance at that hearing, and we would have pressed to appeal that adjustment in the month following, in the greater interest for all of Southport. None of that happened, however. The applicant appeared again at last month's Board of Adjustment meeting, asking for forgiveness for any parking requirements for his submitted project. This time, Adjustment denied the request, ending the applicant's available procedural options. Now, with that latest result, this applicant and counsel have already advised the City that if this Board tables the matter for any other discussion, they will issue a Writ of Mandamus, forcing us to come back and approve his submission. So, a partial background given for the record and as an explanation of our options or lack thereof, we basically find ourselves with our collective backs against the wall,

because of a procedural and process failure, I regret to inform for the Committee, that we have no way out. We are now forced to approve this major site plan. As we've discussed, we can put forth a motion to approve it with conditions. I'll ask at this point, if there is a motion to be brought to the floor"

Mr. Locklin made a motion that we move forward with the approval, with conditions, as noted by the Board of Adjustment in the Variance it was granted with regards to the installation of visual cues and signage for pedestrian safety, and also that there will be a condition that the parking will continue in perpetuity as far as that building is used for mixed-use from the owner of the Pearl Property.

Chair Hodgkin called for a second to the motion, and Mr. Hewett seconded it.

Before proceeding to a vote, Mr. Fiss sought clarification on the perpetuity condition, specifically whether it would be enforced through a deed restriction. Ms. Schaefer, representing the applicant, explained that similar conditions have been enforced in various ways, including deed restrictions, shared parking agreements, or site plan conditions that, if violated, would constitute a zoning violation. She recommended that the Board attorney draft the appropriate legal document to ensure compliance.

Mr. Ashley stated his preference for a deed restriction to ensure long-term clarity for future property owners. Mr. DiGiuseppe, the Board attorney, agreed that a deed restriction would provide the most transparency and legal certainty. He emphasized that it would be clearer for prospective buyers and the public record if the parking obligation were explicitly included in the property deed.

Chair Hodgkin confirmed that the conditions regarding the deed restriction would be included in the approval motion. Mr. Ashley asked for a final review of the conditions to ensure clarity. Mr. Locklin summarized that the approval would include a deed restriction ensuring that the parking area remains available for the Bullfrog building at 101 East Moore Street.

With no further discussion, **Chair Hodgkin called for a vote on the motion. *Unanimous vote, motion carried.***

Following the vote, Chair Hodgkin addressed the applicant, noting that while the Board had approved the motion, they (the Board) sincerely hoped that the applicant would consider modifying the parking area to create more room, possibly by removing the planter box attached to the Pearl building. This modification could facilitate three-point parking, allowing tenants to turn around within the lot rather than backing blindly onto Howe Street. While this remains the applicant's decision, it was discussed as an option with staff. She reiterated that liability for parking rests with the applicant and that the Board's primary concern remains the safety of Southport's citizens and visitors, including families with small children and pets who frequently use the sidewalk in the area. She urged the applicant to take thoughtful measures within the constraints of Southport's ordinances to prevent potential accidents in this busy part of town.

2. Special Events Text Amendment [Wendell Biddle] pg. 72-78

Mr. Biddle presented a proposal for a text amendment to the UDO, seeking to create a new land use category. He provided background information, explaining that in the summer of 2024, an applicant was granted a special use permit for operating a bed and

breakfast. However, the applicant's management plan included hosting weddings and other events, highlighting the fact that the UDO does not currently provide appropriate land use for such activities.

In an October Planning Board session, a Committee was formed with staff and Board members to address this issue. The Committee identified several key concerns, including maintaining the character of residential zoning districts, enforcing safety precautions such as capacity limits, and ensuring emergency services are not overwhelmed. Based on these considerations, the Committee proposed creating an accessory land use category called "specialized events," defined as commercial ventures held in non-religious venues where the event is secondary to the venue's primary land use.

The proposed amendment would modify Article 8 of the UDO to incorporate this definition and amend Table 3.1 to establish appropriate zoning districts where specialized events are permitted. The permitted districts would align with those for bed and breakfasts. Rather than being a land use permitted by right, this new accessory use would require specific use standards. Additionally, a temporary use permit would be established to ensure agencies such as the City Fire Department and law enforcement are aware of proposed events and can enforce capacity standards. The permit would function similarly to the City's food truck permits. Other benefits of the temporary use permit include administrative oversight to control the number of specialized events at any given time and ensuring residential neighborhoods are considered in event planning. Specific use requirements would address issues such as noise, signage, and alcohol consumption. Events that are non-commercial or already reviewed under separate processes, such as Southport's Fourth of July Festival, would not be classified as specialized events.

Mr. Locklin inquired whether city administrators had the discretion to deny a permit if an event seemed inconsistent with the City's best interests. Mr. Biddle clarified that as long as an applicant met all standards, they would be granted the permit. Mr. Fiss posed a hypothetical scenario involving a controversial group hosting an event, to which Mr. Biddle responded that permits could not be denied based on an event's nature if it met the required criteria.

Clarification on the text amendments was asked for, particularly regarding section 3.6. Mr. Biddle confirmed that the amendments would be reflected in multiple sections, including Article 8, Table 3.1, and 3.6 A and Q for temporary use permits. A question about event capacity limits was raised, and Mr. Biddle explained that the temporary use permit process would allow the Fire Department to establish case-by-case capacity standards. The permit would also limit the frequency of events at bed and breakfast establishments near residential properties.

Chair Hodgkin called for a motion to accept the Committee's recommendation and staff's drafted text amendment for forwarding to the Board of Aldermen for adoption into the UDO.

A motion was made by Mr. Locklin and seconded by Mr. Bove, followed by a unanimous vote in favor.

Mr. Ashley read the Statement of Consistency and Recommendation, affirming that the proposed zoning text amendment aligns with the City of Southport's 2015 Core Land Use

Plan, which supports activities promoting tourism.

The Planning Board recommended approval by the Board of Aldermen.

I. New Business

1. Project Updates and Meetings

Mr. Biddle provided updates on ongoing projects. The City is conducting a review of the UDO to ensure compliance with state statutes and to eliminate inconsistencies. This review will continue over the next two to three weeks. Additionally, a draft of the 2026–2035 State Transportation Improvement Plan is available on the NCDOT website for public comment.

Regarding the Turtle Bay development, tree removal for infrastructure has been completed. A pre-construction meeting with staff, developers, and public works will be held soon.

Mr. Fiss inquired about the remaining trees, particularly thin pines, and whether further thinning would be necessary. Mr. Biddle confirmed that the tree removal permit had already been processed. Ms. Meehan explained that the remaining trees would be addressed at the individual lot level as building permits are issued.

The development plan includes additional tree planting, particularly in buffer zones and recreation areas.

J. Other Business

Chair Hodgins opened the discussion by introducing a new agenda item, requesting an update on any significant applications or matters that may be coming before the Board of Adjustment. Ms. Meehan confirmed that such updates could be provided and noted an upcoming Adjustment and Planning Board training sessions.

Mr. Locklin proposed forming a Committee to review text amendments and work with City Council to address concerns raised earlier in the meeting. Chair Hodgins supported the idea and emphasized the importance of learning from past processes. The goal is to recommend changes to the UDO that would involve the Planning Board earlier in project submissions. It was noted that the Board of Aldermen has been discussing UDO text amendments, but the Planning Board has not been included in those conversations. Members were encouraged to submit any proposed amendments to Interim Manager Noah Saldo, who has been designated as the point person.

Discussion continued regarding whether Board members should submit suggestions individually or if a Committee should be formed. Ms. Meehan reassured members that the Planning Board would be included in the process and suggested using recommendations from the ongoing Comprehensive Plan review. Chair Hodgins recalled past discussions about waiting for the comprehensive plan to be completed before making amendments, aligning with the Board's goal to ensure actions reflect the City's direction rather than being random changes.

A Committee was formed to review text amendments, consisting of Mr. Locklin, Mr. Ashley, and Mr. Bove. Mr. Ashley suggested that a joint meeting with the Board of Aldermen might help align efforts, but the consensus was that the Committee should first work through

recommendations before engaging the Aldermen. The Planning Board members were encouraged to submit concerns or ideas to the Review Committee rather than waiting until a full Board meeting.

Mr. Ashley also raised concerns about improving procedural efficiency, specifically referencing the extensive workload Ms. Meehan experienced with past project reviews. Chair Hodgkin confirmed that process improvements could be considered as part of the Committee's work.

Ms. Meehan reminded the Board that emails regarding UDO amendments should be sent to Wendell or herself to avoid Open Meetings Law violations. Chair Hodgkin clarified that members should send suggestions to the Review Committee, which would compile and communicate ideas to staff.

Chair Hodgkin invited the Planning Board's liaison, Mr. Lai, to the table to inquire about improving the system between the Boards. Mr. Lai expressed support for streamlining processes and improving coordination between the Planning Board and Board of Adjustment to prevent conflicts. Chair Hodgkin announced that going forward, liaison comments from Mr. Lai would be included in each meeting.

K. Announcements

Chair Hodgkin provided a legislative update, mentioning Senate Bill 27 and House Bill 24, which aim to restore downzoning authority to municipalities. House Bill 24 is the preferred version and has been referred to the Judiciary Committee. A city resolution in support of the Bill is being delivered to Raleigh. She also highlighted a recent Wake County Superior Court decision in favor of the Coastal Resources Commission, which reinforces coastal protection regulations.

L. Adjourn

In closing, Chair Hodgkin acknowledged ongoing challenges faced by communities affected by flooding and winter weather in Western North Carolina, Tennessee, and Kentucky.

Chair Hodgkin asked for a motion to adjourn, which was provided by Mr. Hewett and seconded by Mr. Ashley. ***Unanimous vote, motion carried.***

The meeting was adjourned at 8:11 p.m.



MEMORANDUM

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

From: Maureen Meehan, Planning Services Director

Re: Text Amendment to Article 6: Stormwater Regulations of the Unified Development Ordinance ZTA-25-02

Date: March 20, 2025

Increased impervious surface limits, severe storm frequency, and an increased awareness of stormwater runoff triggered the Board of Aldermen's request for a text amendment to Article 6: Stormwater Regulations. Potential Tropical Cyclone Eight (PTC8), which produced historic amounts of rainfall in a short time, solidified that action take place to help alleviate future flooding.

