



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

April 17, 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. March 20, 2025 Planning Board Meeting Minutes Approval
- E. Approval of Agenda**
- F. Public Comment**
- G. New Business**
 - 1. Conditional Zoning Text Amendment [Maureen Meehan]
 - 2. Conditional Rezoning Application [Maureen Meehan]
- H. Other Business**
 - 1. Planning and Zoning Updates [Wendell Biddle]
 - 2. Planning Services Director Updates [Maureen Meehan]
 - 3. Liason Update [Alderman Lai]
- I. Announcements**
- J. Adjourn**



**CITY OF SOUTHPORT
PLANNING BOARD
REGULAR MEETING
223 E BAY ST
SOUTHPORT NC 28461
MINUTES**

March 20, 2025
6:00 PM

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

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

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

B. Mr. Hewett gave the Invocation

C. Chair Hodgins led everyone in the Pledge of Allegiance.

D. Approval of Minutes

1. February 20, 2025 Planning Board Meeting Minutes

A motion to approve the February 20, 2025 minutes was made by Mr. Hewett and seconded by Mr. Fiss. ***Unanimous vote, motion carried.***

E. Approval of Agenda

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

F. Public Comment

A motion to go into public comment was made by Mr. Fiss and seconded by Mr. Bove. ***Unanimous vote, motion carried.***

There was no public comment.

A motion to go out of public comment was made by Mr. Hewett and seconded by Mr. Lambert. ***Unanimous vote, motion carried.***

G. Old Business

None

H. New Business

1. Unified Development Ordinance (UDO) Amendment to Article 6 Stormwater Regulations - Introduction and Presentation [Maureen Meehan and Tom Zilinek]
Director Meehan introduced Tom Zilinek, the City Engineer, who would present an overview of the proposed Stormwater Management Ordinance. She explained that after the presentation and Board discussion, staff was requesting the proposal be forwarded to the existing UDO Review Committee. The Committee would meet with Mr. Zilinek one-on-one to review the ordinance in greater detail, and then bring the full ordinance back to the Board. A copy of the draft ordinance was distributed to members.

Mr. Zilinek explained that the goal was to update and strengthen the Stormwater Management Ordinance currently in the UDO. The intent of the ordinance is to safeguard property, health, and welfare by regulating stormwater drainage and requiring control measures, including engineering tools. He said this would promote orderly development and protect infrastructure and property—especially in areas prone to flooding. He referenced recent flooding in September as an example of the risks involved.

Mr. Zilinek stated that development increases runoff and erosion, carrying sediment and pollutants into rivers like the Cape Fear. He said adopting the ordinance was necessary for protecting public health and natural resources. He described the problem of increased runoff from impervious surfaces, saying it moves faster and causes localized flooding. He explained that a paved or hardscaped area can double the runoff compared to sandy or grassy areas.

The ordinance would introduce specific requirements to manage the volume and quality of runoff from development sites. He said the objectives include reducing hazards to health and safety, regulating pollutants, preventing illicit discharges, and establishing legal authority for inspections, monitoring, and enforcement.

Mr. Zilinek said the ordinance creates two categories: minor development and major development. It would apply to all lots in the City, including nonconforming ones.

For minor development, such as infill housing and additions, he said the ordinance would apply to projects that add new impervious coverage. Though small individually, these projects contribute significantly over time. Under the ordinance, new impervious coverage would be required to infiltrate two inches of runoff, with an overflow mechanism. As an example, a 2,400 square foot house would need 400 cubic feet of stormwater storage. If only an addition was being built, the requirement would apply only to the new portion.

Mr. Zilinek said this could be achieved with a rain garden—a planted landscape depression that temporarily holds and filters water—or with a dry well system. He suggested that rain barrels could be tied into roof leaders. Estimated costs were about \$1,500 for a rain garden and \$4,000 for a dry well for a 2,400 square foot home.

Mr. Zilinek noted that the ordinance allows for waivers in cases of exceptional hardship, if the public benefit of granting the waiver outweighs the drawbacks. He showed illustrations of rain gardens and described them as attractive and natural additions to yards.

For major development, Mr. Zilinek said the ordinance would apply to projects with more than 10,000 square feet of impervious surface. This would rarely apply to individual lot owners unless they were disturbing that much land. Under the proposed ordinance, stormwater peak flow from a site would be reduced by 50% for the two-year storm, 75% for the ten- year storm, and 80% for the hundred-year storm. This is stricter than the current ordinance, which only requires that peak flow not increase.

For water quality, the ordinance would require 80% removal of total suspended solids (TSS) from the water quality design storm, using green infrastructure and groundwater recharge practices.

Mr. Zilinek described a maintenance permit requirement. Developments with detention basins or stormwater facilities would need to file quarterly reports with the City confirming that the systems are working properly. These reports would not require an engineer—anyone from the development could complete them. He showed a sample checklist that includes items like mowing grass and clearing trash racks. Property owners with rain gardens or dry wells would be exempt from this reporting.

Chair Hodgkin stated that some neighborhoods already have wetlands and are required by The Department of Environmental Quality (DEQ) to maintain them, including cleanouts. She asked if this city-level requirement would be in addition to those, and whether reports would also be filed with the city.

Mr. Zilinek indicated the requirement would be filed with the City and is separate from the State's. He said the State only requires inspection after major rain events, while the proposed ordinance would require quarterly inspections regardless of weather.

Chair Hodgkin asked whether the City had a record of developments with existing detention or wetland facilities, and whether coordination with those developments was possible.

Mr. Zilinek confirmed that the City had recently completed stormwater mapping that included many of the existing basins. He said the City would send letters to affected Homeowner's Associations (HOAs) explaining the new requirements and offer to meet with them in person. He noted that most HOAs are already doing this type of maintenance—it would just be done more frequently under the new ordinance. Chair Hodgkin responded that she liked the idea, especially for neighborhoods that are already doing this kind of maintenance regularly.

Mr. Zilinek continued, saying that as part of his stormwater review process for development applications, he has started requiring a stormwater manual. Developers had previously submitted only the DEQ permit, but he told them that was not enough. He now requires details on what is being inspected, when, and how often. He said recent developments have been submitting more comprehensive materials, though the maintenance permit process has not yet been implemented.

Mr. Zilinek then compared the current ordinance with the proposed version. Under the current ordinance, stormwater controls only apply when impervious surface increases by 10,000 square feet or when one acre of land is disturbed. That excludes most infill housing projects. The proposed ordinance would lower the thresholds to 800 square feet of impervious surface or 2,000 square feet of disturbance, capturing smaller-scale development. He reiterated that the current ordinance does not allow any increase in peak flow for the 2-, 10-, or 25-year storm events. The proposed ordinance would reduce peak flow by 50% for the two-year storm, 75% for the ten-year, and 80% for the hundred-year

storm, meaning less water would leave the site and at a slower rate. He also clarified that the current ordinance does not include any TSS removal requirements. The proposed ordinance would require 80% TSS removal for the water quality design storm. For minor development, he said that currently, there are no restrictions. A property owner could technically pave over the entire lot. Under the proposed ordinance, infiltration of two inches of runoff for any new impervious surface would be required.

Mr. Zilinek discussed a proposed land disturbance ordinance that would complement the stormwater regulations. He said the goal was to preserve trees and woodland, prevent erosion and sedimentation, and protect the use of topsoil. Exemptions would include gardening for home use and single-family homes disturbing less than 2,000 square feet that are not part of a larger subdivision. Homes in subdivisions with approved stormwater plans would also be exempt. He outlined the possible requirements: a grading plan with existing and proposed elevations; an erosion and sediment control plan; a project schedule; and possibly an environmental impact assessment, depending on the location. He said this would address situations where a property is raised and water is redirected onto neighbors' lots, creating drainage problems. Factors for approval could include retaining natural vegetation when possible, limiting the area of disturbance, stabilizing exposed areas during and after construction, and using vegetative buffers, mulching, and other measures to slow runoff and capture sediment. It would also encourage on-site retention of rainfall and management of increased runoff caused by changes to the landscape. He said the ordinance would promote long-term stabilization and erosion control through all phases of construction.

Mr. Zilinek concluded by saying that additional changes could come in future phases, such as setting limits on impervious coverage based on zoning, establishing lot coverage limits, and possibly applying floor area ratios and that he noted that the draft ordinance in the Board's packet was still a working document. He and Director Meehan had been revising it recently, shifting from a standalone document to a section integrated into the existing Unified Development Ordinance. Some references still need to be updated to match the UDO format.

Chair Hodgkin thanked Mr. Zilinek for the detailed work on the ordinance and said she appreciated the thought put into the language. She noted that she had a few questions and asked if Mr. Zilinek could reference specific citations in the ordinance to explain how certain issues were addressed.

Chair Hodgkin brought up the topic of soil being brought in during construction and said that in her own neighborhood, it had been a common issue. Two houses on her cul-de-sac had

recently been completed, and both builders had brought in fill dirt to elevate the lots. She noted that her own property sat lower than those lots and asked where and how such practices were addressed in the proposed ordinance.

Mr. Zilinek responded that this issue was not addressed in the current stormwater ordinance. He explained that it would fall under the land disturbance ordinance he had previously mentioned, which was still in development. He said that ordinance was in a rough draft stage, and the intent was to introduce it after the stormwater ordinance, rather than overwhelming the public with multiple new ordinances all at once. He emphasized that stormwater management was prioritized first, with other components like land disturbance to follow.

Chair Hodgkin confirmed that infill lots would be classified as minor development under the proposed stormwater ordinance. She referenced pool installations specifically, saying that in her experience, builders often bring in soil for those as well, and are likely required to do so in order to allow for settling. She asked how such changes in elevation would be addressed, particularly with regard to neighboring properties' hydrology and the risk of increased flooding—especially with events like Hurricane Florence in mind. She noted that many homes in the area are not occupied year-round, and sudden changes in grading could result in unexpected flooding for neighbors.

Mr. Zilinek said that those types of land alterations would also fall under the land disturbance ordinance, not the current stormwater proposal. He acknowledged that a common question in this context is whether a pool should be considered impervious or pervious. He explained that the answer varies by jurisdiction. Some argue that pools are pervious because they're not filled to the top and can absorb several inches of rain. Others argue that pools are effectively a solid surface that prevents infiltration. He said he has worked in places that treat pools as impervious and others that treat them as pervious, and that arguments can be made on both sides.

Mr. Zilinek concluded by saying that this is ultimately a policy decision and would be up to the Board or community consensus to determine how pools should be categorized within the land disturbance ordinance. Chair Hodgkin acknowledged that these would be matters for further discussion as the land disturbance ordinance is developed, and that the community would have input on how to approach these types of issues.

Chair Hodgkin asked how patios and other improvements on existing lots—such as outdoor kitchens—are currently handled. She asked if the City or individual neighborhoods have impervious surface requirements or restrictions, and how additions like patios are monitored or checked for compliance.

Mr. Zilinek explained that, under the current code, there are no city-wide limits on impervious coverage. A property owner could technically make their entire lot impervious. However, in some developments—particularly those with DEQ stormwater permits—impervious limits are assigned per lot. Those limitations would come from the development's own permit, not from the City's ordinance. In general, for lots outside of those developments, there is no restriction.

Chair Hodgkin asked whether the proposed updates were set up to limit impervious

coverage, and if that was the direction the City was headed for better stormwater management. She noted that, as the City continues to grow and development increases, managing impervious surfaces and runoff becomes more critical. She said the goal should be to either restrict impervious surface or provide ways for property owners to manage the resulting runoff more effectively.

Mr. Zilinek confirmed that this is the goal of the proposed ordinance. He explained that this is why the ordinance introduces the minor development stormwater permit—to address the gap in regulation for smaller projects. Currently, there is nothing the City can require from property owners unless their development adds more than 10,000 square feet of impervious surface or disturbs more than an acre. Those thresholds apply to large subdivisions, but not to infill housing or smaller projects. The new permit would allow the City to regulate and manage stormwater runoff from these smaller lots.

Chair Hodgkin brought up the flooding that occurred in events like Hurricane Florence and Tropical Cyclone Number 8, particularly in areas like Park Avenue and Stuart Avenue. She asked how the proposed ordinance would help residents in those existing neighborhoods and on those specific roads.

Mr. Zilinek responded that the ordinance would not apply to areas that are already fully developed unless the property owners in those areas undertake changes—such as building an addition, installing a patio, or expanding a driveway. For existing homes and streets where no new development is happening, the ordinance would not require any retroactive changes. He clarified that the ordinance is focused on future development and managing its impact.

He acknowledged the concern and noted that the City had recently completed a Stormwater Capital Improvement Plan as part of the stormwater mapping project. That plan identified 13 top-priority stormwater projects across the City, with a total estimated cost of \$30 million. The City submitted a Letter of Intent to apply for funding through the State Department of Public Safety and FEMA's BRIC grant program. The City's application was accepted, and the project submitted was for Bonnets Creek, Phase One.

That project would remove the existing stormwater line that currently runs beneath the hospital emergency room, which poses a risk if repairs are needed in the future. The project would install a new stormwater system in the rear yard, replacing a privately owned ditch and increasing system capacity in that area. Mr. Zilinek clarified that this work is outside of the ordinance, but is part of what the City is doing separately to address problem areas.

Chair Hodgkin confirmed that this grant-funded project was intended to help the area around Bonnets Creek, which often floods due to its low elevation. Mr. Zilinek responded that the issue is not just elevation—he said the problem is that the City is flat, with no natural grade. Rain tends to sit where it falls unless there is a drainage system to carry it away. Because of how the City was originally developed, many areas have minimal or no slope.

Chair Hodgkin asked if the BRIC project would include the installation of new drains in the area.

Mr. Zilinek said yes, the project does include new drainage in areas within that subregion. However, it does not cover the entire city. He said the challenge is prioritizing where to start.

Chair Hodgkin explained that the reason she asked was because residents had approached her about that same area. They were concerned and had been told that their neighborhood did not fall into a priority category in the stormwater study. Chair Hodgkin said people in that area feel like they've been left out of the stormwater improvements.

Mr. Zilinek explained that the area was prioritized because of the hospital emergency room, and the fact that a stormwater pipe currently runs underneath it. That pipe was listed as the number one priority for repair. He said if there were ever a failure in that pipe, the City would face a situation where it would have to tear up the emergency room to make repairs—something they want to avoid at all costs. He added that, typically, stormwater repairs begin at the river and work outward, but this situation required a different approach due to the high-risk infrastructure involved.

Chair Hodgkin asked how the ordinance would be enforced once it is fully implemented. She posed a general question about enforcement—what happens if someone is in violation, whether in a larger development or a single residential project. She asked whether it would fall under what she called the usual “tattletale method.” Would the process be if someone saw a violation—whether enforcement would rely solely on citizen reporting or if there would be a more formal process in place.

Mr. Zilinek explained that most enforcement would begin during the building application process. If a homeowner applies for a permit to add a patio or build an addition, that permit is already routed to him for stormwater review. He noted that even though there is currently no ordinance in place requiring action on stormwater for small developments, the review process is already in motion.

Chair Hodgkin said that what she sees taking shape is a formal process, which would help the public understand how enforcement works. She said that once everything is in place, it would create a structure where City staff can monitor compliance. As permits are submitted and reviewed by staff—including Mr. Zilinek—projects will be flagged for stormwater compliance. She noted that this process would ultimately tie in with inspections.