The Planning Staff and the City Engineer respectfully submit the attached draft language for an update to the city stormwater regulations section of the UDO. The proposed language addresses both the quantity and quality of stormwater runoff. Tom Zilinek, City Engineer, will present the amendments at your March 20, 2025, Planning Board meeting and discuss additional measures to consider that will complement the stormwater rules. Please note that some references and formatting need to be updated. These necessary updates do not take away the ordinance's intent; new copies of the text will be provided as they are available.

Staff request that the proposal be forwarded to the existing UDO Update Committee to work with the City Engineer and Planning Staff for a future recommendation to the full Planning Board.

Article 6: Stormwater Regulations

TABLE OF CONTENTS

ARTICLE 6: STORMWATER REGULATIONS	6-1
6.1 GENERAL PROVISIONS	6-3
A. TITLE, PURPOSE	6-3
B. SCOPE OF ARTICLE	6-3
C. Definitions	
D. EXEMPTIONS FROM REQUIREMENTS	6-3
E. PERMITS	6-4
F. REGULATORY CONSISTENCY	6-4
G. Illegal Discharges	
H. ILLICIT CONNECTIONS	6-5
6.2 STORMWATER DISCHARGE CONTROL PRELIMINARY AND DESIGN PLANS	6-6
A. STORMWATER DISCHARGE CONTROL PRELIMINARY AND DESIGN PLANS	6-6
B. Design and Performance Standards for Stormwater Management	
C. Stormwater Management Requirements for Major Development	
D. Stormwater Runoff Quality Standards	
E. Stormwater Runoff Quantity Standards	
F. Technical Standards	
G. Calculation of Stormwater Runoff and Groundwater Recharge	
H. Sources for Technical Guidance	
I. Solids and Floatable Materials Control Standards	
J. Safety Standards for Stormwater Management Basins	
K. Requirements for Site Development Stormwater Plan	
L. Maintenance and Repair	
M.	
Stormwater Management Requirements for Minor Development	
N. Inspection and Subsequent Fines for Noncompliance	
O. Fees	
P. MINIMUM RUNOFF CONTROL REQUIREMENTS AND WAIVER OF REQUIREMENTS	6-7
Q.	STOR
STORMWATER DISCHARGE CONTROL FACILITIES	6-7
R.	6-9
S. CITY PARTICIPATION	6-9
T. PERMIT REQUIREMENTS	6-9
U. PERMIT SUSPENSION AND REVOCATION	6-10
I. PROFESSIONAL REGISTRATION REQUIREMENTS	6-10
6.3 OWNERSHIP, INSPECTION, AND MAINTENANCE	6-10
A. OWNERSHIP AND MAINTENANCE OF STORMWATER DISCHARGE CONTROL FACILITIES	6-10
B. INSPECTION SCHEDULE	6-11
C. MAINTENANCE AGREEMENT (PRIVATELY-OWNED FACILITIES ONLY)	6-12
D. ACCEPTANCE OF CERTIFICATION IN LIEU OF INSPECTIONS	6-12
E. MAINTENANCE RECORDS	6-12
6.4 MISCELLANEOUS PROVISIONS	6-12

City of Southport
Unified Development Ordinance (UDO)

A. STORMWATER MANAGEMENT VARIANCE.....	6-12
B. FEE IN LIEU OF STORMWATER MANAGEMENT PRACTICES	6-13
C. DEDICATION OF LAND	6-13
D. APPEALS	6-14
E. PENALTIES	6-14
6.5 STORMWATER DRAINAGE	6-14
6.6 RETENTION POND OR SUBSURFACE FACILITY REQUIREMENTS.....	6-15
6.7 DETENTION AND WET RETENTION FACILITIES.....	6-15
A. MINIMUM SLOPES	6-15
B. VEGETATION	6-15
C. RISERS.....	6-16
D. DRAIN.....	6-16
E. OVERFLOW	6-16
F. OTHER UTILITIES	6-16
G. LANDSCAPING	6-16

H. ACCESS	6-16
I. FENCING.....	6-17

i.1 GENERAL PROVISIONS

A. TITLE, PURPOSE

1. This article shall constitute and be known, and may be cited as the “Stormwater ~~Discharge Control~~ Management Regulations of the City of Southport, North Carolina.”
2. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure best management practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low-impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
3. The purpose of this article is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased stormwater associated with future land development within the City of Southport. Proper management of stormwater runoff will include the following beneficial effects: (a) will minimize damage to public and private property; (b) ensure a functional drainage system; (c) reduce the effects of development on land and stream channel erosion; (d) assist in the attainment and maintenance of water quality standards; (e) reduce local flooding and drainage problems; (f) maintain as nearly as possible the pre- developed runoff characteristics of the area; and (g) facilitate economic development by mitigating associated flooding and drainage impacts.
4. The application of this article and the provisions expressed herein shall be the minimum stormwater ~~discharge control~~ management requirements and shall not be deemed a limitation or repeal of any other obligations imposed by state statute or judicial decisions. The City Public Services Director or designee shall be responsible for the coordination and enforcement of the provisions of this article.

B. SCOPE OF ARTICLE

1. This chapter shall be applicable to the following major developments (as defined in Definitions):
 - a. Nonresidential major developments; and
 - b. Residential major developments;
2. This chapter shall be applicable to all minor developments (as defined in § 6.1C, Definitions) and shall be subject to requirements and design standards outlined in § 20-14.
3. This chapter shall also be applicable to all major developments undertaken by the City of Southport.

4. ~~No person shall develop any land without having provided for appropriate stormwater discharge control measures to control or manage stormwater runoff, in compliance with this ordinance and North Carolina Department of Environmental Quality (NCDEQ) requirements, unless included in the exemptions of Section C below.~~
5. ~~No land owner or land operator shall receive any of the building, grading, or other land development permits required for land disturbance activities without first meeting the requirements of this ordinance prior to commencing the proposed activity.~~

C. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

CAMA (COASTAL AREA MANAGEMENT ACT) – The article that establishes a cooperative program of coastal area management between local and State governments. Local government shall have the initiative for planning, State government shall establish areas of environmental concern. Regarding planning, State government shall act primarily in a supportive standard setting and review capacity, except where local governments do not elect to exercise their initiative. Enforcement shall be a concurrent State-local responsibility.

COASTAL AREA – The 20 coastal counties designed within the CAMA that are adjacent to, intersected by, or bounded by the Atlantic Ocean or any coastal sound.

COMMUNITY BASIN — An infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, or an alternate design, for an infiltration system, sand filter designed to infiltrate, standard constructed wet land, or wet pond that is designed and constructed in accordance with the North Carolina Department of Environmental Quality Stormwater Design Manual, or an alternate design, for an infiltration system, sand filter designed to infiltrate, standard constructed wet land, or wet pond that complies with the requirements of this chapter.

COMPACTION — The increase in soil bulk density.

CONTRIBUTORY DRAINAGE AREA — The area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

CORE — A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

DEPARTMENT — The Department of Environmental Quality.

DESIGN ENGINEER — A person professionally qualified and duly licensed in North Carolina to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DEVELOPMENT — The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge- enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land.

DISTURBANCE — The placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

DRAINAGE AREA — A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

ENVIRONMENTALLY CONSTRAINED AREA — The following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership, such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the North Carolina Wildlife Resources Commission 2015 Wildlife Action Plan or most current version and Protected Wildlife Species List.

ENVIRONMENTALLY CRITICAL AREA — An area or feature which is of significant environmental value, including but not limited to stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and wellhead protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the North Carolina Wildlife Resources Commission 2015 Wildlife Action Plan or most current version and Protected Wildlife Species List.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

EXEMPT DEVELOPMENT — Any development that creates less than 800 square feet of new impervious area or disturbs less than 2,000 square feet of land. Further, an exempt development shall not meet the definition of "minor development."

GREEN INFRASTRUCTURE — A stormwater management measure that manages stormwater close to its source by:

- A. Treating stormwater runoff through infiltration into subsoil;
- B. Treating stormwater runoff through filtration by vegetation or soil; or
- C. Storing stormwater runoff for reuse.

HUC 14 or HYDROLOGIC UNIT CODE 14 — An area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a fourteen-digit hydrologic unit boundary designation, delineated within North Carolina by the United States Geological Survey.

IMPERVIOUS SURFACE — A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION — The process by which water seeps into the soil from precipitation.

LOW-IMPACT DEVELOPMENT TECHNIQUES — Utilizing strategies and measures that manage stormwater runoff quantity and quality in the absence of structural stormwater measures, such as minimizing site disturbance, preserving natural vegetation and other important site features such as forests and especially core forests, reducing and disconnecting impervious cover, minimizing proposed ground slopes, utilizing native vegetation, minimizing turf grass lawns, revegetating areas, increasing time of concentration, and maintaining and enhancing natural drainage features and characteristics.

MAJOR DEVELOPMENT —

A. An individual development, as well as multiple developments that individually or collectively result in:

1. The disturbance of 10,000 square feet or more of land since February 2, 2004;
2. The creation of 2,500 square feet or more of regulated impervious surface since February 2, 2004
3. The creation of 2,500 square feet or more of regulated motor vehicle surface since June 30, 2021; or
4. A combination of Subsection A(2) and (3) above that totals an area of 2,500 square feet or more. The same surface shall not be counted twice when determining if the combination area equals 2,500 square feet or more.

B. Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of Subsection A(1), (2), (3) or (4) above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.C.G.S. 160D-200 et seq., are also considered major development.

MECHANICAL TREATMENT DEVICE — A pre-fabricated stormwater treatment structure utilizing settling, filtration, absorptive/adsorptive materials, vortex separation, vegetative components, and/or other appropriate technology to remove pollutants from stormwater runoff

MINOR DEVELOPMENT — Any development that results in an increase in impervious

surface of 800 or more square feet, or one that disturbs more than 2,000 square feet of land area, but does not meet the definition of a "major development." Minor development includes both private and public projects or activities.

MOTOR VEHICLE — Land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low-speed vehicles. For the purposes of this definition, "motor vehicle" does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

MOTOR VEHICLE SURFACE — Any pervious or impervious surface that is intended to be used by motor vehicles and/or aircraft, and is directly exposed to precipitation, including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

MUNICIPALITY — Any city, borough, town, township, or village.

NORTH CAROLINA STORMWATER DESIGN MANUAL and NORTH CAROLINA STORMWATER CONTROL MEASURE CREDIT DOCUMENT – The manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with § 20-7G of this chapter that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

NUTRIENT — A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON — Any individual, corporation, company, partnership, firm, association, political subdivision of this state and any state, interstate or federal agency.

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance [except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 et seq.)], thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, groundwaters or surface waters of the state, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

RECHARGE — The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

REGULATED IMPERVIOUS SURFACE — Any of the following, alone or in combination:

- A. A net increase of impervious surface;
- B. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
- C. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
- D. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased

REGULATED MOTOR VEHICLE SURFACE – Any of the following alone or in combination:

- A. The total area of motor vehicle surface that is currently receiving water;
- B. A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

SEDIMENT — Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE — The lot or lots upon which major or minor development is to occur or has occurred.

SOIL — All unconsolidated mineral and organic material of any origin.

STORMWATER — Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities or conveyed by snow removal equipment.

STORMWATER MANAGEMENT BMP — An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE — Any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal nonstormwater discharges into stormwater conveyances.

STORMWATER RUNOFF — Water flow on the surface of the ground or in storm sewers resulting from precipitation.

SPECIAL FLOOD HAZARD AREA — A flood hazard area in which the flood elevation resulting from the two-, ten-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

WATER CONTROL STRUCTURE — A structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, ten-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

WATERS OF THE STATE — The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of North Carolina or subject to its jurisdiction.

WETLANDS or WETLAND — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

D. EXEMPTIONS FROM REQUIREMENTS

The following activities shall be exempt from these stormwater performance criteria:

1. Any logging and bona fide farm activity which is consistent with an approved soil conservation plan or timber management plan approved by the City, as applicable.
2. ~~Additions or modifications to existing single family or duplex structures that cumulatively propose to add less than 10,000 square feet of impervious surfaces.~~
3. ~~Residential development of a single family dwelling or a duplex on a single existing lot, provided the issuance of a state stormwater permit is not required (i.e. less than 10,000 square feet of impervious surfaces or not more than one (1) acre of land disturbance).~~
4. Repairs to any stormwater treatment practice deemed necessary by the City of Southport.

E. PERMITS

1. ~~Except where provided elsewhere, development shall not commence without obtaining a Stormwater Permit pursuant to the provisions of this article.~~
2. ~~The Stormwater Permit Application shall be made by, or on behalf of, the owner(s) or developer(s) of the site for which the permit is sought. The application shall be filed with the City on a form supplied by the City and shall be~~

~~accompanied with the information identified in the Stormwater Technical Manual.~~

- ~~3. A Stormwater Permit shall not be issued until the following conditions are met:
 - ~~a) Approval by the UDO Administrator of the supporting information.~~
 - ~~b) Submission and approval of any required easements.~~
 - ~~c) Submission and approval of any required inspection and maintenance agreements.~~
 - ~~d) Payment of all fees.~~~~
- ~~4. If the development requires a Sediment and Erosion Control Permit, the Stormwater Permit will be conditional upon the owner receiving such sediment and erosion permit and upon the filing of a copy of the approved Sediment and Erosion Control Plan and associated Permit to the UDO Administrator.~~
- ~~5. The Stormwater Permit will be valid for one (1) year from the date of issuance or if significant changes in the development are made that change the intent of the permit. Significant changes shall be determined by the UDO Administrator. If significant changes are made, the original Stormwater Permit shall not be valid and a new permit shall be required.~~

F. REGULATORY CONSISTENCY

This article shall be construed to assure consistency with the requirements of the Clean Water Act and acts amendatory thereof or supplementary thereto, or any applicable implementing regulations.

G. ILLEGAL DISCHARGES

No person shall cause or allow the discharge, emission, disposal, pouring or pumping directly or indirectly to any stormwater conveyance, the waters of the State or upon the land in manner and amount that the substance is likely to reach a stormwater conveyance or the waters of the State or, any liquid, solid, gas, or other substance, other than stormwater; provided that non-stormwater discharges associated with the following activities are allowed on the condition that they do not contain potential pollutants, create erosion, cause sedimentation or impact the existing water quality of the conveyance or of the waters of the State:

1. Potable water line flushing;
2. Landscape irrigation and lawn watering;
3. Uncontaminated pumped groundwater (not including construction dewatering);
4. Diverted stream flows;
5. Naturally rising groundwater and springs;
6. Discharges from potable water sources;
7. Air conditioning condensation;
8. Uncontaminated foundation and footing drains;
9. Uncontaminated water from crawl space pumps;
10. Flows from riparian habitats and wetlands;
11. Dechlorinated (less than 1 ppm total chlorine) swimming pool discharges;
12. Street wash waters;
13. Flows from fire-fighting;
14. Other non-stormwater discharges for which a valid NPDES discharge permit has

been approved and issued by the State of North Carolina, provided that any such discharges to the municipal waste water system shall be authorized by the City of Southport.

15. Discharges of hazardous materials released, or having the potential to reach a stormwater conveyance system, shall be contained, controlled, collected and properly disposed. All affected areas shall be restored to their condition pre-existing the discharge event.
16. Persons in control of the hazardous materials immediately prior to their release or discharge, and persons owning the property on which the materials were released or discharged, shall immediately notify the City Fire Chief of the release or discharge, as well as making any required notifications under State and federal law. Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said release, nor shall such notification relieve any person from other liability which may be imposed by State or federal law.

H. ILLICIT CONNECTIONS

1. Any drain or conveyance, whether surface or subsurface, which allows an illegal discharge to enter the storm water conveyance system, is unlawful. Prohibited connections include, but are not limited to, any conveyances which allow any storm water discharge containing sewage, process waste water, commercial washing machine wastewater including commercial vehicle washing, to enter the storm water conveyance system. Any connection thereto from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a governmental agency is prohibited. Any drain or conveyance from a commercial, residential or industrial land use to the storm water conveyance system which has not been documented in plans, maps or equivalent records and approved by the City is prohibited. The construction, use, maintenance or continued existence of illicit connections to the storm water conveyance system is prohibited.
2. Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using said connection shall remove the connection within one (1) year following the effective date of this ordinance. However, the one (1) year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which may pose an immediate threat to health and safety, or are likely to result in an immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.
3. Where it is determined that said connection:
 - a) May result in the discharge of hazardous materials, or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real and personal property, natural resources, wildlife, or habitat, or
 - b) Was made in violation of any applicable regulation or ordinance other

than this article, the Public Services Director shall designate the time within which the connection shall be removed. In setting the time limit for compliance, the

- i) The quantity and complexity of the work,
- ii) The consequences of delay,
- iii) The potential harm to the environment, to the public health, and to public and private property, and
- iv) The cost of remedying the damage.

i.2 ~~DISCHARGE CONTROL~~ MANAGEMENT PRELIMINARY AND DESIGN PLANS

A. ~~DISCHARGE CONTROL~~ MANAGEMENT PRELIMINARY AND DESIGN PLANS

1. A permit application on the form provided in the Technical Manual accompanied by a Preliminary Stormwater ~~Discharge Control~~ Management Plan, a maintenance agreement, and a non-refundable permit review fee for each development shall be submitted to the Public Services Director and the UDO Administrator for review and approval by the City of Southport prior to preliminary plan or subdivision approval, unless exempted by Section 6.1.C above. The preliminary stormwater ~~discharge control~~ management plan shall contain information as required by the City of Southport Stormwater Management Plan Technical Manual (see Appendix II). Where applicable, the plan must also be submitted to NCDEQ prior to submission to the City.
2. The purpose of the preliminary stormwater ~~discharge control~~ management plan is to provide enough information, including engineering calculations, to determine if stormwater ~~discharge control~~ management facilities will be needed to control runoff from the proposed development.
3. The City of Southport shall review the preliminary stormwater discharge plan within 45 days after receipt of the plan, and shall recommend:
 - a) Approval of the preliminary stormwater ~~discharge control~~ management plan as submitted which calls for construction of stormwater ~~discharge control~~ management facilities that comply with this ordinance, or
 - b) Disapproval of the preliminary stormwater ~~discharge control~~ management plan.
4. If the preliminary stormwater ~~discharge control~~ management plan is disapproved, the City of Southport shall instruct the applicant on the resubmission of a revised plan, and the applicant may make such changes and resubmit same for reconsideration. The City shall review the revised plan within 30 days after receipt of the plan and recommend approval of the changes in the plan or maintenance agreement.
5. Upon approval of the preliminary stormwater ~~discharge control~~ management plan, the applicant shall submit a final stormwater ~~discharge control~~ management plan (as part of the construction plans) to the City of Southport for review and approval, if stormwater ~~discharge control~~ management facilities

will be required. If the stormwater ~~discharge control management~~ preliminary plan is submitted in sufficient detail and identifies the location and type of facilities needed, the City of Southport can accept the preliminary plan as the final stormwater ~~discharge control management~~ design plan.

~~B. Minimum Runoff Control Requirements & waiver of Requirements~~ DESIGN AND PERFORMANCE STANDARDS FOR STORMWATER MANAGEMENT MEASURES

1. Stormwater management measures for major and minor development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 - a. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.C.G.S. 113A 50-67 et seq., and implementing rules at 15A N.C.A.C. 04.
 - b. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
2. The standards in this chapter apply only to new major and minor development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or water quality management plan adopted in accordance with Department rules.