Mr. Zilinek clarified that stormwater inspections under the ordinance would take place outside of the building inspections department. He said the inspections would likely be handled by himself and the Public Works Director, Tom Stanley. He also noted that Kiley Barefoot, the City Building Inspector, had been involved in developing the ordinance as well, since he would be the one initiating the review process when permit applications are submitted. Chair Hodgkin confirmed with Mr. Zilinek that this would happen at the point when those applications first come in.

Mr. Bove began by stating that if the same individuals were placed in charge of implementing this ordinance, he would expect some pushback. He said that expectations may not match reality, especially when it comes to severe weather events. He pointed out that a 1,000-year storm could produce six inches of rain, and some people might expect a visible improvement in those situations.

Mr. Zilinek responded that this was an important point and said it had come up repeatedly since the September flooding. He emphasized that the City's stormwater system had not "failed" during that event—it had been overwhelmed. The current system is only designed for a 25-year storm, and the storm in question was a 1,000-year event. He clarified that the proposed ordinance is designed to handle up to a 100-year storm, not beyond. He said designing a system for 1,000-year storms would be cost-prohibitive and not reasonable to require.

Mr. Bove said he had several comments but would only mention a few general ones at this time. He stressed the importance of clearly defining impervious surface, noting that it must be Southport's definition. He said DEQ and other agencies differ in their interpretation—for example, some consider pools impervious, others pervious. He referenced a 20-acre reservoir project that was initially deemed impervious. He also mentioned the need to understand types of permeable materials and their actual behavior under use.

Mr. Zilinek responded by referencing the draft ordinance, which defines impervious surface as "a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water."

Mr. Bove agreed with that definition but said the term "highly resistant" is often used in stormwater management discussions. He then pointed to Objective #4 in the ordinance and raised concerns about maintenance failure. He said he had read references to bonding in the proposed ordinance and felt that more stringent bonding requirements should be included, especially for developers who may turn maintenance responsibility over to homeowners' associations as quickly as possible.

Mr. Zilinek agreed, noting that a common weakness in stormwater ordinances is the failure to enforce long-term maintenance. He said that was one of the key points this ordinance aims to address.

Mr. Bove mentioned that some municipalities require development bonds that extend several years beyond the closeout of a project or the establishment of an HOA. This ensures that developers remain responsible for stormwater infrastructure during a transition period. He added that he would be happy to submit written comments and feedback on the ordinance. He also noted that the ordinance language is sometimes unclear about who is responsible for reviewing and ruling on alternatives and waivers. In different sections, it references city staff, the city engineer, or departments, which could lead to confusion.

Mr. Zilinek said he wasn't certain what the state model ordinances say in this regard, but he acknowledged the ambiguity. He clarified that even though the City has its own ordinance, developers must also comply with DEQ permitting. The City's ordinance can be more stringent than the State's, and applicants would be required to meet both standards. He explained that this is why DEQ references still appear in the draft. He added that the ordinance includes language stating that final approval must comply with city standards.

Mr. Bove asked whether that language applied specifically to waivers and alternatives,

and Mr. Zilinek confirmed that it did. Mr. Bove also commented on the purpose statement, saying it was broad and inconsistent in parts. He raised the concern that pervious surfaces may not stay pervious if they are not properly maintained. Mr. Zilinek agreed and elaborated on the need for maintenance. He said the maintenance sheet shown earlier was specific to retention basins, but there is also a separate one for pervious pavement. He shared that he had experience installing pervious pavement in parks and found it effective—if maintained.

Mr. Zilinek emphasized that pervious pavement must be vacuumed quarterly, especially in sandy environments like Southport. Without maintenance, pervious pavement becomes clogged and turns impervious over time. He clarified that sweeping with a broom does not count as maintenance, as it simply pushes debris further into the material. He said that each type of stormwater management system would have its own maintenance sheet detailing the appropriate procedures.

Mr. Ashley raised concerns about rain gardens, specifically relating to their functionality. He said that, in his opinion, they simply don't work and questioned their effectiveness in practice. Mr. Zilinek acknowledged the concern and explained that certain standards must be followed for rain gardens to be effective. He said a percolation test is critical to confirm that the water will actually infiltrate the ground.

Mr. Zilinek added that he doesn't anticipate rain gardens being a major problem in Southport because the City's soil is predominantly sandy, which allows water to percolate easily down to the groundwater table. However, he said there are two key factors that must be addressed in the design: the soil type and the depth of the groundwater table. If the groundwater table is too high and intersects with the rain garden, then it would perform poorly, validating the concern. These considerations would need to be clearly included in the design process.

Mr. Ashley said that in his personal experience, clay had been brought into his property during construction. The clay was packed so densely that it made the soil almost impermeable, preventing the rain garden from functioning as intended. He asked how the City plans to ensure that rain gardens are properly maintained.

Mr. Zilinek said this was a significant challenge. He stated plainly that if individual homeowners were required to formally maintain their rain gardens, there would be strong resistance. He said that enforcing such a requirement would become burdensome and impractical. While the City could send reminder letters or notices, actively policing individual homeowners would be infeasible. He added that this is why the ordinance includes a maintenance waiver for single-family homes, recognizing that it would be difficult to enforce compliance on that scale. Otherwise, the City would constantly be chasing noncompliance and telling homeowners to dig up and rebuild their rain gardens, which would lead to negative public perception.

Mr. Ashley agreed and added that maintenance means more than just keeping it functional—it includes clearing debris and keeping vegetation properly maintained. He then asked about the possibility of installing rain gardens in the City's rights-of-way, noting that he's seen them used in such areas elsewhere.

Mr. Zilinek responded that there was no reason rain gardens couldn't be located in the

rights-of-way. He said they are not obstructions and are often considered aesthetic enhancements. He noted that many people already maintain landscaping in rights-of-way areas. He said ultimately it would be a decision for the Board to make, depending on how they want to handle installations in those locations. He added that, as with many issues, there could be arguments both for and against it.

Mr. Ashley closed by complimenting staff on the work done so far and said he appreciated the effort that went into preparing the ordinance and presentation.

Chair Hodgkin asked if there were any further comments from the Board. She noted that the ordinance includes language related to preventing runoff onto neighboring properties and began to raise a point about enforcement in such situations.

Mr. Fiss expressed his support for rain gardens and said he believed they are a good idea. However, echoing earlier concerns, he added that there would likely be pushback from homeowners who feel overregulated. He noted that rain gardens are often designed for low-lying areas and asked if that would create problems.

Mr. Zilinek responded that low-lying areas could work for rain gardens if they are deep enough to provide storage. He said that in many cases, they would still be effective.

Mr. Fiss asked whether the rain gardens would need to be directly connected to the home's downspouts or tied into a more structured system.

Mr. Zilinek said that while a direct connection wasn't required, the rainwater would need to reach the garden, whether by a swale, surface flow, or some form of redirection. The key is that the water is directed to the designated infiltration area.

Mr. Fiss then asked whether, for example, in the case of Bonnets Creek, Phase One, adding more development would increase runoff. He wanted to know what the expected impact on stormwater flow might be. Mr. Zilinek said it was likely that there would be increased flow from the new development, but a full hydraulic analysis would be needed to know for sure. He said preliminary indications suggested it would send more stormwater into the surrounding areas.

Mr. Fiss asked if there would be any benefit to improving maintenance of Bonnets Creek as part of broader stormwater management strategies. Mr. Zilinek explained that much of Bonnets Creek, including the area behind his own home, is designated wetlands. He said the natural function of wetlands is to retain floodwater and slowly release it over time. He said the ordinance would have some effect on this natural cycle, but not necessarily a negative one—wetlands are intended to support stormwater retention.

Mr. Fiss suggested that maintaining visibility or accessibility of Bonnets Creek might help address some public concerns. Mr. Zilinek noted that there has been a unique situation in Bonnets Creek. A family of beavers has taken up residence there and regularly builds dams that back up water in the area. He said Public Works frequently removes these dams, but the beavers tend to rebuild them quickly, creating a constant cycle. He said this natural activity is responsible for some of the rising water levels in the creek. He added that the situation with Bonnets Creek and the beaver dams was not part of the ordinance currently under discussion, but rather a separate matter.

Chair Hodgkin commented that the City was experiencing a form of natural recreation and shifted the discussion toward the next steps. She confirmed that the intention was to refer the ordinance to the UDO committee for further refinement and coordination with staff. Director Meehan added that additional concerns could be worked through during that process. Mr. Zilinek agreed, saying that after review and revisions, the ordinance would eventually return to the Planning Board for a recommendation to forward it to the Board of Aldermen.

Chair Hodgkin said they would likely begin to receive letters and hear feedback as the ordinance progresses. She thanked staff for their work and acknowledged the complexity of the issues involved. She also noted that the implementation of the ordinance would require legislative action, and there are corresponding items in the UDO that will need to be reviewed and revised accordingly.

2. Unified Development Ordinance Updates for 160D Consistency [Maureen Meehan]

Director Meehan informed the Board that the proposed ordinance and related updates were part of the Legislative Review of Chapter 160D of the North Carolina General Statutes. She explained that 4 text amendments were being submitted as routine updates to ensure the Unified Development Ordinance (UDO) aligns with State law.

She began with the first amendment, which pertains to Section 2.10(B)(4) – Planning Board Action. She explained that this relates to N.C.G.S. 160D-604 and applies to zoning text and map amendments. The change allows the governing board to act on an amendment even if a written recommendation from the Planning Board has not been received. She noted that the statute uses the word “may,” not “must” or “shall,” giving the governing board discretion.

Chair Hodgkin clarified that this change applies only to text amendments—not subdivision approvals. She asked if this applies to text amendment requests submitted by the public, and Director Meehan confirmed that it does. Chair Hodgkin also asked whether this change starts a 30-day review clock once an application is received. Director Meehan explained that the application can trigger the review timeline, but the recommendation itself does not have to be perfect or complete for the process to move forward.

Director Meehan then reviewed the second amendment, related to Section 2.15(D) – Penalties and Remedies for Violations. Referencing N.C.G.S. 160D-404, she said the revision removes the provision for criminal penalties. Enforcement would now rely solely on the civil remedies outlined in G.S. 160A-175, ensuring the City’s procedures match statutory authority.

The third amendment, she said, concerns Section 2.15(E) – Transferring Lots in Unapproved Subdivisions. This update reflects N.C.G.S. 160D-807(a)(7), which now allows certain types of subdivision transfers that were previously restricted. Director Meehan noted that this is a new provision being added directly into the UDO.

Chair Hodgkin confirmed that the language in these amendments is copied directly from Chapter 160D, and Director Meehan acknowledged that the City has no choice in adopting the changes.

Director Meehan introduced the fourth and final amendment, to Section 4.2 – No Subdivision Without Plat Approval. She said this section reaffirms that no subdivision may proceed

without meeting all seven requirements under Chapter 160D. She described this change as an administrative clarification to ensure property owners are aware of potential consequences if the proper process is not followed.

Chair Hodgkin opened the floor for questions or comments and asked about the practical impacts of these required changes. She asked whether any of the amendments posed disadvantages for Southport.

Director Meehan responded that she did not see any negative impacts resulting from the updates.

Hearing no further questions, Chair Hodgkin called for a motion to approve the text amendments as presented and to forward them to the Board of Aldermen. **A motion was made to approve as presented to forward to the Board of Aldermen by Mr. Ashley. The motion was seconded by Mr. Bove. Hearing no additional discussion, the motion passed unanimously.**

Chair Hodgkin then asked for someone to read the consistency statement aloud.

Mr. Ashley read the following into the record:

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.

Chair Hodgkin thanked Mr. Ashley and moved the meeting forward to the next agenda item.

I. Other Business

1. Planning and Zoning Updates [Wendell Biddle]

Mr. Biddle provided a brief update on planning and zoning activity. He stated that there is only one item anticipated for the month of April. The item is currently in re- review.

The project is a minor site plan submitted by a business called SOPO, located at 724 North Howe Street, in an area zoned BD (Business District). The proposed development is a multi-use retail space, which may include a wine bar, retail area, and potentially a restaurant.

Mr. Biddle noted that the project is still under review, but he expects it to be ready for approval at the Planning Board's next monthly meeting. He added that he will prepare a short presentation to preview what the Board can expect from the site plan proposal.

2. Planning Services Director's Updates [Maureen Meehan]

Director Meehan provided several updates to the Board. She began with a report on the UDO Update Review Committee, which met on March 6 to review legal amendments and broader topics brought forward by the Board of Aldermen as well as Committee members. The Committee is expected to review a proposed ordinance at its next meeting, which will include participation from Tom Zilinek. That meeting has not yet been scheduled. Updates from the Committee will be shared at future Planning Board meetings.

She then shared that the next Board of Adjustment meeting is scheduled for Tuesday, March 25 at 4:30 p.m. and will be held at the Indian Trail Meeting Hall. There are two items on the agenda. The first is a variance request from the Homes2Suites hotel seeking relief from Section 3.8(R) of the ordinance, which includes a height variance. As written, the ordinance allows the Board of Adjustment to grant a height variance if the Fire Chief confirms the structure can be safely served. The second case is a special use permit request for an accessory building on a property located along the highway.

Director Meehan also announced that the Forestry Committee will be hosting the City's Arbor Day Celebration on April 25. The event will take place at Franklin Square Park.

She informed the Board that the Comprehensive Plan has been sent to Division Management for their required review. They have 75 days to complete that review, though she hopes it will be completed sooner. An input form and a copy of the plan are available online, and she encouraged residents to review the document and submit comments. Submissions can be made anonymously or with identification and will go directly to staff.

Director Meehan reported that courtesy letters have been mailed to property owners with structures located within the public rights-of-way. These letters are not violations but serve to inform residents of the updated rights-of-way standards and encourage voluntary compliance. A grace period is in place until June 12 for any needed adjustments. She noted that if someone believes they received a letter in error or has questions, they are encouraged to contact planning staff for clarification and assistance.

Chair Hodgkin asked if waivers are available for any of the affected properties. Director Meehan explained that there are no formal waivers, but certain allowances can be made, such as protective measures around existing permanent trees. These measures are intended to help preserve established trees and prevent vehicle damage from parking or access paths within the rights-of-way.

Director Meehan added that many residents have already reached out to planning staff and are actively working to bring their properties into compliance. She then offered a brief update on House Bill 24, which has been filed to restore local downzoning authority. The bill remains in committee with no movement since the last meeting. She noted that 22 other bills have also been introduced seeking to restore similar authority in other jurisdictions, though unfortunately Brunswick County is not included among them at this time.

Chair Hodgkin noted that her contacts believe the legislation is likely to be repealed. Director Meehan agreed that opinions are mixed and added that sometimes outcomes aren't clear until the final days of the legislative session, depending on political developments.

Chair Hodgkin asked about the entryway corridor following recent conversations at the Board of Aldermen meeting and a subsequent workshop held by the Aldermen. She asked for a general update on the topic and what developments had taken place.

Director Meehan confirmed that the City has been working with Brunswick County Planning Staff to establish an overlay district for the entrance corridor into the City. The proposed overlay area runs from 12th Street or Stuart Avenue to the Robert Ruark and NC-87 intersection—a short but highly visible and significant segment at the City's gateway.