C. STORMWATER MANAGEMENT REQUIREMENTS FOR MAJOR DEVELOPMENT

1. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 20-13.
2. The development design shall limit the creation of stormwater runoff through implementation of low-impact development techniques to the extent technically practicable without reduction of the allowable development given the applicable zoning and other provisions of state law or regulations, or of municipal ordinance.
3. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species.
4. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 20-7P, Q, and R:
 - a) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - b) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - c) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is

- made of permeable material.
5. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 20-7O, P, Q, and R may be obtained from the Stormwater Administrator for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
- a) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - b) The applicant demonstrates, through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of § 20-7O, P, Q, and R to the maximum extent practicable;
 - c) The applicant demonstrates that, in order to meet the requirements of § 20-7O, P, Q, and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - d) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under § 20-7D(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 20-7O, P, Q, and R that were not achievable on site.
6. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the North Carolina Stormwater Design Manual and North Carolina Stormwater Control Measure Credit Document to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in § 20-7O, P, Q, and R. When designed in accordance with the most current version of the North Carolina Stormwater Design Manual and North Carolina Stormwater Control Measure Credit Document, the stormwater management measures listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below.
7. Where the BMP tables in the NC Stormwater Management Rule are different due to updates or amendments with the tables in this chapter, the more stringent shall take precedence.

Table 1
Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff
Quality, and/or Stormwater Runoff Quantity

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	—
Dry well ^(a)	0	No	Yes	2
Grass swale	50 or less	No	No	2 ^(e)
				1 ^(f)
Green roof	0	Yes	No	—
Manufactured treatment device ^{(a)(g)}	50 or 80	No	No	Dependent upon the device
Pervious paving system ^(a)	80	Yes	Yes ^(b)	2 ^(b)
			No ^(c)	1 ^(c)
Small-scale bioretention basin ^(a)	80 or 90	Yes	Yes ^(b)	2 ^(b)
			No ^(c)	1 ^(c)
Small-scale infiltration basin ^(a)	80	Yes	Yes	2
Small-scale sand filter	80	Yes	Yes	2
Vegetative filter strip	60-80	No	No	—

(Notes corresponding to annotations^(a) through ^(g) are found at the bottom of Table 3.)

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Separation from Seasonal High Water Table (feet)
Bioretention system	80 or 90	Yes	Yes ^(b)	2 ^(b)
Infiltration basin	80	Yes	No ^(c) Yes	1 ^(c) 2
Sand filter ^(b)	80	Yes	Yes	2
Standard constructed wetland	90	Yes	No	N/A
Wet pond ^(d)	50 to 90	Yes	No	N/A

(Notes corresponding to annotations ^(a) through ^(g) are found at the bottom of Table 3.)

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue roof	0	Yes	No	N/A
Extended detention basin	40-60	Yes	No	1
Manufactured treatment device ^(b)	50 or 80	No	No	Dependent upon the device
Sand filter ^(c)	80	Yes	No	1
Subsurface gravel wetland	90	No	No	1
Wet pond	50 to 90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- (a) Subject to the applicable contributory drainage area limitation specified at § 20-70(2);

- (b) Designed to infiltrate into the subsoil;
 - (c) Designed with underdrains;
 - (d) Designed to maintain at least ten-foot-wide area of native vegetation along at least 50% of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
 - (e) Designed with a slope of less than 2%;
 - (f) Designed with a slope of equal to or greater than 2%;
 - (g) Manufactured treatment devices that meet the definition of "green infrastructure" at § 20-5;
 - (h) Manufactured treatment devices that do not meet the definition of "green infrastructure" at § 20-5.
8. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with § 20-9B. Alternative stormwater management measures may be used to satisfy the requirements at § 20-70 only if the measures meet the definition of "green infrastructure" at § 20-5. Alternative stormwater management measures that function in a similar manner to a BMP listed at § 20-70(2) are subject to the contributory drainage area limitation specified at § 20-70(2) for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at § 20-70(2) shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance or a waiver from strict compliance in accordance with § 20-7E is granted from § 20-70.
9. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater

mound, or interference with the proper functioning of the stormwater management measure itself.

10. Design standards for stormwater management measures are as follows:

- a) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
- b) Stormwater management measures shall be designed and demonstrated not to negatively impact wetlands or watercourses on site or adjacent to the property;
- c) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than 1/3 the width of the diameter of the orifice or 1/3 the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of § 20-11C;
- d) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant.
- e) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at § 20-11; and
- f) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of 2 1/2 inches in diameter.

11. Manufactured treatment devices may be used to meet the requirements of this article, provided the pollutant removal rates are verified by the North Carolina Department of Environmental Quality. Manufactured treatment devices that do not meet the definition of "green infrastructure" at § 20-5 may be used only under the circumstances described at § 20-7P(4).

12. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 20-7P, Q, and R shall be met in each drainage area, unless the runoff from the drainage areas converge on site and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
13. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the office of the Brunswick County Register of Deeds. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 20-7O, P, Q, and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane North Carolina FIPS 2900 US feet or latitude and longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to § 20-13B(5). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the Register of Deeds or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
14. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to § 20-7 of this chapter and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Brunswick County Register of Deeds and shall contain a description and location of the stormwater management

measure, as well as reference to the maintenance plan, in accordance with § 20-7M. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with § 20-7M.

15. Green infrastructure standards.

- a) This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
- b) To satisfy the groundwater recharge and stormwater runoff quality standards at § 20-7O, P, and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at § 20-7G and/or an alternative stormwater management measure approved in accordance with § 20-7H. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry well	1 acre
Manufactured treatment device	2.5 acres
Pervious pavement systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale bioretention systems	2.5 acres
Small-scale infiltration basin	2.5 acres
Small-scale sand filter	2.5 acres

- c) To satisfy the stormwater runoff quantity standards at § 20-7R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § 20-7H.
- d) If a waiver from strict compliance in accordance with § 20-7E is granted by the Stormwater Administrator from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with § 20-7H, may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 20-7P, Q, and R.
- e) For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public

utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at § 20-7P, Q, and R, unless the project is granted a waiver from strict compliance in accordance with § 20-7E.

16. Groundwater recharge standards.

- a) This subsection contains the minimum design and performance standards for groundwater recharge as follows:
- b) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 20-8, either:
 - 1) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site; or
 - 2) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the two-year storm is infiltrated.
- c) This groundwater recharge requirement does not apply to projects within the urban redevelopment area or to projects subject to Subsection 16d below.
- d) The following types of stormwater shall not be recharged:
 - 1) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied; areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department-approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

- 2) Industrial stormwater exposed to source material. "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

17. The minimum stormwater control requirements shall provide measures necessary to control velocities of flow from stormwater discharge control management facilities to a level which will comply with both the North Carolina Soil Erosion Act and North Carolina Administrative Code Section 15A NCAC 2H.1000, Stormwater Management.
18. In addition, stormwater discharge control measures shall be provided to limit the 25-year developed peak discharge rates to existing peak discharge rates for unimproved land (land not having been improved) such as pasture, grassland, meadow, brush, secondary (old field) growth or forest.
19. Improved property (property that has the soil surface exposed or a disturbance to the vegetative cover or topography) that is proposed for redevelopment, whether or not to be paved, containing or to contain structures, or be regraded, shall include stormwater discharge control measures to limit the two-year, ten-year and 25-year design storm discharge rates from exceeding that amount discharged in an unimproved state.
20. For the purposes of this ordinance, the design storm is the storm of 3-hour duration as shown on Chart E-6 in the City of Southport Stormwater Management Plan Technical Manual. The design of these facilities shall be based on procedures contained in the City of Southport Stormwater Management Technical Manual or procedures approved by the City of Southport. The Stormwater Best Management Practices by the NC Department of Environmental Quality (NCDEQ) should also be complied with where applicable.

D. STORMWATER RUNOFF QUALITY STANDARDS

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of 1/4 acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - a) Eighty percent TSS removal of the anticipated load, expressed as an

annual average, shall be achieved for the stormwater runoff from the net increase of motor vehicle surface

b) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average

3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the North Carolina Pollutant Discharge Elimination System (NCPDES) rules, 15A N.C.A.C. 02, or in a discharge specifically exempt under a NCPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with Subsection Q(2) above, unless the major development is itself subject to a NCPDES permit with a numeric effluent limitation for TSS or the NCPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

4. The water quality design storm is 1.5 inches of rainfall in two hours.

5. If more than one BMP in series is necessary to achieve the required 80% TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B)/100$$

Where:

R = Total TSS percent load removal from application of both BMPs;

and

A = The TSS percent removal rate applicable to the first BMP;

B = The TSS percent removal rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in § 20-7P, Q, and R.

7. The Coastal Area Management rules 15A NCAC 07H defines four (4) areas of environmental concern (AEC). All development within the designated AECs must receive approval by the Division of Coastal Management prior to commencing construction.

8. These stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

E. STORMWATER RUNOFF QUANTITY STANDARDS.

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 20-8, complete one of the following:
 - a) Design stormwater management measures so that the post-construction peak runoff rates for the two-, ten- and 100-year storm events are 50%, 75% and 80%, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - b) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with Subsection E(2)(a) immediately above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three, will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

F. TECHNICAL STANDARDS.

1. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).
2. Structural stormwater management measures shall be designed, constructed and installed to be strong, durable, and corrosion resistant. All materials used in the construction of storm sewers, bridges and other

drainage structures shall be in accordance with current specifications of NCDOT for road and bridge construction, as prepared by the North Carolina Department of Transportation, and any supplements, addenda and modifications thereto unless otherwise specified by the reviewing municipal agency. Modifications or changes of these specifications may be requested by the applicant but may be implemented only with the knowledge and written consent of the City Engineer after review and discussion.

3. Pipe sizes shall be determined by acceptable drainage design procedures; provided that the pipe size in a surface water drainage system shall be no less than 15 inches in diameter. Design engineers may use a twelve-inch-diameter pipe as a cross drain to a single inlet providing that the cross drain is 30 linear feet or less.
4. Drainage inlets shall be located at all intersections, with inlets on both sides of a street at intervals of not more than 400 feet or such shorter distances as required to prevent the flow of surface water from exceeding six cubic feet per second at the drainage inlet. Access manholes shall be placed at maximum 400-foot intervals throughout the system and at pipe junctions where there are no drainage inlets.
5. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create ponding in paved areas. Area inlets in parking lots should be limited to three cubic feet per second. Gutters or paved swales shall be used whenever, in the judgment of the City Engineer, they are necessary to avoid erosion.
6. Lots shall be graded so as to drain surface water away from foundation walls. The grade away from foundation walls shall fall a minimum of six inches within the first 10 feet (2018 NC Residential Building Code, Section R401.3). Unless the relief is granted by a reviewing agency, lawn areas shall be graded at a minimum 2% grade in order to secure proper drainage. Additionally, drainage shall be provided in a manner which will prevent the collection of stormwater in pools, or other unauthorized concentrations of flow and water shall not flow across adjacent property lines at greater than pre-development rates.
7. Approval of drainage structures shall be obtained from the appropriate municipal, state and federal agencies. Where required, each applicant shall make application to NCDEQ, the and the City Stormwater Administrator. Final approval shall not be effective until letters of approval from the proper governmental authorities shall be furnished to the Stormwater Administrator.
8. Surface drainage of each lot will be reviewed to assure that stormwater flows will not cascade from one lot to another in a manner that would be detrimental to the use of an adjoining lot. This may require surface water

controls such as swales, surface drainage inlets and appropriate easements.

9. All storm sewer structures, piping, basins and BMPs shall be offset a minimum of 10 feet from all property lines and right-of-way lines.
10. Stormwater BMPs may not be constructed within municipal rights-of-way.
11. Concrete low flow channels are discouraged in the City and should not be installed in extended detention basins.

G. CALCULATION OF STORMWATER RUNOFF AND GROUNDWATER RECHARGE.

Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:
 - a) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16, Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf or at United States Department of Agriculture Natural Resources Conservation Service North Carolina State Office; or
 - b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The Rational Method is described in Section B of the NCDEQ Stormwater Design Manual.
2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at § 20-8A(1)(a) and the Rational and Modified Rational Methods at § 20-8A(1)(b). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In

addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 - Urban Hydrology for Small Watersheds or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

H. SOURCES FOR TECHNICAL GUIDANCE.

Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at: <https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-design-manual>.

1. Guidelines for stormwater management measures are contained in the North Carolina Stormwater Design Manual and North Carolina Stormwater Control Measure Credit Document, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the Department's website at: <https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program>.

I. SOLIDS AND FLOATABLE MATERIALS CONTROL STANDARDS.

Site design features identified under § 20-7G above, or alternative designs in accordance with § 20-7H above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this section, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see § 20-10B below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - a) The New Carolina Department of Transportation (NCDOT) bicycle-safe grate, or
 - b) A different grate, if each individual clear space in that grate has an area of no more than seven square inches, or is no greater than 0.5 inch across the smallest dimension.
 - i) Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.
 - c) For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven square inches, or be no greater than two inches across the smallest dimension. See the Southport Engineering Department Details and Specifications Manual for Type "N-Eco" curb piece detail.
2. The standard in § 20-10A does not apply:
 - a) Where each individual clear space in the curb opening in existing curb- opening inlet does not have an area of more than nine square inches;
 - b) Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - c) Where flows from the water quality design storm are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i) A rectangular space 4 5/8 inches long and 1 1/2 inches wide (this option does not apply for outfall netting facilities); or
 - ii) A bar screen having a bar spacing of 0.5 inch.

- d) Where flows are conveyed through a trash rack that has parallel bars with one- inch spacing between the bars, to the elevation of the water quality design storm; or
- e) Where the action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy a Register listed historic property.

J. SAFETY STANDARDS FOR STORMWATER MANAGEMENT BASINS.

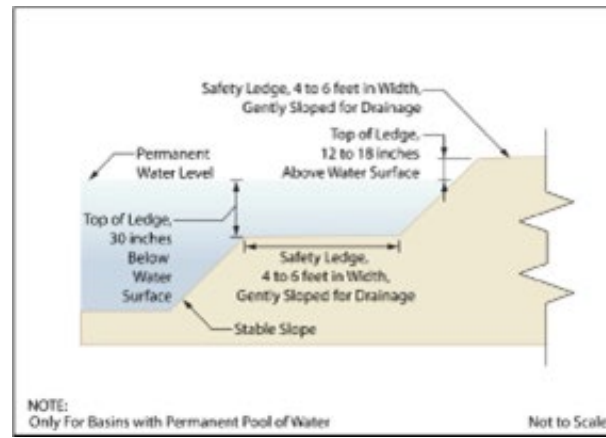
- 1. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- 2. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in § 20-11C(1), (2) and (3) for trash racks, overflow grates, and escape provisions at outlet structures.
- 3. Requirements for trash racks, overflow grates and escape provisions.
 - a) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv) The trash rack shall be constructed of rigid, durable, and corrosion- resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
 - b) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i) The overflow grate shall be secured to the outlet structure

- but removable for emergencies and maintenance.
- ii) The overflow grate spacing shall be no less than two inches across the smallest dimension.
 - iii) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- c) Stormwater management BMPs shall include escape provisions as follows:
- i) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to § 20-11C, a freestanding outlet structure may be exempted from this requirement;
 - ii) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than 2 1/2 feet. Safety ledges shall be comprised of two steps. Each step shall be four feet to six feet in width. One step shall be located approximately 2 1/2 feet below the permanent water surface, and the second step shall be located one foot to 1 1/2 feet above the permanent water surface. See § 20-11E for an illustration of safety ledges in a stormwater management BMP; and
 - iii) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.
 - iv) For emergency purposes, wet ponds shall be equipped with a drain that can quickly dewater the pond to the maximum extent possible. The drainpipe intake shall be designed to prevent deposited sediment from clogging the pipe and for it to become clogged during draining. A gate valve or other similar device shall be installed for opening the drain. The emergency drainage measure shall be maintained in good working condition.
4. Variance or exemption from safety standard. A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or

exemption will not constitute a threat to public safety.

5. Safety ledge illustration.

Elevation View — Basin Safety Ledge Configuration



K. REQUIREMENTS FOR SITE DEVELOPMENT STORMWATER PLAN

1. Submission of site development stormwater plan.

- a) Whenever an applicant seeks municipal approval of a development subject to this chapter, the applicant shall submit all of the required components of the checklist for the site development stormwater plan at § 20-12C below as part of the submission of the application for approval.
- b) The applicant shall demonstrate that the project meets the standards set forth in this chapter.
- c) The applicant shall submit three copies of the materials listed in the checklist for site development stormwater plans in accordance with § 20-12C of this chapter.

2. Site development stormwater plan approval. The applicant's site development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this chapter.

3. Submission of site development stormwater plan. The following information shall be required:

- a) Topographic base map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is

recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of one inch equals 200 feet or greater, showing two-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and man-made features not otherwise shown.

- b) Environmental site analysis. A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
- c) Project description and site plans. A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.
- d) Land use planning and source control plan. This plan shall provide a demonstration of how the goals and standards of §§ 20-6 through 20-8 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
- e) Stormwater management facilities map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
 - i) Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation

thereon, and details of the proposed plan to control and dispose of stormwater.

- ii) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

f) Calculations.

- i) Comprehensive hydrologic and hydraulic design calculations for the pre- development and post-development conditions for the design storms specified in § 20-7 of this chapter.
- ii) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal highwater table, then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

- g) Maintenance and repair plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of § 20-13.

- h) Waiver from submission requirements. The municipal official or board reviewing an application under this chapter may, in consultation with the municipality's review engineer, waive submission of any of the requirements in § 20-12C(1) through (6) of this chapter when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

L. MAINTENANCE AND REPAIR.

- 1. Applicability. Projects subject to review as in § 20-3 of this chapter shall comply with the requirements of § 20-13B and C.

- 2. General maintenance.

- a) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
- b) The maintenance plan shall contain specific preventative

maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

- c) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
- d) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
- e) If the party responsible for maintenance identified under § 20-13B(3) above is not a public agency, the maintenance plan and any future revisions based on § 20-13B(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- f) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
- g) The party responsible for maintenance identified under § 20-13B(3) above shall perform all of the following requirements:
 - 1) Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development,

including a record of all inspections and copies of all maintenance-related work orders;

- 2) Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
- 3) Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by § 20-13B(6) and (7), above.

h) The requirements of § 20-13B(3) and (4) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

i) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to affect maintenance and repair of the facility in a manner that is approved by the reviewing engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

3. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a maintenance guarantee in accordance with N.C.G.S. 160D-804.1 (Performance guarantees).

M. STORMWATER MANAGEMENT REQUIREMENTS FOR MINOR DEVELOPMENT.

1. Design standards shall be designed to include the following stormwater management measures:
 - a) Water quality. Soil erosion and sediment control measures shall be installed in accordance with the Standards for Soil Erosion and Sediment Control in North Carolina.
 - b) Rate/volume control. Infiltration measures shall be provided with a capacity of three two inches of runoff for each square foot of new impervious area. The infiltration measures shall be designed with an overflow to the surface which shall be stabilized and directed to an existing stormwater conveyance system or in a manner to keep the

overflow on the developed property. If the new impervious surface is not roof area, an equivalent area of existing roof may be directed to the infiltration system. This shall be permitted where the existing roof is not already directed to infiltration devices.

- c) The development design shall limit the creation of stormwater runoff through implementation of low-impact development techniques to the extent technically practicable without reduction of the allowable development given the applicable zoning and other provisions of state law or regulations, or of municipal ordinance.

Table 5: Sample Minor Development BMPs

Rain garden	Small-scale infiltration basin
Dry well	Small-scale bioretention basin
Grass Swale	Small-scale sand filter
Vegetative filter strip	Cistern
Pervious paving system	Green roof

- d) Soil testing shall be performed to confirm the permeability of the soils and the depth of the water table and seasonal highwater table.
- e) A maintenance manual shall be supplied detailing the means and requirements of maintaining the stormwater management measure which shall comply with the requirements of § 20-13B and C.
- f) A maintenance agreement shall be filed with the Office of the Brunswick County Register of Deeds in order to insure the future maintenance of the stormwater management measure.
- g) All storm sewer structures, piping, basins, downspout discharges, and BMPs shall be offset a minimum of 10 feet from all property lines and right-of-way lines. Waiver of this requirement may be granted by the City Engineer but only in cases where it is not practicable to maintain the minimum required offset distance and there would be no adverse impact to adjacent properties.
- h) The lowest elevation of any BMP (below any sand or stone bottom layer) shall be a minimum of two feet above the water table and seasonal high water table. The two-foot separation shall be established through soil testing.