She explained that the goal is to ensure that new development within the county's jurisdiction along this corridor adheres to standards that are consistent or closely aligned with Southport's existing ordinance, even though the area falls outside the city limits. She emphasized that this effort is in part a response to Senate Bill 382 and the removal of the City's ETJ (extraterritorial jurisdiction) authority.

The City is hopeful that the county will include this overlay in its ongoing rewrite of the UDO, and staff has received encouragement from county representatives indicating they would like to include it. While the City has not yet received the final language from the County, the Board of Aldermen reviewed feedback from the County during a workshop session. That feedback responded to Southport's original list of desired standards—such as building height, footprint size, design elements, and use restrictions.

Director Meehan noted that the county had pushed back on the 40-foot height limit proposed by Southport, instead returning with a 50-foot maximum height. However, she explained that the County's version would not allow additional height to be negotiated through increased setbacks, which is currently permitted under county rules. She said City staff is now comparing the Brunswick County ordinance and the County's revisions to determine what has been accepted, rejected, or modified, and will bring this back to the aldermen for review and further direction.

Chair Hodgkin commented that the City had started working on a similar corridor plan years ago, before the loss of the ETJ. She said it was encouraging to see staff continuing that effort now, especially with the potential for a legislative repeal of the ETJ changes in the future. She applauded the proactive work being done and emphasized how important it is to be prepared to act when opportunities arise.

She referenced Alderman Mosteller's comments from the previous week's meeting, pointing out the visual contrast between county-approved development and existing city development—citing the dry stack storage facility at the marina as a stark example of what can happen directly adjacent to city limits. She stressed the importance of aesthetic cohesion and thoughtful design along entry corridors, not only for appearance but also to help manage the influx of traffic and infrastructure strain on the City.

Chair Hodgkin expressed optimism about the ongoing collaboration with the County and said she hoped they would recognize the value in many of the city's existing standards. She then asked about the timeline for the county's UDO adoption.

Director Meehan responded that the county hopes to have the UDO adopted by the end of the year, assuming they remain on schedule.

Mr. Fiss asked for clarification on the height discussion, specifically whether the county was open to the 40-foot height limit proposed by the City.

Director Meehan replied that the County was not open to the 40-foot limit. Southport had originally proposed a reduction from 30 feet (the limit under the previous ETJ) to 40 feet as a compromise. The County returned with a 50-foot limit and said that height would be fixed, without provisions for further increase through negotiated setbacks.

She thanked staff for handling the negotiations and acknowledged that discussions had taken place about involving the Planning Board directly in talks with the County Planning Staff and County Planning Board. Ultimately, it was decided that it would be more effective to allow City Staff to work directly with County Staff, rather than introducing too many parties and complicating the process.

She expressed confidence in the team, noting that Wes Macleod with the Cape Fear Council of Government, was also involved, and said she appreciated the work being done behind the scenes. She concluded by saying, "Y'all got this. I appreciate that. Thank you."

3. Liaison Update [Frank]

Alderman Lai commented on the importance of having a strong HOA or POA Architectural Review Board (ARB) to enforce impervious surface limits within neighborhoods. He shared an example from his own community where the ARB, in coordination with City Planner, Wendell Biddle, denied a noncompliant driveway design. He emphasized that local oversight is key to maintaining development standards and managing stormwater in a flat region like Southport, where flooding is a regular concern and the best the city can do is to mitigate the impacts through careful planning. He commended Mr. Zilinek for his work and said, "Tom Z hit it right on the head."

J. Announcements

None

K. Adjourn

Chair Hodgins asked for a motion to adjourn the meeting. Mr. Hewett made the motion, which was seconded by Mr. Ashley. ***The motion was approved unanimously.***

The meeting was adjourned at 7:21 PM.

STAFF REPORT – ZTA 25-03

ZONING TEXT AMENDMENT APPLICATION

CONDITIONAL ZONING & APPENDIX A

APPLICATION SUMMARY	
Presentation Date	April 17, 2025 Planning Board
Applicant	East West Partners Management Company, Inc./Bald Head Island Limited, LLC
Relevant Ordinance Sections	Section 2.11 'Conditional Rezoning' & Appendix A: Submission Requirements

ZONING TEXT AMENDMENT PROPOSAL

Chad Paul, Chief Executive Officer and Manager of Bald Head Limited, LLC, requests a Zoning Text Amendment to Section 2.11 Conditional Rezoning to the City of Southport Unified Development Ordinance. The proposed amendment allows applications for conditional rezonings in all residential and nonresidential zoning districts except Open Space and modifies Appendix A in format and required submittals for conditional rezonings. All proposed changes are attached to this report.

REVIEW PROCESS

A Zoning Text Amendment proposal is considered a legislative process. As laid out by North Carolina General Statutes, a legislative process is a policy-level decision with broad discretion by the decision-making authority, in Southport's case, the Board of Aldermen. Per the City of Southport Unified Development Ordinance, the Planning Board shall provide a recommendation on any proposed Zoning Text Amendment to the Board of Aldermen.

The Board of Aldermen shall hold a duly advertised public hearing before voting on any Zoning Text Amendment. In approving or denying a legislative proposal, the Board of Aldermen shall include a statement describing whether the proposal is consistent or inconsistent with the locally adopted land use or comprehensive plan

AMENDMENT DESCRIPTION

The City of Southport Planning Staff are presenting this Zoning Text Amendment for the applicant. The amendments modify the City's existing Conditional Rezoning process. The request includes the following changes:

1. Allowing a Conditional Rezoning request to originate from any zoning district other than Open Space, and allows custom conditional zoning districts with unique dimensional requirements and standards;
2. The proposed text introduces streamlined text that requires the applicant to follow the procedures laid out in Section 2.10 UDO Text and Zoning Map Amendments of the UDO and statutory requirements of 160D-703(b) Conditional Districts; and
3. Amendment of Appendix A, to change the format to a list and modify Section C. Conditional Rezoning application submittals.

The following will give a detailed outline of the proposed changes including exact language with discussion.

2.11.A Purpose

Conditional zoning districts allow zoning regulations to be imposed upon and adapted to a particular site and its context and to the anticipated impacts of its future development. Such districts may be achieved through refinement of existing general-use zoning districts or creation of a new conditional zoning district. Where appropriate, a development agreement may provide further certainty regarding any planned development project and greater flexibility than a Planned Unit Development.

The proposed narrative describes conditional zoning districts as allowing site-specific standards rather than firm zoning development standards for each conventional zoning district. This language does not prohibit a conditional rezoning proposal from using an existing zoning district's development standards; it only removes them as a requirement. This type of zoning is more flexible than a Planned Unit Development, and a development agreement can accompany the proposal, which gives further certainty to an applicant and the city for long-term, large-scale projects.

2.11.B Conditional Zoning District Requirements

- 1 No conditional zoning proposals shall be considered within the Open Space zoning district.
- 2 Dimensional standards within the proposed Conditional Zoning District shall be designated by the applicant as set forth in Appendix A Submission Requirements.

The new text allows conditional rezonings in both residential and nonresidential zoning districts, while the existing ordinance only allows conditional rezonings within nonresidential zoning districts. Currently, no conditional rezonings can be considered in Open Space or PUD zoning districts.

Each application for conditional rezoning requires dimensional standards designated by the applicant. This language does not change the existing requirements for standards proposed by the applicant, except it does not require the dimensional standards to be associated with the underlying zoning district.

2.11.A Application and Conditional Zoning Review Procedure

- 1 All applications must include a master development plan, a narrative that includes supporting information and text which specifies the use or uses intended for the property and provides an overview of the project, dimensional standards, and any development standards to be approved concurrently with the rezoning application. The Master Development Plan shall include the requirements outlined in Appendix A: B. Master Development Plan.
- 2 Applications for Conditional Rezoning requests shall be filed, reviewed, and acted on in accordance with the procedures set forth in Section 2.10 UDO Text and Zoning Map Amendments and subject to the procedures and requirements of N.C. Gen. Stat. §160D-703(b). Prior to the required public hearing on the rezoning, the applicant must conduct one (1) public input meeting and file a report of the results to the UDO Administrator.

As required in the existing conditional rezoning language, a master development plan must be submitted with a conditional rezoning application following the requirements outlined in Appendix A: Submittal Requirements B. Master Development Plan. The master development plan provides the framework for development and a visual overview of the project, providing vicinity location and property features. Further, the language requires the submission of a narrative that includes proposed uses, dimensional standards, and any other development standards or conditions to be approved with the rezoning.

All applications for conditional rezoning shall follow the rezoning process found in Section 2.10 of the UDO, which includes a review and recommendation by the Planning Board to the Board of Aldermen, a public hearing, and a final decision by the Board of Aldermen. The provision includes the policy and procedures of GS 160D-703(b) Conditional Districts by reference in the ordinance. These policies guide proposed conditions – the flexibility afforded by conditional rezoning and leverage for local governments. All conditions proposed must be approved by the local government and consented to in writing by the applicant. The conditions will then be incorporated into the zoning district.

The proposed language maintains the requirement that the public input meeting be held and the report from such meeting filed with the UDO Administrator prior to the required public hearing.

2.11.B Effect of Approval

Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning maps by the appropriate district designation. A parallel

conditional zoning shall be identified by the same designation as the underlying general district followed by the letters “CZ” and the number of its instance (for example “CBD-CZ1”). In the case of a conditional zoning district without a reference to an existing zoning district, the district shall be identified by the letters “CZ” and the number of its instance (for example, “CZ-3”).

This section outlines how Conditional Zoning districts are designated on the City's official zoning map, providing a naming structure for both custom Conditional Zoning districts and districts that correspond to a traditional zoning district. This is not a change to the existing language. Language removed from the existing ordinance includes that the property shall be governed by the determined ordinance requirements of the district, the master development plan does not substitute for a site plan review or subdivision plat, that no permit shall be issued except in accordance with the applicable site plan review, subdivision, and permits, and that any violation shall be treated the same as any other violation of the ordinance.

The removed sections still apply to every conditional rezoning, even if not explicitly outlined. The UDO outlines each of the elements separately in their sections. The zoning district, as defined and conditioned, is the ordinance requirement of the district. The applicant must follow Section 2.7 Specific Review Procedures, Section 2.8 Creation of New Lots/Division of Land, and Section 2.6 Common Review Procedures. Section 2.15 Enforcement applies to all properties within the City's corporate limits. The act of conditionally rezoning a property does not preclude the requirements of the UDO.

Appendix A

Currently, Appendix A exists as a table, with rows representing the information required to be displayed on site plan documents and columns representing review/permit/plat approvals where the required information is marked by an ‘X’.

The draft Ordinance language includes a reconstructed Appendix A, which references approval types: Master Development Plan, Conditional Rezoning, Minor Site Plan, Major Site Plan & Special Use Permit, Subdivision Preliminary Plat, and Subdivision Final Plat. Proposed amendments to the specific language within Appendix A include the allowance of approximation of most information within a Conditional Rezoning, the removal of boundaries described by bearing and distance where they do not follow existing parcel boundaries, and removing the requirement of listing maximum building height in stories. The listing of site conditions is caveated as applicable.

EVALUATION AND CONTEXT

The previous text amendment to Section 2.11 Conditional Rezoning, sponsored by Staff to extend conditional districts to residential zoning districts, failed in January 2024. Since then, several significant changes have been made to the city’s zoning jurisdiction with the loss of our extraterritorial jurisdiction (ETJ) and statewide zoning authority with the passing of SB911, which does not allow local jurisdictions to create a downzoning situation or the creation of

nonconformities due to a zoning text or map amendment without consent of all affected property owners. Previously, local governments could amend zoning maps and local ordinances without the consent of the property owners.

Conditional rezoning is a tool that allows flexibility and also encourages quality projects that cannot be considered or built with conventional zoning districts. Any interested party can initiate a zoning text amendment.

Unified Development Ordinance Compliance

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

2014 CAMA Core Land Use Plan Compliance

While there are no direct references to conditional rezoning in the LUP, many themes and planning principles are discussed that cannot be accomplished with conventional zoning or even planned unit developments. Smart growth is a concept that is not new but is applicable just as much today as planners first proposed years ago to combat urban sprawl. Another planning concept, traditional neighborhood development that focuses on complete neighborhoods with mixed uses, reduced street sizes, sidewalks, and front porch living, is seen in the policies of the LUP. Both smart growth and traditional neighborhood principles provide increased public spaces, environmental protection, and a sense of community that can be lost with conventional subdivisions requiring strict dimensional standards.

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

Completing the LUP, illustrating the City's vision for the future, does not ensure that its objectives will be met. The City must continuously work at accomplishing plan implementation and maintaining an effective planning program. One important concept is 'smart development.'

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

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

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

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

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

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

- independence of movement, especially for the young and the elderly who can conveniently walk, cycle, or ride transit;
- safety in commercial areas, through around-the-clock presence of people;
- reduction in auto use, especially for shorter trips;
- support for those who work at home, through nearby services and parks; and
- a variety of housing choices, so that the young and old, singles and families, and those of varying economic ability may find places to live.

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

Principle 6 - Implementation: Southport's ability to adopt smart development principles will depend on the ability and willingness of developers to apply the principles. Frustrating, costly,

and time-consuming delays due, in part, to inflexible standards, regulations, and processes will discourage innovative approaches to development and design. Providing for flexibility and certainty in the application of standards, and administrative approval of “minor” variances, can help promote creative development that complies with the principles. Effective use of Planned Unit Developments (PUD’s) can also relieve some of the regulatory barriers for developers and lighten the administrative load for planners (See pages 128-130 of the 2014 CAMA Core Land Use Plan).

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

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

The following policies can be used to consider consistency with the proposed text amendment and subsequent conditional rezoning applications:

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

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

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

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

Policy 2.9: Southport supports utilizing Office/Institutional/Multi-family development

as a buffer between light industrial and commercial development and adjacent residential land uses.

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

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

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

Based on the above information, Staff find the Zoning Text Amendment request outlined in this report appears to be consistent with the 2014 Southport CAMA Core Land Use Plan due to the types of development made possible by Conditional Rezoning.

STAFF'S RECOMMENDATION

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



**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-25-03

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

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

The statement and motion was seconded and passed _____.

Tori Deviney, Deputy City Clerk

Sue Hodgins, Chairman



Text Amendment

City of Southport, North Carolina

1029 N. Howe St, Southport NC 28461

www.southportnc.org

Planning & Inspections

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

For Staff Use Only

PERMIT No. _____ FEE: \$ _____ Date Received: _____

Applicant's Name: East West Partners Management Company, Inc./ Bald Head Island Limited, LLC

Mailing Address: 1460 Environ Way City: Chapel Hill

State: NC Zip Code: 27517 Phone: 919-929-0660

Email: mbboening@ewpnc.com

Current Section Impacted by Proposed Text Amendment: 2.11

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

See Attachment A.

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

Bald Head Island Limited, LLC

Signature (Applicant)
Charles A. Paul, III, Chief Executive Officer and Manager

APPROVED BY:

3/12/25
Date

UDO Administrator

Date

Attachment A

This proposed text amendment is being submitted, along with an application for a development agreement and an application to rezone the property in a manner consistent with the terms of the text amendment, for a project known as Waterway. If these three applications are approved, the portion of the land use plan affecting this property will be changed by operation of law to be consistent with the text amendment and the rezoning. The proposed project will add substantial public infrastructure, create new housing choices, substantially expand the Town's tax base, and provide public amenities.