4. Waivers and exceptions.

- a) Standards for relief. Waivers from strict compliance with the design standards shall only be granted upon showing that meeting the standards would result in an exceptional hardship on the applicant

or that the benefits to the public good of the deviation from the standards would substantially outweigh any detriments of the deviation. A hardship will not be considered to exist if reasonable reductions in the scope of the project would eliminate the noncompliance.

- b) Mitigation. If the reviewing agency for the project determines that a waiver is appropriate, the applicant must execute a mitigation plan. The scope of the mitigation plan shall be commensurate with the size of the project and the magnitude of the relief required. The mitigation project may be taken from the list of projects in the Municipal Stormwater Management Plan or another project identified by the applicant. All mitigation projects are subject to the approval of the Stormwater Administrator. A monetary contribution to the City may be made in lieu of the work identified in the mitigation plan, subject to the approval of the reviewing agency. The applicant may proportionally reduce the monetary contribution by installing such stormwater management systems as practicable.
- c) Reviewing agency. All applications subject to the review of the Planning Board or Board of Adjustment shall be reviewed by those Boards concurrently with subdivision or site plan review. Applications not subject to Planning Board or Board of Adjustment review shall be reviewed by the City Engineer.

N. INSPECTION AND SUBSEQUENT FINES FOR NONCOMPLIANCE

- 1. All best management practice facilities are to be maintained by the property owner, homeowners' association or City of Southport. Where the City of Southport is named to be the party responsible for maintaining the facility, a developer's maintenance contribution shall be made.
 - a) Calculations for maintenance contributions for traditional BMPs shall be based on City of Southport's Developer Maintenance Contribution Worksheet Schedule A.
 - b) Calculations for maintenance contributions for nontraditional (as determined by the City Engineer) BMPs shall require an engineer's cost estimate for maintenance required over a twenty-five-year period. Cost estimate calculations shall be performed in accordance with City of Southport's Developer Maintenance Contribution Worksheet Schedule A.
- 2. All stormwater management measures within the City are subject to the stormwater maintenance permit and periodic inspection. An annual stormwater maintenance permit is required in January of each year.
- 3. Recordkeeping, inspection and repair guidelines and noncompliance penalties.

- a) Quarterly maintenance records shall be submitted to the City of Southport Municipal Clerk's office. The maintenance records for the period:
 - i) January 1 to March 31 must be reported no later than April 30.
 - ii) April 1 to June 30 must be reported no later than July 31.
 - iii) July 1 to September 30 must be reported no later than October 31.
 - iv) October 1 to December 31 must be reported no later than January 31.
 - b) Mechanically treated structures which utilize filters shall have on record and be provided to the City, the requirements of the replacement of the filters as per the manufacturer and the dates the filters have been replaced.
 - c) Inspections shall include and not be limited to:
 - i) Detention basin outflow structures;
 - ii) Vegetation;
 - iii) Trash racks and overflow grates;
 - iv) Embankment erosion; and
 - v) Sediment removal and pond maintenance.
 - d) The owner of the stormwater management measure shall complete minor repairs of the facility within 30 days of the date of notice.
 - e) The owner of the stormwater management measure, immediately upon notice, must complete repairs that may adversely affect the public's health, safety and welfare.
 - f) Each act of violation, and every day upon which any violation shall occur or continues to occur shall constitute a separate offense.
 - g) Failure to obtain an annual stormwater maintenance permit: \$100.
 - h) Failure to provide quarterly maintenance records: \$50.
4. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality may immediately proceed to do so and shall bill the cost thereof to the responsible person.
5. Nothing in this section shall preclude the municipality in which the major

development is located from requiring the posting of a performance or maintenance guaranty in accordance with N.C.G.S. 160D-804.1.

O. FEES.

Residential Stormwater Plan Review	\$100.00/per plan (single lot)
	\$200.00/per plan (2-3 lots)
(up to two acres; and more than three lots)	\$300.00/per plan
(over two acres; and more than three lots)	\$500.00/per plan
Commercial Stormwater Plan Review (up to two acres)	\$300.00/per plan
(over two acres)	\$500.00/per plan

P. STORMWATER DISCHARGE CONTROL FACILITIES

- ~~1. Stormwater discharge control facilities may include both structural and nonstructural elements. Natural swales and other natural runoff conduits shall be retained where practicable.~~
- ~~2. Where additional stormwater discharge control facilities are required to satisfy the minimum control requirements, the following measures are examples of what may be used:
 - ~~a) Stormwater detention structures (dry ponds).~~
 - ~~b) Facilities designed to encourage overland flow, slow velocities of flow, and flow through buffer zones.~~
 - ~~c) On-site infiltration practices used to control runoff from small areas.~~
 - ~~d) Reduction of impervious surfaces directly connected to the drainage system.~~
 - ~~e) Off-site channel improvements designed to contain a 25-year design storm under developed land use conditions (the analysis for the channel improvement shall extend downstream to where the proposed development represents 10 % of the total watershed).~~
 - ~~f) Other methods acceptable to the City of Southport which assure no harm to downstream properties.~~~~
- ~~3. Where detention and retention structures are used, designs which consolidate these facilities into a limited number of large structures will be preferred over designs which utilize a large number of small structures.~~
- ~~4. The stormwater discharge control facilities within the City (including both public and private facilities) will be designed to the same engineering and technical criteria and standards. The City's review will be the same whether the facilities will be under public or private control or ownership.~~
5. All stormwater discharge control facilities shall be designed using the

~~Stormwater Best Management Practices developed by the NC Department of Environment and Natural Resources, and in accordance with the design criteria contained in the City of Southport Stormwater Management Technical Manual, or other procedures approved by the City of Southport.~~

- ~~6. The post-development discharge for the two-year, ten-year and 25-year design storm shall not exceed pre-development discharge including runoff from all upstream flows entering the site under existing conditions.~~

~~Q. STORMWATER DISCHARGE CONTROL DESIGN PLAN REQUIREMENTS~~

~~Stormwater discharge control design plans shall include the following:~~

- ~~1. A determination that no proposed stormwater discharge control facility will create flooding or drainage problems for the 25- and 100-year flood events.~~
- ~~2. Stormwater discharge control design plans shall include designation of all easements needed for inspection and maintenance of the stormwater discharge control facilities. The location of all stormwater management facilities shall be specified prior to recording of easements.~~
- ~~3. A plan for maintenance of all stormwater discharge control facilities shall be included as part of the stormwater discharge control design plan. Maintenance must be the responsibility of the developer, and ultimately, the development owners or homeowners' association. The maintenance plan should be signed and notarized by the developer and/or owner, and a copy provided to the City Public Services Director and UDO Administrator. This agreement will include any and all maintenance easements required to access and inspect the stormwater discharge practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater discharge practice.~~
- ~~4. In determining downstream effects from stormwater discharge control structures and the development, hydrologic-hydraulic engineering studies using the 25-year design storm shall extend downstream to a point where the proposed development represents 10 % of the total watershed. If the discharge calculations indicate that adjacent properties, between the exit of the proposed development and the "10 % downstream point," might be adversely impacted by the proposed development, then the City will require backwater calculations and the determination of flood elevations for the areas impacted.~~

~~R. PLAN CRITERIA FOR THE STORMWATER DISCHARGE CONTROL PRELIMINARY PLAN AND THE STORMWATER DISCHARGE CONTROL DESIGN PLAN~~

~~The hydrologic criteria to be used for the stormwater discharge control preliminary and stormwater discharge control design plans shall be as follows:~~

- ~~1. 25-year design storms for all detention and retention basins, and~~
- ~~2. All stormwater discharge control designs shall be checked to ensure that no increase in local flooding and flood hazards to adjacent structures and/or property occurs, using the 100-year storm.~~

~~S. CITY PARTICIPATION~~

~~When the City of Southport determines that additional storage capacity beyond that required by~~

~~the applicant for on-site stormwater discharge control is desirable to correct unacceptable or undesirable existing conditions or to provide protection in a more desirable fashion for future development, the City, with approval from Board of Aldermen, may:~~

- ~~1. — Develop an agreement with the applicant to enlarge the required stormwater discharge control facility, and~~
- ~~2. — Participate financially in the construction of such a facility to the extent that such a facility exceeds the required on-site stormwater discharge control required of this ordinance.~~

T. PERMIT REQUIREMENTS

No building or zoning permits for improvements or plat recordation for a subdivision, for which a stormwater management plan is required, shall be approved or modified by the City without the approval of the following ~~discharge control~~ stormwater management regulatory items.

1. Right of entry for emergency maintenance.
2. Any recorded off-site easements needed.
3. An approved stormwater ~~discharge control~~ management design plan.
4. A maintenance agreement.
5. Recorded easements for stormwater ~~discharge control~~ management facilities.

U. PERMIT SUSPENSION AND REVOCATION

1. Notice of Violation. When the City determines that an activity is not being carried out in accordance with the requirements of this ordinance, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:
 - a) The name and address of the owner or applicant.
 - b) The address when available or a description of the building, structure, or land upon which the violation is occurring.
 - c) A statement specifying the nature of the violation.
 - d) A description of the remedial measures necessary to bring the development activity into compliance with this ordinance and a time schedule for the completion of such remedial action.
 - e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.
2. Stop Work Orders. Persons receiving a notice of violation will be required to halt all construction activities. This “stop work order” will be in effect until the City confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this ordinance.
3. Restoration of Lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

V. PROFESSIONAL REGISTRATION REQUIREMENTS

- ~~1. — Stormwater discharge control management preliminary and discharge control~~

design plans that are incidental to the design of a residential subdivision shall be prepared by a qualified registered North Carolina Professional Engineer, Surveyor, or Landscape Architect, using acceptable engineering standards and practices. All other stormwater ~~discharge control~~ management preliminary and design plans shall be prepared by a qualified registered North Carolina Professional Engineer, using acceptable engineering standards and practices.