On February 8, 2024, the Southport Board of Aldermen, by a vote of 4-2, rejected a text amendment that would have allowed for conditional zoning in residential districts. Proponents of the amendment said that it would offer the city greater flexibility with the ability to negotiate with developers as well as garner more public input. Detractors feared that it would lead to out-of-control growth, and were content with the amount of control that the then-current zoning gave Southport residents over future development of nearby land.

This application similarly broadens the City's ability to apply conditional zoning. Since February of 2024:

- 1) **The City of Southport lost jurisdiction over nearby land.** On July 1, 2024, The NC General Assembly extinguished Southport's Exterritorial Jurisdiction (ETJ). The statute gave Brunswick County 60 days to apply County zoning to the ETJ area. The entire ETJ encompasses 615 Tax Parcels and approx. 1911.16 acres and covers properties located to the North, East, and West between the City of Southport Limits and the Duke Energy Canal.

This means that the former ETJ area is subject to zoning requirements of Brunswick County, NOT Southport. Considering only the 327 acres of Waterway between Robert Ruark and 9th St. that were reclassified from ETJ to Brunswick County:

- Under the City's previous jurisdiction, the parcel was zoned R-20, requiring a minimum lot size of 20,000 square feet, which would have permitted 400 residential units.
- Under Brunswick County zoning, the property was rezoned to R-7500 Medium Density Residential, and was thereby entitled to 5.8 units per acre or 1896 residential units.

2) Southport faces a budget shortfall of \$1.4 million.

An article from the Port City Daily, entitled “Facing budget shortage, Southport city manager looks to increase taxes, reduce cost-of-living adjustments” is attached to this application and incorporated herein.

There are three ways to address a budget shortfall: reduce costs, raise taxes on the existing tax base, or increase the size of the tax base. As noted in the article attached, Southport needs to keep funding capital improvement projects, city services, and city staff. The article also noted that the City’s aldermen are reluctant to raise property taxes.

If the City’s goal is to increase its tax base, then it must entice property owners to annex their land and their projects. The only way to do so is to offer zoning tools, processes, and flexibility not otherwise available through the county or which are *at least as accommodating as what is offered in the County*.

- By using a conditional zoning tool available through Brunswick County, the developer of Waterway ultimately agreed to a maximum of 1,100 residential units, including a Continuing Care Retirement Community and workforce housing requirements, as well as a maximum amount of medical office building and retail. That conditional zoning also created 40% more open space than is otherwise required by the Brunswick UDO, among other benefits.
- To keep this agreement intact with the county, and to build a continuous and cohesive project, the developer is requesting to rezone the remaining 13% of the property in a manner which is consistent with this proposed zoning text amendment. By adopting this text amendment and the corresponding application, the developer will bring in a potential \$600 million of taxable property to the city, thereby relieving upward pressure on the existing tax base and allowing for the funding of new capital projects.
- Additionally, by adopting this zoning text amendment, the City of Southport will increase its leverage over new development, increase its influence over the way residential projects are developed in the City, and create a new tool to entice developers to annex their projects to add to the City’s tax base.

Accordingly, this text amendment will substantially promote the public health, safety, and general welfare of the City and its residents.

Home > News & Politics > Government

Facing budget shortage, Southport city manager looks to increase taxes, reduce cost-of-living adjustments

 By Brenna Flanagan February 11, 2025



A coastal town in Brunswick County is facing the budget crunch, prompting its city manager to propose a "shared sacrifice strategy" to shore up hundreds of thousands of dollars ahead of next fiscal year.

SOUTHPORT – A coastal town in Brunswick County is facing the budget crunch, prompting its city manager to propose a "shared sacrifice strategy" to shore up hundreds of thousands of dollars ahead of next fiscal year.

More on Port City



Advertisement

After less than a year in the job, Southport City Manager Stuart Turille Jr. was tasked with addressing the city's \$1.44 million deficit in the FY25-26 fiscal year. His recommendations include the following:

- 1 cent increase to the ad valorem tax, currently at 30 cents per \$100, generating \$164,955
- Reassign the 1 cent of the tax rate going toward the capital fund to the general fund, generating \$164,955
- Lowering the cost-of-living adjustment to salaries and wages to 2% and suspending merit increases, generating \$413,000
- Pull \$698,500 from the \$3.6-million fund balance

"Going forward, more development, higher property values, more people and sales taxes, and a future reassessment will continue the upward trend in our revenues," Turille said at the meeting. "But this is not yet here."

Not only is this year's deficit \$1.4 million, but the city manager is also predicting a \$281,000 shortfall in fiscal year 2026-2027, and with the county's property valuation still two years away, a surplus of funds without raising taxes or cutting

ent

back on city services, though Turille said the city was already lean, pulling more from the fund balance and moving to a higher tax rate.

Carroll and Mosteller agreed the city should do the latter two, raising the tax rate to something more along the lines of 2% or 3%. A 2-cent tax rate hike would bring in an additional \$330,000, while a 3% increase would garner \$495,000.

"Certinalv I don't want to not fund our capital projects because there's too many.

ent

record, but I think that I like the approach that the city manager has taken, as far as asking the staff, asking the citizens and fund balance to kind of all come together to balance this budget," Kelley said.

Carroll scoffed at Kelley's comment, noting he didn't want to raise taxes either, nor "steal from capital," "take away from the employees," or "rape the fund balance." However, the city has to come up with the money in some way.

ent

2.11 CONDITIONAL REZONING

A. PURPOSE.

Conditional zoning districts allow zoning regulations to be imposed upon and adapted to a particular site and its context and to the anticipated impacts of its future development. Such districts may be achieved through refinement of existing general-use zoning districts or creation of a new conditional zoning district. Where appropriate, a development agreement may provide further certainty regarding any planned development project and greater flexibility than a Planned Unit Development.

B. CONDITIONAL ZONING DISTRICT REQUIREMENTS

1. No conditional zoning proposals shall be considered within the Open Space zoning district.
2. Dimensional standards within the proposed Conditional Zoning District shall be designated by the applicant as set forth in Appendix A Submission Requirements.

C. APPLICATION AND CONDITIONAL ZONING REVIEW PROCEDURE

1. All applications must include a master development plan, a narrative that includes supporting information and text which specifies the use or uses intended for the property and provides an overview of the project, dimensional standards, and any development standards to be approved concurrently with the rezoning application. The Master Development Plan shall include the requirements outlined in Appendix A: B. Master Development Plan.
2. Applications for Conditional Rezoning requests shall be filed, reviewed, and acted on in accordance with the procedures set forth in Section 2.10 UDO Text and Zoning Map Amendments and subject to the procedures and requirements of N.C. Gen. Stat. §160D-703(b). Prior to the required public hearing on the rezoning, the applicant must conduct one (1) public input meeting and file a report of the results to the UDO Administrator.

D. EFFECT OF APPROVAL

Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning maps by the appropriate district designation. A parallel conditional zoning shall be identified by the same designation as the underlying general district followed by the letters "CZ" and the number of its instance (for example "CBD-CZ1"). In the case of a conditional zoning district without a reference to an existing zoning district, the district shall be identified by the letters "CZ" and the number of its instance (for example, "CZ-3").

Appendix A: Submission Requirements

A. Submission Requirements

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

[B omitted from draft – no changes proposed.]

C. Conditional Rezoning

1. General Project Information

- a) Applicant name, mailing address, and telephone number.
- b) Property owner name (s), mailing address(es), and telephone number(s).
- c) Tax parcel number(s), owner(s), zoning classification(s), and book and page numbers of the site tract(s) and adjacent tracts.
- d) Boundaries of any proposed or pending zoning districts on site.

2. Land Use

- a) If an existing zoning district is proposed as the basis of the requested conditional zoning district, then any proposed changes to such district, whether more or less restrictive than applicable in the underlying district, shall be set forth in the Conditional Rezoning application.
- b) If a conditional zoning district is proposed without reference to an underlying zoning district, then the following requirements shall be set forth in the Conditional Rezoning application, if applicable, and may vary across areas, uses, or other site components: permitted, special, and prohibited uses; maximum building height; minimum required parking spaces; maximum required parking spaces; landscaping requirements; maximum residential density; maximum non-residential building square footage; signage; building setbacks; site buffers; open space; and tree conservation, as applicable.
- c) All Conditional Rezoning applications may contain development standards that exceed or reduce the requirements of the Unified Development Ordinance, if applicable.

Appendix A: Submission Requirements

A. Submission Requirements

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

B. Master Development Plan

1. General Project Information

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

2. Land Use

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

3. Traffic, Parking, Movement

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

4. Environmental Standards

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

- b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
 - c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
- 5. Landscaping & Tree Preservation
 - a) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.
- 6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

C. Conditional Rezoning

- 1. General Project Information
 - a) Applicant name(s), including mailing address(es) and telephone number(s).
 - b) Property owner name(s), including mailing address(es) and telephone number(s).
 - c) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
 - d) Boundaries of any proposed or pending zoning districts on site.
- 2. Land Use
 - a) If an existing zoning district is proposed as the basis of the requested conditional zoning district, then any proposed changes to such district, whether more or less restrictive than applicable in the underlying district, shall be set forth in the Conditional Rezoning application.
 - b) If a conditional zoning district is proposed without reference to an underlying zoning district, then the following requirements shall be set forth in the Conditional Rezoning application, if applicable, and may vary across areas, uses, or other site components: permitted, special, and prohibited uses; maximum building height; minimum required parking spaces; maximum required parking spaces; landscaping requirements; maximum residential density; maximum non-residential building square footage; signage; building setbacks; site buffers; open space; and tree conservation, as applicable.
 - c) All Conditional Rezoning applications may contain development standards that exceed or reduce the requirements of the Unified Development Ordinance, if applicable.

D. Minor Site Plan

1. General Project Information

- a) Proposed or approved name of development, project, subdivision, and/or phase.
- b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
- c) Property owner name(s), including mailing address(es) and telephone number(s).
- d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- g) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.
 - i. Only required when prepared by a licensed professional.

2. Land Use

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

3. Traffic, Parking, Movement

- a) Location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
- b) Location of roads appearing on officially adopted plans.
- c) Location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.
- d) Total square footage of existing and proposed impervious surfaces.
- e) Location and dimensions of parking and loading spaces and drive aisles, including handicapped parking.
- f) Location and dimensions of existing and proposed sidewalks and accessible accessways.
- g) Location and dimensions of all trash containers and required screening.

- h) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.
 - i. If trip generation calculations are found to exceed Traffic Impact Study threshold, a Traffic Impact Study shall also be submitted following the process outlined in Section 3.13.

4. Environmental Standards

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

5. Landscaping & Tree Preservation

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

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

E. Major Site Plan & Special Use Permit

1. General Project Information

- a) Proposed or approved name of development, project, subdivision, and/or phase.
- b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
- c) Property owner name(s), including mailing address(es) and telephone number(s).
- d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
- e) Date of plat/plan preparation and of surveys; North arrow and orientation;

Map scale, denoted graphically and numerically.

- f) Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.
- g) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- h) Boundaries of any proposed or pending zoning districts on site. Boundaries must be described by bearing and distance where they do not follow described boundaries.
- i) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.

2. Land Use

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

3. Traffic, Parking, Movement

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

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

4. Environmental Standards

- a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
- b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
- c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
- d) Existing and proposed topography.
- e) Location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.
- f) Location and size of stormwater basins or other comparable stormwater management mechanisms.
- g) Detailed utility plans, including water, sewer, and stormwater, and showing connections to existing systems or plans for individual water supply systems and sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, gate valves, utility and maintenance easements, and daily estimated sewer flow figures. Type of construction materials and brand of appurtenances may require approval from the City of Southport, Brunswick County Utilities, and/or NCDOT. Plans shall include profiles based on mean sea level datum for gravity sanitary and storm sewers.
 - i. NOTE: Detailed plans may be submitted after site plan or preliminary plat are approved and must be approved by the City's Public Services Department prior to construction of improvements or the issuance of building permits or approval of a final plat.

5. Landscaping & Tree Preservation

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

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

F. Preliminary Plat

1. General Project Information

- a) Proposed or approved name of development, project, subdivision, and/or phase.
- b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
- c) Property owner name(s), including mailing address(es) and telephone number(s).
- d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.
- g) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- h) Lots numbered consecutively throughout the subdivision.
 - i) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.
- j) Accurate locations and descriptions of all monuments, markets, and control points.

2. Traffic, Parking, Movement

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

3. Other Land Use

- a) Location and dimensions of all trash containers and required screening.
- b) Location and labeling of minimum building setback lines.
- c) Signage.

d) Outdoor Lighting Plan.

4. Environmental Standards

- a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
- b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
- c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
- d) Existing and proposed topography.
- e) Location, dimensions, and description of all areas to be dedicated to the public or to a property owners association.
- f) Location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.
- g) Location and size of stormwater basins or other comparable stormwater management mechanisms.
- h) Detailed utility plans, including water, sewer, and stormwater, and showing connections to existing systems or plans for individual water supply systems and sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, gate valves, utility and maintenance easements, and daily estimated sewer flow figures. Type of construction materials and brand of appurtenances may require approval from the City of Southport, Brunswick County Utilities, and/or NCDOT. Plans shall include profiles based on mean sea level datum for gravity sanitary and storm sewers.
 - i. NOTE: Detailed plans may be submitted after site plan or preliminary plat are approved and must be approved by the City's Public Services Department prior to construction of improvements or the issuance of building permits or approval of a final plat.

5. Landscaping & Tree Preservation

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

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

7. Required Certifications:

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

G. Final Plat

1. General Project Information

- a) Proposed or approved name of development, project, subdivision, and/or phase.
- b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
- c) Property owner name(s), including mailing address(es) and telephone number(s).
- d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- g) Exact existing and proposed or pending property boundary lines by bearings and distances and the location of intersecting boundary lines of adjacent lands.
- h) Lots numbered consecutively throughout the subdivision.
 - i) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.
- j) Accurate locations and descriptions of all monuments, markets, and control points.
- k) Location and labeling of minimum building setback lines.

2. Traffic, Parking, Movement

- a) Location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
- b) Location of roads appearing on officially adopted plans.
- c) Type of street dedication, either public or private.

3. Environmental Standards

- a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
- b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
- c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.

- d) Location, dimensions, and description of all areas to be dedicated to the public or to a property owners association.
- 4. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.
- 5. Required Certifications:
 - a) Certificate of Ownership and Dedication
 - b) Certificate of Survey and Accuracy
 - c) Certification of Board of Aldermen Approval
 - d) Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements
 - e) Certification of Septic and Water Supplies
 - f) Certificate of Disclosure; 404 Wetlands
 - g) Certificate of Disclosure; City of Southport Floodplain Management Regulations
 - h) Acknowledgment of Compliance (Private Developments)
 - i) Certificate of Purpose of Plat
 - j) Certificate of Approval for Recording

STAFF REPORT

CASE NUMBER CZ-25-01 - WATERWAY COMMUNITY CONDITIONAL REZONING APPLICATION

APPLICATION SUMMARY	
Presentation Date	April 17, 2025 Planning Board
Applicant	East West Partners Management Company, Inc.
Property Owner	Bald Head Limited, LLC
Parcel ID:	19 Separate Parcels in and adjacent to Indigo Plantation Listed in Exhibit A of the Application
Property Size	47.61 acres
Zoning District	PUD & R-10
Proposed Zoning District	CZ-01

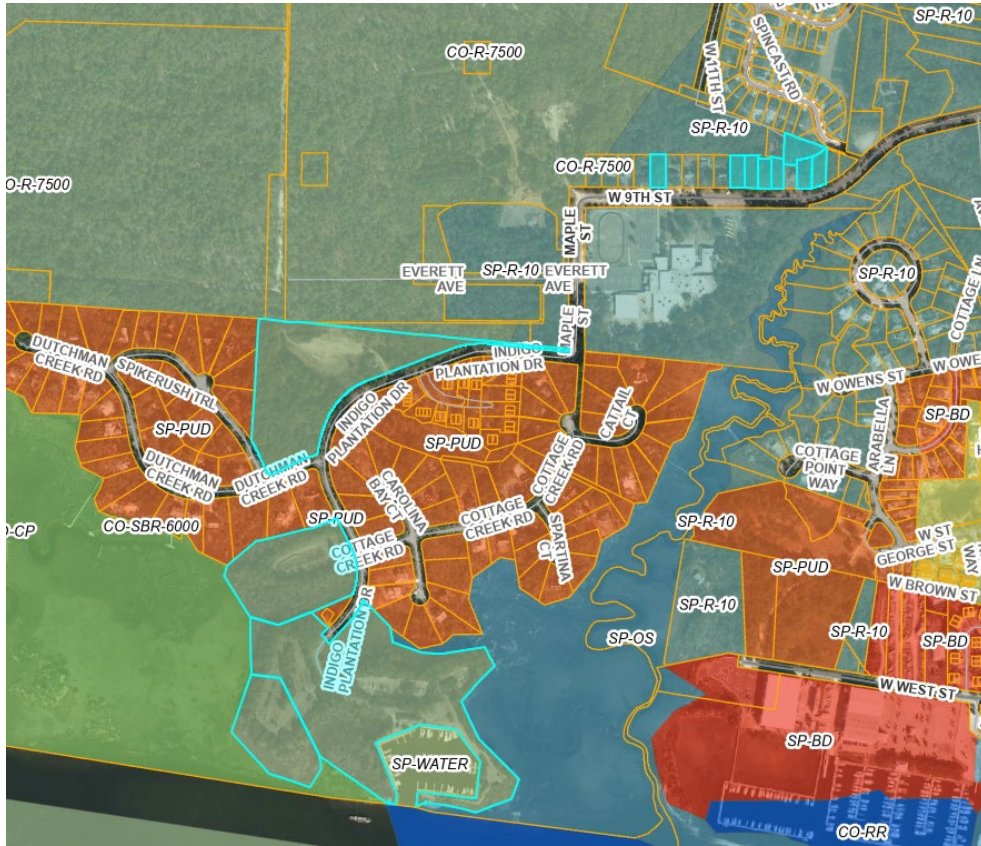
REZONING OVERVIEW

McKay Siegle for East West Partners Management Company, Inc., is requesting a conditional rezoning map amendment for 19 parcels zoned R-10 and PUD to CZ-01. The rezoning request is for a unique conditional zoning district with permitted uses and dimensional requirements included in the application, per Section 2.11 of the UDO. A development agreement is included as part of the conditional rezoning request. The Planning Board does not make a recommendation for the approval of the development agreement, it is approved by ordinance as a standalone document to be incorporated into the zoning district by the Board of Aldermen. A copy is attached to this report for your review in context with the proposed conditional rezoning.

Property			
Tax ID	Address	Owner	Current Zoning
Marina and Parking Lots Land			
237KA004	No address listed	BALD HEAD ISLAND LIMITED LLC	PUD
237KA003	6099 Indigo Plantation Drive	BALD HEAD ISLAND LIMITED LLC	PUD
237KA006	No address listed	BALD HEAD ISLAND LIMITED LLC	PUD
237KA00302	No address listed	BALD HEAD ISLAND LIMITED LLC	PUD
237KA00501	No address listed	BALD HEAD ISLAND LIMITED LLC	PUD
City Land – South			
2370000301	No address listed	BALD HEAD ISLAND LIMITED LLC	R-10
2370000423	No address listed	BALD HEAD ISLAND LTD LLC	R-10
2370000420	No address listed	BALD HEAD ISLAND LTD LLC	R-10
2370000416	No address listed	BALD HEAD ISLAND LIMITED LLC	R-10
237FB002	No address listed	BALD HEAD ISLAND LIMITED LLC	PUD
City Land – North			
237FD001	No address listed	BALD HEAD ISLAND LTD LLC	R-10
237FD002	No address listed	BALD HEAD ISLAND LTD LLC	R-10
237FD003	No address listed	BALD HEAD ISLAND LTD LLC	R-10
2370000305	No address listed	BALD HEAD ISLAND LIMITED LLC	R-10
237FD004	No address listed	BALD HEAD ISLAND LTD LLC	R-10
237FD005	No address listed	BALD HEAD ISLAND LTD LLC	R-10
237FD006	No address listed	BALD HEAD ISLAND LTD LLC	R-10
2370000424	No address listed	BALD HEAD ISLAND LTD LLC	R-10
2370000401	810 W. 9 th Street County	BALD HEAD ISLAND LTD LLC	R-10

LOCATION AND SITE CONDITIONS

The subject properties are adjacent to Indigo Plantation Subdivision off 9th Street and Indigo Plantation Drive and are located within the corporate limits of the City of Southport.



A majority of the property falls within the high suitability with the remaining in the medium suitability land classification on the Land Suitability Analysis Map of the CAMA Land Use Plan.



Zoning Map

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

Yellow – R-10
 Purple – PUD
 Pale Yellow – R-20
 Green – Open Space



Future Land Use Map

The future land use map classifies the parcels as medium density residential.

Orange – High Density Residential

Yellow – Low Density Residential

Red – Heavy Commercial

Brown – High Density Residential

REVIEW PROCESS

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

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

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

PLANNING BOARD REVIEW

Conditional rezonings include a master development plan and a narrative that includes supporting information and text which specifies the use or uses intended for the property and provides an overview of the project, dimensional standards, and any development standards to be approved concurrently with the rezoning application. The following section includes the proposed uses, dimensional requirements, and development standards including parking, pedestrian facilities, landscaping and buffers, lot standards, streets and roadway network, and recreation and open space for the new conditional zoning district.

If approved, a major subdivision preliminary plat designed using these standards will be required prior to any infrastructure or other development is permitted.

Please note, the required master development plan will be distributed by email on Monday, April 14, 2025.

Permitted Uses

Unlike conventional zoning amendments conditional rezoning requests require that the applicant include all primary and accessory uses that are unique to the property and future development. The table below includes the proposed CZ-01 zoning district with all allowable uses listed with standards where applicable.

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R-10	R-20	M-F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O-S	CZ-1	Section #
Accessory Uses															
ACCESSORY STRUCTURES OR USES, GENERAL		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.A
ACCESSORY DWELLING, COMMERCIAL						SS	SS	SS	SS	SS	SS	SS		SS	3.6.B
ACCESSORY DWELLING, RESIDENTIAL		SS	SS	SS	SS	SS	SS							SS	3.6.C
CEMETERIES AND MAUSOLEUMS		SS	SS	SS	SS	SS	SS	PS	PS	PS				SS	3.6.D
DOCKS, , PIER, GAZEBO, BULKHEAD, AND LIVING SHORELINES		PS	PS	PS	PS	PS	PS	PS	PS				S S	PS	3.6.E
HOME DAYCARE, ADULT AND CHILD		SS	SS	SS	SS	SS								SS	3.6.F
HOME OCCUPATION		SS	SS	SS	SS	SS								SS	3.6.G
HOMESTAY		PS	PS	PS		PS								PS	3.6.H
MODULAR UNIT					PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.I

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ- 1	
Uses															Section #
OUTDOOR DISPLAY								PS	PS	PS					3.6.J
OUTDOOR STORAGE									PS	PS	PS	PS			3.6.K
OUTDOOR VENDING MACHINE					PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.L
PORTABLE STORAGE CONTAINERS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.M
RECREATIONA L VEHICLE OR TRAVEL TRAILER		PS	PS		PS	PS	PS							PS	3.6.N
SELF-SERVICE ICE VENDING MACHINES									SS	SS					3.6.O
SOLAR ENERGY SYSTEMS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.P
SWIMMING POOLS		PS	PS	PS	PS	PS	PS	PS						PS	3.6.Q
TEMPORARY SALES OFFICES		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.R
TEMPORARY HEALTHCARE STRUCTURES		PS	PS	PS	PS	PS								PS	3.6.S
Residential Uses															
DWELLING, SINGLE- FAMILY		P	P	P	P	P	P							P	
DWELLING, TWO-FAMILY (DUPLEX)		S	S	P	P	P	P							P	

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard	
	Uses	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S		CZ- 1
DWELLING, MULTI- FAMILY				PS		SS	SS								PS	3.7.A
DWELLING, TRIPLEX OR QUADRAPLEX				PS	SS	SS	SS								PS	3.7.B
FAMILY CARE HOME		PS	PS	PS	PS	PS									PS	3.7.C
MANUFACTU RED HOME ON SINGLE LOT					PS											3.7.D
MANUFACTU RED HOME PARK					PS											3.7.E
MIXED USES						PS	PS	PS	PS						PS	3.7.F
MODULAR HOMES		PS	PS	PS	PS	PS	PS									3.7.G
Nonresidential Uses																
ADULT ESTABLISHME NT												SS				3.8.A
ALCOHOLIC BEVERAGES, PACKAGED, RETAIL SALES								P	P	P						
AUTOMOTIVE, MAJOR									SS	P	P	P				3.8.B
AUTOMOTIVE, MINOR								SS	P	P	P					3.8.B
BED & BREAKFAST	721191	SS	SS	SS	SS	SS	SS	SS	SS	SS						3.8.C
BOTTLE SHOP AND WINE BAR						P		P	P	P					P	

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ- 1	Section #
BUILDING MATERIAL DEALERS	444190								S	P	P	P			
BUSINESS, CO MMERCIAL, OR OTHER NON- RESIDENTIAL USE NOT ELSEWHERE CLASSIFIED	561						SS	SS	SS	SS				SS	3.8.D
BUS TERMINALS AND RAILROAD STATIONS									P	P					
CHURCHES, SYNAGOGUES & OTHER ASSOC. ACTIVITIES, INCL. OFFICES, ACTIVITY CENTER, ETC.	813110	SS	SS	SS	SS	SS	SS	PS	PS	PS				SS	3.8.E
CLUBS OR LODGE		SS	SS			SS		SS	PS	PS				SS	3.8.F
COMMERCIAL PARKING LOTS	812930						SS	SS	SS	PS	SS				3.8.G
COMMERCIAL RECREATION, INDOOR						S		S	P	P				S	
COMMERCIAL RECREATION, OUTDOOR										P				S	
CONTRACTOR S, EQUIPMENT & SUPPLY DEALERS & SERVICE	811310									P	P	P			

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ- 1	
CONTRACTOR S, HEAVY CONSTRUCTIO N; GRADING, PAVING, MARINE, ETC.	234										P	P			
CULTURAL ARTS CENTER, INCL. THEATERS, OFFICES, CLASSROOMS, ETC.						P	P	P	P	P				P	
DANCE STUDIOS	611610					P	P	P	P	P				P	
DAYCARE, ADULT AND CHILD	624120						SS	SS	PS	PS				SS	3.8.H
DIVERS, COMMERCIAL								P	P	P	P	P			
DRY CLEANERS	812320					SS		PS	PS	PS				SS	3.8.I
DRY STORAGE										PS	PS	PS			3.8.J
EDUCATIONAL FACILITY		S	S	S	S	S	P	P	P	P				S	
ELECTRONIC GAMING OPERATIONS										SS					3.8.K
EXTERMINATI NG SERVICES	561710							PS	P S	P	P	P			3.8.L
FARMERS'S MARKET	445230	SS				SS		SS	PS	PS			S S	SS	3.8.M
FARM MACHINERY SALE AND SERVICE									S	P	P				
FEED, SEED, AND									S	P	P				

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ- 1	Section #
FERTILIZER SALES, RETAIL															
FISHING, COMMERCIAL	11411							P	P	P					
FLEA MARKET										SS					3.8.N
FRUIT & VEGETABLE MARKET, WHOLESALE WITH INCIDENTAL RETAIL	445230							SS	SS	PS	PS	SS			3.8.O
FUEL & ICE DEALERS	422710								P	P	P	P		PS	
FUNERAL HOMES	812210						P	P	P	P					
FURRIERS AND FUR STORAGE									P	P					
GARBAGE COLLECTION, PRIVATE (NO LANDFILLS)	562111											P			
GAS COMPANIES (LP- BOTTLED & BULK STORAGE)	324110										P	P			
GOLF COURSE, PRIVATE OR PUBLIC, W/RELATED SERVICES INCL. PRO SHOP	713910	P	P	P		P									
GOVERNMENT USE, CITY OF SOUTHPORT		P	P	P	P	P	P	P	P	P	P	P	P	P	

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ- 1	Section #
GOVERNMENT USES WITH BUILDINGS, NON-CITY OF SOUTHPORT		SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS		SS	3.8.P
GROCERY STORES	445110					P		P	P	P				P	
HARDWARE, LAWN, OR GARDEN STORE	444130							P	P	P	P	P			
HEALTH SERVICES,						P	P	P	P	P				P	
HELIPAD							SS								3.8.Q
HOSPITALS	622110						P	P	P	P				P	
HOTEL, MOTEL, OR INN	721110					SS	SS		SS	PS					3.8.R
HOTEL, RESIDENTIAL OR BOUTIQUE						SS	SS	PS	PS	PS					3.8.S
INSTITUTIONAL CARE FACILITY, ADULT										S				S	
INSTITUTIONAL CARE FACILITY, CHILD HANDICAPPED									S	S				S	
JAIL	922140									PS	PS	PS			3.8.T
KENNEL	812910									SS	PS	PS			3.8.U
LAUNDRY, INDUSTRIAL	812332									P	P	P			

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ- 1	
LAUNDRY, COIN- OPERATED									P	P					
LIBRARY	514120					P	P	P	P	P				P	
LIQUOR STORES	445310							P	P	P					
MANUFACTU RED HOME DEALERS	453930									P	P				
MANUFACTU RED HOME (INDIVIDUAL) FOR OFFICE AND/OR EXHIBITION					S	S	S	S	S	S	S	S		S	
MANUFACTU RING, ARTISAN									P	P	P	P			
MANUFACTU RING, GENERAL											C	P			
MANUFACTU RING, INTENSIVE												CS			3.8.V
MANUFACTU RING, LIMITED										P	P	P			
MARINA, COMMERCIAL	713930					PS		PS	PS	PS	PS	PS		PS	3.8.W
MARITIME SALES, RENTAL, AND SERVICE									P	P				P	
MICROBREWE RY AND MICRODISTILL ERY								SS	PS	PS	PS			PS	3.8.X
MOBILE VENDOR OR FOOD TRUCK								PS	PS	PS	PS	PS		PS	3.8.Y