2. The engineer, surveyor, or landscape architect shall perform services only in areas of his/her competence, shall undertake to perform engineering, landscape architecture, or land surveying assignments only when qualified by education and/or experience in the specific technical field.

i.3 OWNERSHIP, INSPECTION, AND MAINTENANCE

A. OWNERSHIP AND MAINTENANCE OF STORMWATER ~~DISCHARGE CONTROL~~ MANAGEMENT FACILITIES

1. Any stormwater ~~discharge control~~ management facility required by this article shall be privately-owned and maintained; provided, however, the owner thereof shall grant to the City, a perpetual, nonexclusive easement which allows for public inspection and emergency repair, in accordance with the terms of the maintenance agreement set forth in Section 6.3.C.
2. Stormwater ~~discharge control~~ management facilities shall be publicly owned and/or maintained only if accepted for maintenance by the City. If a stormwater ~~discharge control~~ management facility is not accepted by the City, the property owner has the maintenance responsibility for this facility.
3. Private maintenance requirements shall be a part of the deed to the affected property.
4. Should be in compliance with Section K of the City of Southport Stormwater Management Technical Manual.

B. CONSTRUCTION INSPECTION SCHEDULE

1. Prior to the approval of the stormwater ~~discharge control~~ management design plan, the applicant shall submit a proposed inspection schedule. The stormwater ~~discharge control~~ management design plan shall indicate a phase line for approval otherwise the inspection schedule will be for the entire development. The City may make additional inspections during and after construction if deemed necessary by the City.
2. If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the City, after reasonable notice, may correct a violation of the design standards or the maintenance needs by performing all necessary work to place the facility in proper working condition. If, after an inspection, the condition of a facility presents an immediate danger to the public health, safety, or general welfare due to unsafe conditions or improper maintenance, the City shall have the right, but not the duty, to take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by the City shall be paid by the owner. In addition, the City shall notify the owner(s) in writing of the facility of any violation, deficiency, or failure to comply with this article

within 10 days of the discovery of the violation. Upon a failure to correct violations requiring maintenance work within 10 days after, notice thereof, the City may provide for all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the costs of the work performed by the City.

3. The permittee shall provide the City of Southport actual "as-built" plans for any stormwater management practice or facility located on the site after final construction certified by a professional engineer (as outlined in Section 6.3.I).
4. The professional engineer shall certify to the City that:
 - a) The facility has been constructed as shown on the as-built plan, and
 - b) The facility meets the approved stormwater ~~discharge control~~ management design plan and specifications or achieves the function for which it was designed.

C. MAINTENANCE AGREEMENT (PRIVATELY-OWNED FACILITIES ONLY)

- ~~1. A proposed maintenance agreement shall be submitted to the City for all private on-site stormwater discharge control facilities prior to the approval of the stormwater discharge control design plan and recordation of lots in a subdivision to be served by the discharge control facility. Such agreement shall be in a form and content acceptable to the City and shall be the responsibility of the private owner. The agreement shall identify who will have the maintenance responsibility and shall be recorded by the landowner in the Brunswick County Register of Deeds prior to subdivision recording and/or building permit, and shall be binding on all subsequent owners of land served by the discharge control facility.~~
- ~~2. The maintenance agreement shall specify how proper maintenance of the facilities will be accomplished, and identify a financial arrangement which will assure the long term financial capability to implement perpetual maintenance procedures. The agreement shall specify the type of security that will be used within the financial arrangement (escrow, letter of credit, etc.).~~
- ~~3. The maintenance agreement shall provide for access to the facility by virtue of a non-exclusive perpetual easement in favor of the City, at reasonable times for inspection by the City to ensure that the discharge control facilities are maintained in proper design working condition.~~

D. ACCEPTANCE OF CERTIFICATION IN LIEU OF CONSTRUCTION INSPECTIONS

The City of Southport, at its sole discretion, may accept the certification of a registered engineer in lieu of any inspection required by this article.

~~E. MAINTENANCE RECORDS~~

~~The parties responsible for the operation and maintenance of the stormwater facilities should make records of the installation and of all maintenance and repairs of the facility. Such records shall be maintained for a period of five (5) years and shall be made available to the City during inspection of the facilities and upon request at other times.~~

i.4 MISCELLANEOUS PROVISIONS

A. STORMWATER MANAGEMENT VARIANCE

1. ~~Every applicant shall provide for stormwater management, unless they file a written request to waive this requirement through a formal variance procedure. Request to for a variance from the stormwater management plan requirements shall be submitted to the UDO Administrator for consideration by the Board of Adjustment in accordance with Section 2.7.D.~~
2. ~~The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that the applicant must demonstrate through a sealed certification by a professional engineer that the immediately downstream waterways will not be subject to: deterioration of existing culverts, bridges, dams, and other structures; deterioration of biological functions or habitat; accelerated streambank or streambed erosion or siltation; or increased threat of flood damage to public health, life, and property and a finding that at least one (1) of the following conditions applies after satisfaction of the minimum criteria for issuance of a variance as provided in Section 2.7.D.3:~~
 - a) ~~It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.~~
 - b) ~~Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the City of Southport and that is required to be implemented by local ordinance.~~
 - c) ~~Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed, and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and has a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.~~
 - d) ~~It can be demonstrated that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.~~
 - e) ~~Non-structural practices are provided that reduce the generation of stormwater from the site, the size and cost of stormwater storage and provide partial removal of many pollutants are to be used at the site.~~

3. .

B. FEE IN LIEU OF STORMWATER MANAGEMENT PRACTICES

1. ~~The City may waive all or part of the minimum stormwater management requirements, in lieu of receipt of a fee in an amount as determined by the City. When an applicant obtains a waiver of the required stormwater management, the monetary contribution required shall be in accordance with a fee schedule (unless the developer and the City agree on a greater alternate contribution) established by the City, and based on the cubic feet of storage required for stormwater management of the development in question. All of the monetary contributions shall be credited to an appropriate capital improvements program project and shall be made by the developer prior to the issuance of any building~~

~~permit for the development.~~

C. DEDICATION OF LAND

1. ~~In lieu of a monetary contribution, an applicant may obtain a waiver of the required stormwater management by entering into an agreement with the City for the granting of an easement or the dedication of land by the applicant, to be used for the construction of an off-site stormwater management facility. The agreement shall be entered into by the applicant and the City prior to the recording of plats or, if no record plat is required, prior to the issuance of the building permit.~~

D. APPEALS

The disapproval or required modification of any proposed preliminary stormwater ~~discharge control~~ management plans or design plans or the determination of noncompliance or failure to maintain by the City shall entitle the aggrieved person to appeal this decision or lack of action to the Board of Adjustment in accordance with Section 2.7.E. Such appeal must be made in writing to the city clerk and the UDO Administrator within 30 days of written notice of disapproval, or modification of a preliminary or design stormwater ~~discharge control~~ management plan, or determination of noncompliance or failure to maintain.

E. PENALTIES

Civil penalties imposed for illegal discharge shall be as follows:

1. First time offenders will be assessed a civil penalty of \$100 per violation or per day for a continuing violation if the quantity of the discharge is less than or equal to five (5) gallons and consists of domestic or household products. If the quantity of the discharge is greater than five (5) gallons or contains non-domestic substances, the offending party shall be assessed a civil penalty of \$1,000 per violation or per day for a continuing violation.
2. Penalties imposed upon repeat offenders will fully committing violations which are identical or substantially similar to previous violations shall be double the amount assessed for the prior violation or per day for a continuing violation, but shall in no event exceed \$10,000 per violation or per day for a continuing violation.
3. All other acts or conditions constituting a violation of this article shall subject the offender to a civil penalty of \$500 per violation or per day for any continuing violation.

i.5 STORMWATER DRAINAGE

Applicants for a major subdivision shall provide an adequate drainage system for the proper drainage of all surface water. The design of such a system shall be subject to the approval of the proposed subdivision in accordance with the procedures outlined in Article 2 in addition to the following:

- A. No surface water shall be channeled or directed into a sanitary sewer.
- B. Where feasible, the subdivider shall connect to an existing storm drainage system.
- C. Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from

water damage.

- D. Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the current State of North Carolina standards and specifications for erosion control, and any locally adopted erosion and sedimentation control ordinances.
- E. Unless necessitated by exceptional topography, and subject to the approval of the Planning Board, street grades shall be not more than 8% nor less than 0.5 %. Grades approaching intersections shall not exceed 5% for a distance of not less than 100 feet from the centerline of said intersection.
- F. Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity in accordance with current State of North Carolina sedimentation pollution control requirements.
- G. Anyone constructing a dam or impoundment within the subdivision must comply with current State of North Carolina dam construction standards.
- H. In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

~~i.6 RETENTION POND OR SUBSURFACE FACILITY REQUIREMENTS~~

~~Within areas zoned for commercial, industrial, or multi-family uses (CBD, BD, HC, LI, HI, MF, PUD, and O/I), retention pond facilities or subsurface drainage facilities shall be required as follows:~~

- ~~A. For all development which exceeds 40% impervious surface coverage on a parcel or tract of land whose land area is less than one (1) acre in size.~~
- ~~B. For all development which exceeds 25% impervious surface coverage on parcels or tracts of land whose land area is one (1) acre or more in size.~~

~~NOTE: The designer should refer to the NCDEQ, "Erosion and Sediment Control Planning and Design Manual" for supplemental information.~~

~~i.7 DETENTION AND WET RETENTION FACILITIES~~

~~The City encourages the use of innovative techniques and designs which will provide the necessary protection for the receiving watercourse. These facilities shall be designed for the run-off produced by the 25-year storm and checked for the 100-year storm. The 100-year storm check is to verify that no structures become flooded. Detailed drawings, substantiating data, calculations, and specifications shall be submitted for designs of this nature. The use of open ponds has been utilized most frequently for stormwater control and, therefore, design standards and procedures for this approach have been included in this design guide. However, the City suggests that the developer or owner incorporate stormwater controls into the overall site as an amenity and/or visual enhancement. The following are minimum requirements for detention/retention facilities:~~

A. MINIMUM SLOPES

Side slopes where vegetation is used for stabilization shall be 2.5 (horizontal) to 1 (vertical) or flatter. The side slopes should be a minimum of 3 to 1 where mowing will be necessary. Where

the side slopes are protected with riprap, fabric form, or other approved armoring, side slopes of 2 to 1 will be permitted. Steeper slopes may be approved by the City on a case-by-case basis.