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ- 1	Section #
MOTION PICTURE PRODUCTION & DISTRIBUTION	512110										P	P			
MOTOR FREIGHT COMPANIES, MOVERS, VAN LINES, AND STORAGE										P	P	P			
MUSEUMS, ART GALLERIES	712110						P	P	P	P					
NIGHTCLUB	722410							SS	SS	SS					3.8.Z
NURSING & PERSONAL CARE FACILITY	623110					SS	SS		SS	PS				PS	3.8.AA
OFFICE, GENERAL						P	P	P	P	P				P	
PACKAGE DELIVERY SERVICES, COMMERCIAL	492210						SS	SS	SS	PS	PS	PS			3.8.BB
PARKS & RECREATION AREAS, MUNICIPAL	924120	P	P	P	P	P	P	P	P	P			P	P	
PERSONAL SERVICE ESTABLISHME NT						P	P	P	P	P				P	
RADIO & TELEVISION STATIONS, STUDIOS, AND OFFICES							SS		PS	PS					3.8.CC

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ- 1	
RECREATION FACILITY PRIVATE, INCL. CLUBS & RECREATION FACILITIES ASSOC. WITH MULTIPLE FAMILY COMPLEXES, GOLF COURSES, TENNIS FACILITIES, COUNTRY CLUBS, ETC.		SS	SS	SS	SS	SS	SS	SS	SS	SS				SS	3.8.F
RECREATION L VEHICLE PARK										SS					3.8.DD
RESEARCH & DEVELOPMENT							SS	SS		PS	PS	PS		SS	3.8.EE
RESTAURANT, CARRY-OUT	722211					S		P	P	P				P	
RESTAURANT, STANDARD & FAST-FOOD	722211					S		P	P	P				P	
RETAIL SALES, MAJOR										P					
RETAIL SALES, MINOR						P		P	P	P				P	
RETAIL SALES, MODERATE									P	P					
SALVAGE OPERATIONS												SS			3.8.FF
SHOPPING CENTER	233320					SS		SS	PS	PS				SS	3.8.GG
SHOOTING RANGE, INDOOR										PS	PS	PS			3.8.HH

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ- 1	
SHOOTING RANGE, OUTDOOR												SS			3.8.HH
SHORT- TERM VACATION RENTALS						PS		PS	PS						3.8.II
SOLAR FARM												SS			3.8.JJ
STORAGE, SELF-SERVICE										PS	PS	PS			3.8.KK
TATTOO AND PIERCING ESTABLISHME NT												S			
TAXICAB STANDS								SS	PS	PS					3.8.LL
TELEPHONE COMMUNICA TION FACILITY, UNATTENDED	513340	SS	SS	SS	SS	SS	SS	SS	SS	SS	PS	PS		SS	3.8.M M
TRANSITIONA L HOUSING FACILITIES							S								3.8.NN
US POSTAL SERVICE	491110					P	P	P	P	P	P	P		P	
UTILITY STATIONS & PLANTS (PUBLIC & PRIVATE) INCL. LIFT STATIONS, SUBSTATIONS, ETC.		P	P	P	P	P	P	P	P	P	P	P	P	P	
VETERINARY SERVICES WITH OPEN PENS	541940									P	P	P			
VETERINARY SERVICES WITH PENS	541940								S	P	P	P		SS	

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ- 1	
ENCLOSED IN A BUILDING															
WAREHOUSING, GENERAL	493110									PS	PS	PS			3.8.00
WATER TRANSPORTATION INCL. DOCKS, TUGBOATS, BARGES, AND EXCURSIONS									P	P	P	P		P	
WELDING, REPAIR	811310								P	P	P	P			
WIRELESS TELECOMMUNICATION FACILITY OR COMPLEX, FREESTANDING AND SUBSTANTIAL MODIFICATIONS										SS	SS	SS		SS	See Article 7
WIRELESS TELECOMMUNICATION FACILITY, COLLOCATION OR COLLOCATED SMALL/MICRO-WIRELESS FACILITY		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	See Article 7
YARD SALES		P	P	P	P	P	P	P	P	P				P	

Dimensional Requirements

- A. Density Definition.** Density refers to the number of dwelling units per unit of land area. The entirety of the Property is included in the calculation including, but not limited to, wetlands, ponds and marshes.

B. Residential Density. A maximum average of 4.2 dwelling units per acre (199 dwelling units) are permitted on the Property, and accessory dwelling units shall not be counted toward this maximum density nor toward the maximum number of dwelling units permitted.

C. Non-Residential Intensity. A maximum of 10,000 gross square feet of non-residential primary uses within a building are permitted on the Property.

DIMENSIONAL REQUIREMENTS

Required dimensional standards will vary by primary use as set forth in Table 1 or Table 2 below. The standards in Table 1 and Table 2 supersede any inconsistent requirements found in the UDO. Maximum floor area ratio, minimum open space ration, and maximum impervious coverage ratio requirements shall not be applicable to the Property.

LOT STANDARDS

Individual lots may front open space areas not less than 20' in depth in lieu of having frontage on a public or private street.

TABLE 1: Traditional Design

USE	MIN. LOT AREA (SF)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE MAX. HEIGHT (FT)	PRIMARY STRUCTURE MINIMUM SETBACKS (FT)
Dwelling, Single-Family (accessed from street)	3,200	40	75%	N/A	40*	Front: 10 Side: 5 Rear: 10
Dwelling, Single-Family (alley loaded)	1,800	30	75%	N/A	40*	Front: 10 Side: 5 Rear: 0
Dwelling, Two-Family (Duplex)	5,000 minimum overall project size	18	80% for overall project	8	40	Front: 10 Side: 5 (on end of buildings); 0 (if attached to another unit on the side) Rear: 5 Rear (Garage): None
Dwelling, Multi-Family	10,000	50	85%	30 max units is 250	45**	Front: 10 Side: 10 Rear: 10
Non-Residential	None	None	75%	N/A	45	Front: 1 Side: 10 Rear: 10

USE	MIN. LOT AREA (SF)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE MAX. HEIGHT (FT)	PRIMARY STRUCTURE MINIMUM SETBACKS (FT)
Uses and Mixed Use						

*Maximum primary structure height for all Dwelling, Single-Family uses located in the AE Zones, Coastal A, V-Zones, and/or Ocean Hazard Areas, as defined by the Coastal Resources Commission, shall be 45'.

**A Dwelling, Multi-Family having a pitched roof may be a maximum of 55' in height.

As an exception to the chart above, small lot/cluster design will be permitted in areas identified on Exhibit C.

TABLE 2: Cluster Design

USE	MIN. LOT AREA (SF)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE MAX. HEIGHT (FT)	PRIMARY STRUCTURE MINIMUM SETBACKS (FT)	MAXIMUM FLOOR AREA PER DWELLING UNIT (SF)
Dwelling	n/a	n/a	75%	N/A	35	Front: 10 Side: 5 Rear: 10	2,500

TRAFFIC IMPACT STUDY

The provisions of UDO 3.13 shall not apply to the property, as a traffic impact analysis (TIA) has been performed, and recommendations and comments from NCDOT are attached here as Exhibit D. The recommendations to mitigate traffic impact in Exhibit D will be addressed by the developer consistent with NCDOT recommendations as they may be updated from time to time.

PARKING

Minimum parking requirements are as set forth in Table 3 below, subject to the provisions, below:

(full table found on next page)

Table 3 Minimum Parking Requirements

Use	Minimum Parking Spaces
Dwelling, Single-Family	2 spaces
Dwelling, Two-Family (Duplex)	1 space per 1 bedroom 2 spaces per 2- or greater bedroom unit
Accessory Dwelling, Residential (non-junior)	1
Accessory Dwelling, Residential (junior)	0
Dwelling, Multi-Family	1 space per 1-bedroom unit; 1.4 spaces per 2+ bedroom unit
Retail Sales	3 per 1,000 sq. ft.
Office, General	3 per 1,000 sq. ft.
Restaurant	4 per 1,000 sq. ft.

Within the Marina Parcel described on Exhibit E, a parking study conducted by a qualified engineering firm may be submitted, and its recommended parking requirements may be substituted for the above prescribed parking requirements. The purpose of this is to more accurately determine cross parking between uses which may have different requirements depending on time of day or end user.

For residential lots, any required parking space may be located either on such lot, within the right-of-way adjacent to such lot, or in a shared off-street parking area. In lieu of paving, an alternative material may be used, including, without limitation, decorative stone with perimeter trim, and permeable systems.

PEDESTRIAN FACILITIES

- A.** Sidewalks, whether required or in excess of requirements, may be located outside of the public right-of-way.
- B.** Sidewalks may be of impervious or pervious materials, with final material selection to be approved with submitted plans.
- C.** Sidewalks shall be required on only one side of each street:
 - 1. As set forth in UDO 4.11.A;
 - 2. Where a greenway or multi-use path is located parallel to such street; and
 - 3. Where permanent open space is located on one side of the street as shown on any approved plan.

LANDSCAPING AND BUFFERS

No bufferyard is required along common boundaries between parcels within the Property, however a perimeter bufferyard is required in the locations depicted on Exhibit F. The width of such perimeter bufferyards shall depend only on the use of the Property:

- A.** Minimum 30-foot-wide bufferyard, with 0.6 opacity, shall be provided on the locations shown on Exhibit F.
- B.** Minimum 5-foot-wide bufferyard, with a minimum average width of 20 feet, shall be provided adjacent to jurisdictional wetlands.

STREETS AND ROADWAY NETWORK

- A.** Cul-de-sacs may be a maximum of 1,500' in length if environmental and property constraints limit block development.
- B.** Block length shall not exceed 1,200 feet.
- C.** Low Impact Design features are permitted within the streetscape for purposes of stormwater management including but not limited to porous pavements such as permeable pavers, and landscaped swales instead of typical curb and gutter.

RECREATION AND OPEN SPACE

- A.** A minimum of 20% open space will be provided, and open space areas will be calculated to include wetlands and floodplain areas, as well as the marina basin. The requirements will be evaluated for the overall Project, not by individual lots or phases.
- B.** Open space required by this section shall be privately owned, either pursuant to UDO 4.14.E or by a property owners' association. No publicly dedicated open space shall be required within the Project.
- C.** Except as described in this Section, the provisions of UDO 4.14 shall not be applicable to the Property.

LAND USE PLAN CONSISTENCY

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

Themes found in the 2014 CAMA LUP include smart growth principles and increased demand for housing. The goals, objectives, and policies found within the plan focus on balancing the need for housing and infrastructure with protection of the historic character and environmental resources of the City.

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

The subject development proposes a mixed-use neighborhood with multiple different housing densities and types, including small lot single-family homes and multi-family units.

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

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

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

The subject property is in an areas of medium and high suitability on the Land Suitability Map. The future land use map designation supports medium density residential development including single family and multi-family units.

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

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

These policies are appropriate for the site due to the unique characteristics of the neighborhood and the size of the property. Community facilities and infrastructure are planned and available for the future development needs.

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

The proposed mixed-use development will offer facilities to residents of the adjacent neighborhoods that can reduce traffic flow to retail, grocery, and other amenities outside of the Waterway community.

STAFF RECOMMENDATION

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

Attachments:

Consistency Statement - Rezoning Application - Draft Development Agreement



**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: CZ-25-01

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby recommends approval of the proposed Conditional Zoning Map Amendment to the Board of Aldermen and finds that it is consistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014, and subsequently amended by the Southport Board of Aldermen. Specifically, the proposed Zoning Text Amendment is consistent with the Plan due to its allowance for development patterns that are explicitly identified as desirable by the Plan but are not currently possible under the Unified Development Ordinance and **Policy 2.11**: Southport supports development that blends a mix of uses at a reasonable scale offering convenient retail facilities to nearby residents in an effort to reduce traffic flow on main thoroughfares.

The statement and motion was seconded and passed _____.

Tori Deviney, Deputy City Clerk

Sue Hodgkin, 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: CZ-25-01

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby recommends denial of the proposed Zoning Text Amendment and Zoning Map Amendment to the Board of Aldermen and finds that they are 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 Hodgkin, Chairman

Conditional Rezoning Application

Property Data

Petitioner Name: East West Partners Management Company, Inc.

Mailing Address: 1460 Environ Way

City: Chapel Hill State: NC Zip Code: 27517

Phone: 919-929-0660

Email: msiegel@ewpnc.com

Street Address and/or Description of Location: See Exhibit A

Parcel ID #: See Exhibit A

Site Acreage: 47.61

Number of Lots: 19

Current Zoning District: See Exhibit A

Proposed Zoning District: CZ-1

I: INTRODUCTION

The City of Southport Unified Development Ordinance (UDO) serves as the foundation of regulations applying to the project. Due to the size, complexity, and environmental and physical constraints associated with the project, the Conditional Zoning requirements are set forth in this document. The development of the property is regulated by the UDO, except as specifically in this document or exhibits. All development standards and requirements contained herein supersede all UDO standards and requirements that would impose a differing development restriction.

II: PERMITTED USES. Permitted Primary and Accessory Uses are as described on Exhibit B.

III: DENSITY AND INTENSITY

- A. Density Definition.** Density refers to the number of dwelling units per unit of land area. The entirety of the Property is included in the calculation including, but not limited to, wetlands, ponds and marshes.
- B. Residential Density.** A maximum average of 4.2 dwelling units per acre (199 dwelling units) are permitted on the Property, and accessory dwelling units shall not be counted toward this maximum density nor toward the maximum number of dwelling units permitted.
- C. Non-Residential Intensity.** A maximum of 10,000 gross square feet of non-residential primary uses within a building are permitted on the Property.

IV: DIMENSIONAL REQUIREMENTS.

Required dimensional standards will vary by primary use as set forth in Table 1 or Table 2 below. The standards in Table 1 and Table 2 supersede any inconsistent requirements found in the UDO. Maximum floor area ratio, minimum open space ration, and maximum impervious coverage ratio requirements shall not be applicable to the Property.

TABLE 1: Traditional Design

USE	MIN. LOT AREA (SF)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE MAX. HEIGHT (FT)	PRIMARY STRUCTURE MINIMUM SETBACKS (FT)
Dwelling, Single-Family (accessed from street)	3,200	40	75%	N/A	40*	Front: 10 Side: 5 Rear: 10

USE	MIN. LOT AREA (SF)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE MAX. HEIGHT (FT)	PRIMARY STRUCTURE MINIMUM SETBACKS (FT)
Dwelling, Single-Family (alley loaded)	1,800	30	75%	N/A	40*	Front: 10 Side: 5 Rear: 0
Dwelling, Two-Family (Duplex)	5,000 minimum overall project size	18	80% for overall project	8	40	Front: 10 Side: 5 (on end of buildings); 0 (if attached to another unit on the side) Rear: 5 Rear (Garage): None
Dwelling, Multi-Family	10,000	50	85%	30 max units is 250	45**	Front: 10 Side: 10 Rear: 10
Non-Residential Uses and Mixed Use	None	None	75%	N/A	45	Front: 1 Side: 10 Rear: 10

*Maximum primary structure height for all Dwelling, Single-Family uses located in the AE Zones, Coastal A, V-Zones, and/or Ocean Hazard Areas, as defined by the Coastal Resources Commission, shall be 45'.

**A Dwelling, Multi-Family having a pitched roof may be a maximum of 55' in height.

As an exception to the chart above, small lot design will be permitted in areas identified on Exhibit C.

TABLE 2: Cluster Design

USE	MIN. LOT AREA (SF)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE MAX. HEIGHT (FT)	PRIMARY STRUCTURE MINIMUM SETBACKS (FT)	MAXIMUM FLOOR AREA PER DWELLING UNIT (SF)
Dwelling	n/a	n/a	75%	N/A	35	Front: 10 Side: 5 Rear: 10	2,500

V. TRAFFIC IMPACT STUDY. The provisions of UDO 3.13 shall not apply to the property, as a traffic impact analysis (TIA) has been performed, and recommendations and comments from NCDOT are attached here as Exhibit D. The recommendations to mitigate traffic impact in

Exhibit D will be addressed by the developer consistent with NCDOT recommendations as they may be updated from time to time.

VI. PARKING.

A. Minimum parking requirements are as set forth in Table 3 below, subject to the provisions of Section VI.C, below:

Table 3 Minimum Parking Requirements

Use	Minimum Parking Spaces
Dwelling, Single-Family	2 spaces
Dwelling, Two-Family (Duplex)	1 space per 1 bedroom 2 spaces per 2- or greater bedroom unit
Accessory Dwelling, Residential (non-junior)	1
Accessory Dwelling, Residential (junior)	0
Dwelling, Multi-Family	1 space per 1-bedroom unit; 1.4 spaces per 2+ bedroom unit
Retail Sales	3 per 1,000 sq. ft.
Office, General	3 per 1,000 sq. ft.
Restaurant	4 per 1,000 sq. ft.

B. Within the Marina Parcel described on Exhibit E, a parking study conducted by a qualified engineering firm may be submitted, and its recommended parking requirements may be substituted for the above prescribed parking requirements. The purpose of this is to more accurately determine cross parking between uses which may have different requirements depending on time of day or end user.

D. For residential lots, any required parking space may be located either on such lot, within the right-of-way adjacent to such lot, or in a shared off-street parking area. In lieu of paving, an alternative material may be used, including, without limitation, decorative stone with perimeter trim, and permeable systems.

VII. PEDESTRIAN FACILITIES.

A. Sidewalks, whether required or in excess of requirements, may be located outside of the public right-of-way.

B. Sidewalks may be of impervious or pervious materials, with final material selection to be approved with submitted plans.

C. Sidewalks shall be required on only one side of each street:

1. As set forth in UDO 4.11.A;
2. Where a greenway or multi-use path is located parallel to such street; and
3. Where permanent open space is located on one side of the street as shown on any approved plan.

VIII. LANDSCAPING AND BUFFERS. No bufferyard is required along common boundaries between parcels within the Property, however a perimeter bufferyard is required in the locations depicted on Exhibit F. The width of such perimeter bufferyards shall depend only on the use of the Property:

A. Minimum 30-foot-wide bufferyard, with 0.6 opacity, shall be provided on the locations shown on Exhibit F.

B. Minimum 5-foot-wide bufferyard, with a minimum average width of 20 feet, shall be provided adjacent to jurisdictional wetlands.

IX. LOT STANDARDS. Individual lots may front open space areas not less than 20' in depth in lieu of having frontage on a public or private street.

X. STREETS AND ROADWAY NETWORK

A. Cul-de-sacs may be a maximum of 1,500' in length if environmental and property constraints limit block development.

B. Block length shall not exceed 1,200 feet.

C. Low Impact Design features are permitted within the streetscape for purposes of stormwater management including but not limited to porous pavement such as permeable pavers, and landscaped swales instead of typical curb and gutter.

XI. RECREATION AND OPEN SPACE.

A. A minimum of 20% open space will be provided, and open space areas will be calculated to include wetlands and floodplain areas, as well as the marina basin. The requirements will be evaluated for the overall Project, not by individual lots or phases.

B. Open space required by this section shall be privately owned, either pursuant to UDO 4.14.E or by a property owners' association. No publicly dedicated open space shall be required within the Project.

C. Except as described in this Section XI, the provisions of UDO 4.14 shall not be applicable to the Property.

Exhibit A

Property

Tax ID	Address	Owner	Current Zoning
Marina and Parking Lots Land			
237KA004	No address listed	BALD HEAD ISLAND LIMITED LLC	PUD
237KA003	6099 Indigo Plantation Drive	BALD HEAD ISLAND LIMITED LLC	PUD
237KA006	No address listed	BALD HEAD ISLAND LIMITED LLC	PUD
237KA00302	No address listed	BALD HEAD ISLAND LIMITED LLC	PUD
237KA00501	No address listed	BALD HEAD ISLAND LIMITED LLC	PUD
City Land – South			
2370000301	No address listed	BALD HEAD ISLAND LIMITED LLC	R-10
2370000423	No address listed	BALD HEAD ISLAND LTD LLC	R-10
2370000420	No address listed	BALD HEAD ISLAND LTD LLC	R-10
2370000416	No address listed	BALD HEAD ISLAND LIMITED LLC	R-10
237FB002	No address listed	BALD HEAD ISLAND LIMITED LLC	PUD
City Land – North			
237FD001	No address listed	BALD HEAD ISLAND LTD LLC	R-10
237FD002	No address listed	BALD HEAD ISLAND LTD LLC	R-10
237FD003	No address listed	BALD HEAD ISLAND LTD LLC	R-10
2370000305	No address listed	BALD HEAD ISLAND LIMITED LLC	R-10
237FD004	No address listed	BALD HEAD ISLAND LTD LLC	R-10
237FD005	No address listed	BALD HEAD ISLAND LTD LLC	R-10
237FD006	No address listed	BALD HEAD ISLAND LTD LLC	R-10
2370000424	No address listed	BALD HEAD ISLAND LTD LLC	R-10
2370000401	810 W. 9 th Street County	BALD HEAD ISLAND LTD LLC	R-10

Marina and Parking Lots Land

28.51 Acres +/-

Southport, NC

Beginning at a point located in the southern line of Indigo Plantation, Section 2 as recorded at Map Cabinet P, Page 379, Brunswick County Registry at its intersection with the southwestern R/W line of Indigo Plantation Drive (60' R/W); said point also being the southeastern corner of Lot 31, Section Two as recorded at Map Cabinet P, Page 279, Brunswick County Registry; thence from said Point of Beginning along and with the southwestern R/W line of Indigo Plantation Drive the following courses and distances; South 27 degrees 56 minutes 08 seconds East a distance of 143.12 feet to a point; thence following a curve to the right (R-325.07', Arc=276.00') having a chord which bears South 03 degrees 36 minutes 43 seconds East a distance of 267.79 feet to a point; thence crossing Indigo Plantation Drive South 69 degrees 17 minutes 18 seconds East a distance of 60.00 feet to a point located in the southwestern line of Indigo Plantation, Section Two, as recorded at Map Cabinet P, Page 279, Brunswick County Registry; thence along and with the southwestern line of Indigo Plantation, Section Two South 45 degrees 24 minutes 58

seconds East a distance of 193.40 feet to a point located in the western line of the now or formerly State of North Carolina tract as recorded at Book 1957, Page 1335, Brunswick County Registry; thence along and with the now or formerly State of North Carolina tract the following courses and distances; South 11 degrees 13 minutes 54 seconds East a distance of 81.65 feet to a point; thence South 70 degrees 26 minutes 54 seconds East a distance of 144.82 feet to a point; thence South 86 degrees 49 minutes 39 seconds East a distance of 109.46 feet to a point; thence North 81 degrees 01 minutes 14 seconds East a distance of

223.87 feet to a point; thence South 26 degrees 11 minutes 59 seconds East a distance of 105.24 feet to a point; thence South 42 degrees 49 minutes 25 seconds West a distance of 249.25 feet to a point; thence South 25 degrees 53 minutes 06 seconds East a distance of 211.39 feet to a point; thence South 45 degrees 36 minutes 03 seconds East a distance of 285.55 feet to a point; thence South 21 degrees 57 minutes 53 seconds West a distance of 106.93 feet to a point; thence South 70 degrees 18 minutes 02 seconds West a distance of 190.01 feet to a point; thence North 74 degrees 33 minutes 06 seconds West a distance of

79.71 feet to a point; thence North 81 degrees 03 minutes 06 seconds West a distance of 170.52 feet to a point; thence South 24 degrees 07 minutes 25 seconds West a distance of 62.53 feet to a point; thence North 50 degrees 55 minutes 13 seconds West a distance of 50.15 feet to a point; thence North 86 degrees 20 minutes 33 seconds West a distance of 136.61 feet to a point; thence North 54 degrees 12 minutes 25 seconds West a distance of 358.80 feet to a point; thence North 33 degrees 06 minutes 45 seconds West a distance of 49.71 feet to a point; thence North 82 degrees 32 minutes 06 seconds West a distance of

23.07 feet to a point; thence South 10 degrees 31 minutes 03 seconds East a distance of 68.86 feet to a point; thence South 32 degrees 40 minutes 29 seconds West a distance of 111.80 feet to a point; thence North 71 degrees 15 minutes 57 seconds West a distance of 207.68 feet to a point; thence North 43 degrees 29 minutes 25 seconds West a distance of 293.94 feet to a point; thence North 19 degrees 37 minutes 30 seconds East a distance of 308.24 feet to a point; thence North 01 degrees 30 minutes 32 seconds West a distance of 295.11 feet to a point; thence North 35 degrees 29 minutes 45 seconds West a distance of 250.82 feet to a point; thence North 17 degrees 57 minutes 21 seconds East a distance of

52.83 feet to a point located in the southern line of Indigo Plantation, Section Two, as recorded in Map Cabinet P Page 379, Brunswick County Registry; thence along and with the southern line of Indigo Plantation, Section Two the following courses and distances; North 49 degrees 06 minutes 48 seconds East a distance of 195.00 feet to a point; thence North 77 degrees 30 minutes 01 seconds East a distance of 295.00 feet to a point; thence North 68 degrees 36 minutes 58 seconds East a distance of 125.71 feet to the Point of Beginning; containing 28.51 Acres, more or less.

City Land – South

12.5 Acres +/-
Southport, NC

Beginning at an existing iron rebar located at the northernmost corner of Lot 3 Indigo Plantation, Section Two and shown on Map Cabinet P, Page 379, Brunswick County Registry; thence from said **Point of Beginning** along and with the northern line of Lot 3, South 86 degrees 48 minutes 41 seconds East a distance of 115.24 feet to an existing stone located in the southern line of the now or formerly Bald Head Island Limited LLC tract as recorded at Book 3348, Page 4, Brunswick County Registry; thence along and with the southern line of the Bald Head Island Limited LLC tract South 84 degrees 34 minutes 02 seconds East a distance of 108.52 feet to a point located in the northern line of the now or formerly Bald Head Island Limited LLC tract as recorded at Book 3348 Page 4, Brunswick County Registry ; thence along and with the northern line of the Bald Head Island LLC tract North 89 degrees 51 minutes 51 seconds East a distance of 1,107.89 feet to a point; thence North 23 degrees 20 minutes 04 seconds East a distance of 9.90 feet to a point located in the southern line of the now or formerly City of Southport tract as recorded at Book 2556 Page 66, Brunswick County Registry; thence along and with the southern line of the City of Southport tract North 89 degrees 51 minutes 54 seconds East a distance of 97.36 feet to an existing iron rebar; thence with a curve to the left (R=15.00' Arc=23.52'), with a chord which bears North 44 degrees 43 minutes 49 seconds East, a distance of 21.18 feet to an existing iron rebar located in the eastern line of the City of Southport tract, thence along and with the eastern line of the City of Southport tract North 00 degrees 08 minutes 05 seconds West a distance of 153.22 feet to a point; thence with a curve to the left (R=15.00', Arc=23.47'), with a chord which bears North 45 degrees 00 minutes 14 seconds West, a distance of 21.15 feet to a point located in the southern line of Everett Avenue (60' R/W), thence along and with the southern R/W line of Everett Avenue North 89 degrees 53 minutes 08 seconds East a distance of 155.58 feet to an existing iron rebar located in the western R/W line of Maple Street (80' R/W); thence along and with the western line of Maple Street South 00 degrees 10 minutes 59 seconds East a distance of 340.50 feet to a point located in the northern line of Indigo Plantation Drive (R/W-Width Varies); thence along and with the northern line of Indigo Plantation Drive the following courses and distances; North 84 degrees 34 minutes 02 seconds West a distance of 394.97 feet to a point; thence with a curve to the left (R=428.20', Arc=196.48'), with a chord which bears South 82 degrees 17 minutes 15 seconds West, a distance of 194.76 feet to an existing iron rebar, thence South 69 degrees 06 minutes 22 seconds West a distance of 239.00 feet to an existing iron rebar; thence South 20 degrees 36 minutes 27 seconds East a distance of 4.95 feet to an existing iron rebar; thence South 69 degrees 12 minutes 05 seconds West a distance of 224.79 feet to an existing iron rebar; thence with a curve to the left (R=373.13', Arc=318.71'), with a chord which bears South 44 degrees 37 minutes 07 seconds West, a distance of 309.11 feet to a point; thence South 20 degrees 09 minutes 47 seconds West a distance of 50.74 feet to a point; thence with a curve to the left (R=410.94', Arc=89.10'), with a chord which bears South 13 degrees 56 minutes 48 seconds West, a distance of 88.93 feet to an existing iron rebar located in the northern R/W line of Dutchman Creek Road (60' R/W); thence along and with the northern R/W line of the following courses and distances; with a reverse curve to the right (R=30.00', Arc=37.40'), with a chord which bears South 43 degrees 26 minutes 55 seconds West, a distance of 35.02 feet to a point; thence with a reverse curve to the left (R=251.40', Arc=66.03'), with a chord which bears South 71 degrees 38 minutes 16 seconds West, a distance of 65.84 feet to a point; thence South 64 degrees 09 minutes 08 seconds West a distance of 159.65 feet to a point to a point located in the eastern R/W line of Spikerush Trail (60' R/W); thence along and with

the eastern R/W line of Spikerush Trail the following courses and distances with a curve to the right (R=30.00', Arc=49.51'), with a chord which bears North 68 degrees 34 minutes 12 seconds West, a distance of 44.08 feet to a point; thence North 21 degrees 08 minutes 49 seconds West a distance of 16.81 feet to an existing iron rebar; thence with a curve to the left (R=763.48', Arc=155.76'), with a chord which bears North 27 degrees 02 minutes 52 seconds West, a distance of 155.49 feet to an existing iron rebar located at the southernmost corner of Lot 1, Indigo Plantation Section Two as recorded at Map Cabinet P Page 379, Brunswick County Registry; thence along and with the eastern line of Indigo Plantation, Section Two North 03 degrees 05 minutes 19 seconds East a distance of 620.50 feet to the **Point of Beginning**, containing 12.5 Acres, more or less.