B. VEGETATION

1. Vegetation for stabilization of side slopes shall be a hearty ground cover such as the following, listed in order of best overall suitability:
 - a) Tall Fescue
 - b) Bermuda Grass
 - c) Pensacola Bahia grass
 - d) Reed Canary Grass
2. All of these are well suited for flooding tolerance and waterways and channels. The bahia grass is excellent for sandy sites. The others spread by rootstocks, making a well anchored and stable ground covering.
3. The designer shall consult with the Public Services Department regarding landscape standards such as selection, spacing, location, and planting requirements of all grasses and plants which are to be incorporated in the system. Approval of a landscaping plan by the Public Services Department will be required prior to issuance of a construction permit.

C. RISERS

Risers shall be a minimum of 12 inches in diameter and pipes shall be a minimum of 12 inches in diameter to reduce the potential for clogging the outlet system. A trash rack with 4 inch maximum openings shall be provided to avoid pipe clogging. The design shall include consideration of anti-vortex measures were deemed necessary for stability of the outlet structure.

D. DRAIN

The design of the pond should incorporate a method of draining all water by use of a valve assembly. Where this is determined not possible by the reviewing engineer, a well defined low point shall be constructed to allow for pumping out the facility.

E. OVERFLOW

An emergency outlet or overflow designed for the 100-year storm shall be provided for all detention/retention facilities. This overflow should be designed assuming the principal spillway is obstructed and cannot convey any water.

F. OTHER UTILITIES

No other utilities shall be constructed within five (5) feet of the stormwater detention/retention pond unless specifically approved by the City.

G. LANDSCAPING

Open basins shall be provided with a minimum 5-foot landscaped zone around the periphery of the ponds which have a surface area up to 0.5 acres as measured at the top bank. A minimum 10-foot landscaped zone as measured outward from the top of the bank shall be provided for ponds larger than 0.5 acres.

H. ACCESS

A stable access and maintenance shoulder with a minimum width of 10 feet measured from the top of bank shall be provided, sufficient to allow the periodic removal of sediment from the system. This access shall be coordinated with the landscaping zone around the basin. The landscaping zone shall not be incorporated into the access/maintenance way.

~~I. FENCING~~

~~Fencing for private facilities shall be at the option of the developer.~~



MEMORANDUM

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

From: Maureen Meehan, Planning Services Director

Re: Unified Development Ordinance Updates per GS 160D – ZTA-25-01

Date: March 20, 2025

Please find the proposed amendments to the City's Unified Development Ordinance (UDO) that update the Planning Board Action on zoning amendments section to be consistent with GS 160D-604, provide clarity on the enforcement of UDO violations, add language to address the enforcement of transferring lots in unapproved subdivisions, and clarify that land will not be subdivided without plat approval per GS 160D-807.

Amendment 1: This amendment updates Section 2.10 of the UDO to add the provision found in GS 160D-604 that the governing board may act on a zoning text or map amendment if no written report is provided by the planning board within 30 days after the request is introduced.

Section 2.10.B.4. PLANNING BOARD ACTION

4. Pursuant to NCGS 160D-604, 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 officially adopted plans that are applicable. The Planning Board shall provide a written recommendation to the Board of Aldermen that addresses plan consistency and other matters 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 Board of Aldermen. If no written report is received from the Planning Board within 30 days of referral of the amendment to that board, the governing board may act on the amendment without the planning board report. If a zoning map amendment qualifies as a "large-scale rezoning" under NCGS 160D-602(b), the Planning Board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

Amendment 2: Removes the criminal penalty for UDO violations from Section 2.15 Enforcement, which is no longer permissible by law.

Section 2.15.D. PENALTIES AND REMEDIES FOR VIOLATIONS

- ~~1. Violations of the provisions of this ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use permits, shall constitute a misdemeanor, punishable by a fine of \$100, or a maximum 30 days imprisonment, or both.~~

1. Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use permits, shall also subject the offender to a civil penalty of \$25. If the offender fails to pay this penalty within 10 days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of debt.
2. This ordinance may also be enforced by any appropriate equitable action listed in G.S. 160A-175, Enforcement of Ordinance.
3. Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
4. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this ordinance.

Amendment 3: Adds a new subsection E. to Section 2.15 Enforcement, which provides violation remedies for transferring lots in unapproved subdivisions.

Section 2.15.E. TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS; VIOLATION

1. Any person who, being the owner or agent of the owner of any land located within the planning jurisdiction of the City, thereafter subdivides his or her land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Article and recorded in the Office of the Register of Deeds, shall be guilty of a Class 1 misdemeanor.
2. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.
3. The City may bring an action for injunction of any illegal subdivision, transfer, conveyance or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this ordinance.
4. The City may deny building permits for any lots that have been illegally subdivided in violation of this ordinance.
5. In addition to other remedies, the City may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct

Amendment 4: This amendment replaces Section 4.4 APPROVAL to include language from 160D-807 for clarity on requirements of approval and provides guidance and allowance for the sale of lots prior to the final plat.

Section 4.2 NO SUBDIVISION WITHOUT PLAT APPROVAL

Approval procedures for the division of land and creation of lots are provided in Article 2 of this ordinance.

- A. As provided in G.S. 160D-807, no real property lying within the planning jurisdiction of the City shall be subdivided until it conforms to all applicable sections of this Article and approved pursuant to the procedures for the division of land and creation of lots provided in Article 2 of this ordinance. Violations of this Article shall be subject to the penalties set forth in Section 2.15 of this ordinance. Any sale or transfer of land in a subdivision subject to these regulations by reference to an unapproved plat or the use of a metes and bounds description shall be considered a violation of this Article.
- B. In accordance with G.S. 160D-807(b), the provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the register of deeds, provided the contract does all of the following:
1. Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owners to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
 2. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.
 3. Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.
 4. Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.
- C. The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under Article 2 of this ordinance or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the register of deeds in accordance with G.S. 160D-807(c).

Staff Recommendation

City Planning Staff respectfully submit the proposed Zoning Text Amendments to the Planning Board for their consideration, as outlined in this report and as evidenced in the attachment. The proposal is consistent with the 2014 CAMA Core Land Use Plan, specifically regarding desired outcomes for development and routinely updating the Unified Development Ordinance. Because of these consistencies, the Planning Staff recommends approval of the requests as presented.

Attachments

- Updated UDO Language
- Consistency Statement

Section 2.10.B.4 PLANNING BOARD ACTION

4. Pursuant to NCGS 160D-604, 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 officially adopted plans that are applicable. The Planning Board shall provide a written recommendation to the Board of Aldermen that addresses plan consistency and other matters 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 Board of Aldermen. If no written report is received from the Planning Board within 30 days of referral of the amendment to that board, the governing board may act on the amendment without the planning board report. If a zoning map amendment qualifies as a "large-scale rezoning" under NCGS 160D-602(b), the Planning Board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

Section 2.15.D. PENALTIES AND REMEDIES FOR VIOLATIONS

- ~~1. Violations of the provisions of this ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use permits, shall constitute a misdemeanor, punishable by a fine of \$100, or a maximum 30 days imprisonment, or both.~~
1. Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use permits, shall also subject the offender to a civil penalty of \$25. If the offender fails to pay this penalty within 10 days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of debt.
2. This ordinance may also be enforced by any appropriate ~~equitable~~ action listed in G.S. 160A-175, Enforcement of Ordinance.
3. Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
4. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this ordinance.

Section 2.15.E. TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS; VIOLATION

1. Any person who, being the owner or agent of the owner of any land located within the planning jurisdiction of the City, thereafter subdivides his or her land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Article and recorded in the Office of the Register of Deeds, shall be guilty of a Class 1 misdemeanor.

2. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.
3. The City may bring an action for injunction of any illegal subdivision, transfer, conveyance or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this ordinance.
4. The City may deny building permits for any lots that have been illegally subdivided in violation of this ordinance.
5. In addition to other remedies, the City may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct

Section 4.2 NO SUBDIVISION WITHOUT PLAT APPROVAL

~~Approval procedures for the division of land and creation of lots are provided in Article 2 of this ordinance.~~

- A. As provided in G.S. 160D-807, no real property lying within the planning jurisdiction of the City shall be subdivided until it conforms to all applicable sections of this Article and approved pursuant to the procedures for the division of land and creation of lots provided in Article 2 of this ordinance. Violations of this Article shall be subject to the penalties set forth in Section 2.15 of this ordinance. Any sale or transfer of land in a subdivision subject to these regulations by reference to an unapproved plat or the use of a metes and bounds description shall be considered a violation of this Article.
- B. In accordance with G.S. 160D-807(b), the provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the register of deeds, provided the contract does all of the following:
 1. Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owners to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
 2. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.
 3. Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may

not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.

4. Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

- C. The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under Article 2 of this ordinance or recorded with the register or deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the register of deeds in accordance with G.S. 160D-807(c).



**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-25-01

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby recommends adoption of the proposed Zoning Text Amendments to the Board of Aldermen and finds that they are consistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the Southport Board of Aldermen. More specifically, the proposed amendment is consistent with Policy 7.22: The City shall continually maintain all official planning documents.

The statement and motion was seconded and passed _____.

Tori Deviney, Deputy City Clerk

Sue Hodgins, Chairman



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

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

AMENDMENT: ZTA-25-01

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

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

The statement and motion was seconded and passed _____.

Tori Deviney, Deputy City Clerk

Sue Hodgin, Chairman