City Land – North

**6.6 Acres +/-
Southport, NC**

Commence at an existing stone located at the westernmost corner of the now or formerly S-port JM& MM LLC tract as recorded at Book 4898 Page 468, Brunswick County Registry; thence from said **commence point** South 70 degrees 38 minutes 46 seconds East a distance of 275.80 feet to a point located in the southern line of the S-Port JM & MM LLC tract, thence from **Point of Beginning** South 70 degrees 38 minutes 46 seconds East a distance of 613.96 feet to an existing iron rebar located at the northwest corner of the Patricia A. Galloway tract as recorded at Book 4160 Page 1130, Brunswick County Registry; thence along and with the western line of the Galloway tract South 02 degrees 35 minutes 37 seconds West a distance of 151.84 feet to an existing iron rebar located at the southwest corner of the Galloway tract; thence along the southern line of the Galloway tract South 83 degrees 02 minutes 54 seconds East a distance of 89.61 feet to an existing iron rebar located at the southeast corner of the Galloway tract; thence along and with the eastern line of the Galloway tract North 02 degrees 52 minutes 54 seconds East a distance of 131.58 feet to an existing iron rebar located in the southern line of The Preserve at Fisher Landing as recorded at Map Cabinet 122 Page 23-26 Brunswick County Registry; thence along and with the southern line of The Preserve at Fisher Landing South 70 degrees 40 minutes 20 seconds East a distance of 220.76 feet to an existing iron rebar located in the western line of the now or formerly Paredes/Slade tract as recorded at Book 4876 Page 263, Brunswick County Registry; thence along and with the western line of the Paredes/Slade tract South 00 degrees 49 minutes 34 seconds East a distance of 182.63 feet to an existing iron rebar located in the northern R/W line of W. 9th Street (R/W width varies); thence along and with the northern R/W line with a curve to the right (R=418.17, Arc=151.14'), having a chord which bears South 76 degrees 04 minutes 25 seconds West, a distance of 150.31 feet to an existing iron rebar located in the eastern line of the now or formerly Hayes tract as recorded at Book 1993 Page 258, Brunswick County Registry; thence along and with the eastern line of the Hayes tract North 00 degrees 12 minutes 49 seconds West a distance of 129.07 feet to a point located at the northeast corner of the Hayes tract; thence along and with the northern line of the Hayes tract South 89 degrees 57 minutes 36 seconds West a distance of 65.84 feet to a point located at the northwest corner of the Hayes tract; thence along and with the western line of the Hayes tract South 00 degrees 11 minutes 29 seconds East a distance of 119.96 feet to a point located in the northern R/W line of W. 9th Street (R/W width varies); thence along and with the northern R/W line of W. 9th Street South 89 degrees 49 minutes 15 seconds West a distance of 277.93 feet to a point located at the southeast corner of the now or formerly Ketchum tract as recorded at Book 5058 Page 1281, Brunswick County Registry; thence along and with the eastern line of the Ketchum tract North 00 degrees 03 minutes 32 seconds West a distance of 165.75 feet to a point located in the northern line of 9th Street Subdivision as shown on Book ii Page 126-127 Brunswick County Registry; thence along and with the northern line of the 9th Street Subdivision South 89 degrees 45 minutes 39 seconds West a distance of 330.25 feet to an existing iron pipe located at the northwest corner of the now or formerly Garner tract

as recorded at Book 2464 Page 866, Brunswick County Registry; thence along and with the western line of the Garner tract South 00 degrees 08 minutes 00 seconds East a distance of 165.28 feet to an existing iron rebar located in the northern R/W line W. 9th Street (R/W width varies); thence along the northern R/W line of W. 9th Street South 89 degrees 42 minutes 11 seconds West a distance of 80.04 feet to an existing iron rebar at the southeast corner of the now or formerly Matthews tract as recorded at Book 835 Page 291 Brunswick County Registry; thence along and with the eastern line of the Matthews tract North 00 degrees 06 minutes 51 seconds West a distance of 165.29 feet to a point located in the northern line of the 9th Street Subdivision as show on Book ii Page 126-127 Brunswick County Registry; thence along and with the northern line of the 9th Street Subdivision South 89 degrees 48 minutes 42 seconds West a distance of 211.46 feet to a point; thence North 33 degrees 14 minutes 44 seconds East a distance of 424.44 feet to the **Point of Beginning**, containing 6.6 Acres, more or less.

Exhibit B
Permitted Primary and Accessory Uses

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R-10	R-20	M-F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O-S	CZ-1	Section #
Accessory Uses															
ACCESSORY STRUCTURES OR USES, GENERAL		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.A
ACCESSORY DWELLING, COMMERCIAL						SS	SS	SS	SS	SS	SS	SS		SS	3.6.B
ACCESSORY DWELLING, RESIDENTIAL		SS	SS	SS	SS	SS	SS							SS	3.6.C
CEMETERIES AND MAUSOLEUMS		SS	SS	SS	SS	SS	SS	PS	PS	PS				SS	3.6.D
DOCKS, , PIERS, GAZEBOs, BULKHEADS, AND LIVING SHORELINES		PS	PS	PS	PS	PS	PS	PS	PS				SS	PS	3.6.E
HOME DAYCARE, ADULT AND CHILD		SS	SS	SS	SS	SS								SS	3.6.F
HOME OCCUPATION		SS	SS	SS	SS	SS								SS	3.6.G
HOMESTAY		PS	PS	PS		PS								PS	3.6.H
MODULAR UNIT					PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.I
OUTDOOR DISPLAY								PS	PS	PS					3.6.J
OUTDOOR STORAGE									PS	PS	PS	PS			3.6.K
OUTDOOR VENDING MACHINE					PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.L
PORTABLE STORAGE CONTAINERS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.M
RECREATIONAL VEHICLE OR TRAVEL TRAILER		PS	PS		PS	PS	PS							PS	3.6.N
SELF-SERVICE ICE VENDING MACHINES									SS	SS					3.6.O
SOLAR ENERGY SYSTEMS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.P
SWIMMING POOLS		PS	PS	PS	PS	PS	PS	PS						PS	3.6.Q

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R-10	R-20	M-F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O-S	CZ-1	
TEMPORARY SALES OFFICES		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.R
TEMPORARY HEALTHCARE STRUCTURES		PS	PS	PS	PS	PS								PS	3.6.S
Residential Uses															
DWELLING, SINGLE-FAMILY		P	P	P	P	P	P							P	
DWELLING, TWO-FAMILY (DUPLEX)		S	S	P	P	P	P							P	
DWELLING, MULTI-FAMILY				PS		SS	SS							PS	3.7.A
DWELLING, TRIPLEX OR QUADRAPLEX				PS	SS	SS	SS							PS	3.7.B
FAMILY CARE HOME		PS	PS	PS	PS	PS								PS	3.7.C
MANUFACTURED HOME ON SINGLE LOT					PS										3.7.D
MANUFACTURED HOME PARK					PS										3.7.E
MIXED USES						PS	PS	PS	PS					PS	3.7.F
MODULAR HOMES		PS	PS	PS	PS	PS	PS								3.7.G
Nonresidential Uses															
ADULT ESTABLISHMENT												SS			3.8.A
ALCOHOLIC BEVERAGES, PACKAGED, RETAIL SALES								P	P	P					
AUTOMOTIVE, MAJOR									SS	P	P	P			3.8.B
AUTOMOTIVE, MINOR								SS	P	P	P				3.8.B
BED & BREAKFAST	721191	SS	SS	SS	SS	SS	SS	SS	SS	SS					3.8.C
BOTTLE SHOP AND WINE BAR						P		P	P	P				P	

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R-10	R-20	M-F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O-S	CZ-1	
BUILDING MATERIAL DEALERS	444190								S	P	P	P			
BUSINESS, COMMERCIAL, OR OTHER NON-RESIDENTIAL USE NOT ELSEWHERE CLASSIFIED	561						SS	SS	SS	SS				SS	3.8.D
BUS TERMINALS AND RAILROAD STATIONS									P	P					
CHURCHES, SYNAGOGUES & OTHER ASSOC. ACTIVITIES, INCL. OFFICES, ACTIVITY CENTER, ETC.	813110	SS	SS	SS	SS	SS	SS	PS	PS	PS				SS	3.8.E
CLUBS OR LODGE		SS	SS			SS		SS	PS	PS				SS	3.8.F
COMMERCIAL PARKING LOTS	812930						SS	SS	SS	PS	SS				3.8.G
COMMERCIAL RECREATION, INDOOR						S		S	P	P				S	
COMMERCIAL RECREATION, OUTDOOR										P				S	
CONTRACTORS, EQUIPMENT & SUPPLY DEALERS & SERVICE	811310									P	P	P			
CONTRACTORS, HEAVY CONSTRUCTION; GRADING, PAVING, MARINE, ETC.	234										P	P			
CULTURAL ARTS CENTER, INCL. THEATERS, OFFICES, CLASSROOMS, ETC.						P	P	P	P	P				P	
DANCE STUDIOS	611610					P	P	P	P	P				P	
DAYCARE, ADULT AND CHILD	624120						SS	SS	PS	PS				SS	3.8.H
DIVERS, COMMERCIAL								P	P	P	P	P			
DRY CLEANERS	812320					SS		PS	PS	PS				SS	3.8.I
DRY STORAGE										PS	PS	PS			3.8.J

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R-10	R-20	M-F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O-S	CZ-1	
EDUCATIONAL FACILITY		S	S	S	S	S	P	P	P	P				S	
ELECTRONIC GAMING OPERATIONS										SS					3.8.K
EXTERMINATING SERVICES	561710							PS	P S	P	P	P			3.8.L
FARMERS'S MARKET	445230	SS				SS		SS	PS	PS			S S	SS	3.8.M
FARM MACHINERY SALE AND SERVICE									S	P	P				
FEED, SEED, AND FERTILIZER SALES, RETAIL									S	P	P				
FISHING, COMMERCIAL	11411							P	P	P					
FLEA MARKET										SS					3.8.N
FRUIT & VEGETABLE MARKET, WHOLESALE WITH INCIDENTAL RETAIL	445230							SS	SS	PS	PS	SS			3.8.O
FUEL & ICE DEALERS	422710								P	P	P	P		PS	
FUNERAL HOMES	812210						P	P	P	P					
FURRIERS AND FUR STORAGE									P	P					
GARBAGE COLLECTION, PRIVATE (NO LANDFILLS)	562111											P			
GAS COMPANIES (LP-BOTTLED & BULK STORAGE)	324110										P	P			
GOLF COURSE, PRIVATE OR PUBLIC, W/RELATED SERVICES INCL. PRO SHOP	713910	P	P	P		P									
GOVERNMENT USE, CITY OF SOUTHPORT		P	P	P	P	P	P	P	P	P	P	P	P	P	
GOVERNMENT USES WITH BUILDINGS, NON-CITY OF SOUTHPORT		SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS		SS	3.8.P
GROCERY STORES	445110					P		P	P	P				P	
HARDWARE, LAWN, OR GARDEN STORE	444130							P	P	P	P	P			

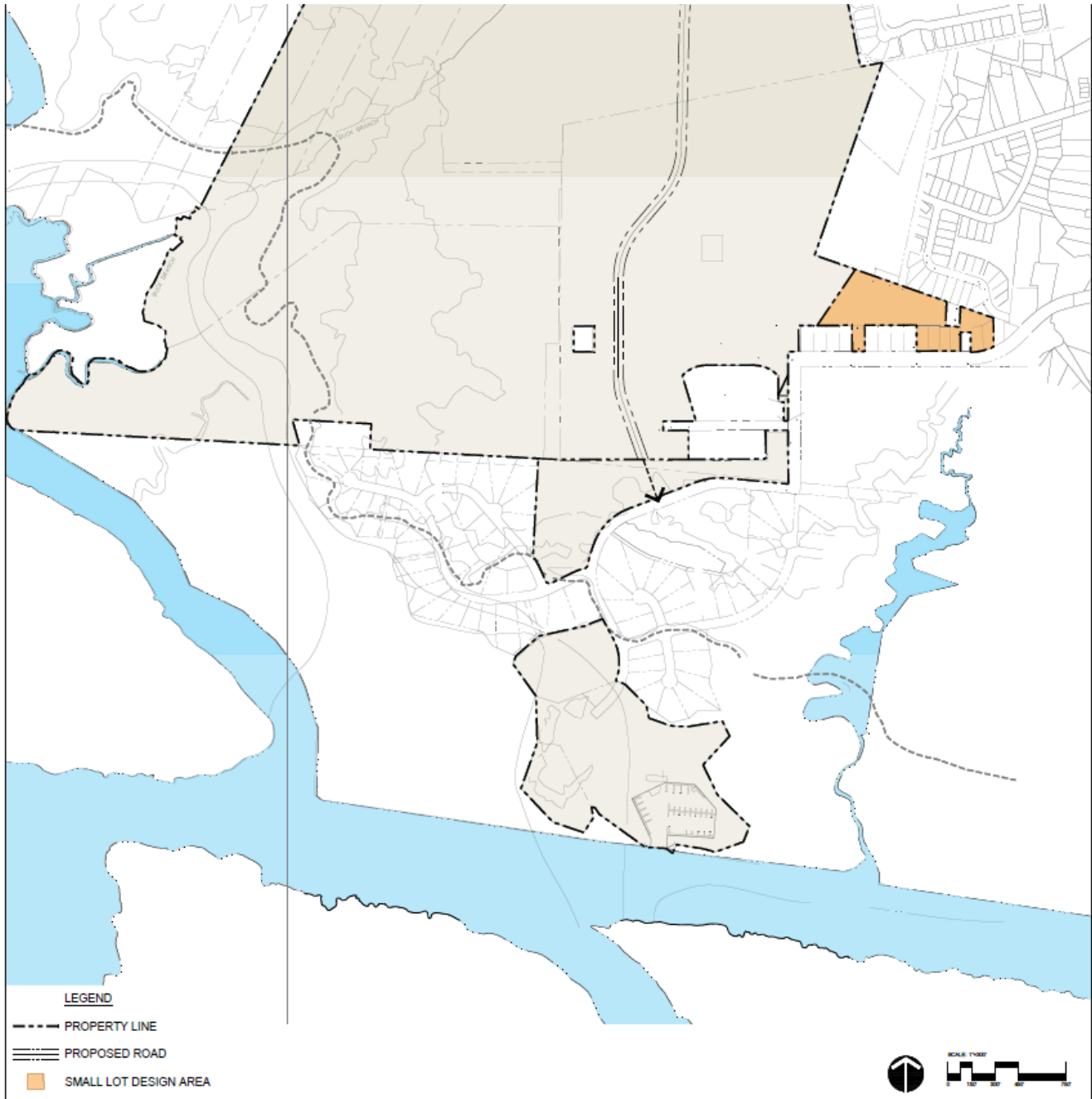
Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R-10	R-20	M-F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O-S	CZ-1	
HEALTH SERVICES,						P	P	P	P	P				P	
HELIPAD							SS								3.8.Q
HOSPITALS	622110						P	P	P	P				P	
HOTEL, MOTEL, OR INN	721110					SS	SS		SS	PS					3.8.R
HOTEL, RESIDENTIAL OR BOUTIQUE						SS	SS	PS	PS	PS					3.8.S
INSTITUTIONAL CARE FACILITY, ADULT										S				S	
INSTITUTIONAL CARE FACILITY, CHILD HANDICAPPED									S	S				S	
JAIL	922140									PS	PS	PS			3.8.T
KENNEL	812910									SS	PS	PS			3.8.U
LAUNDRY, INDUSTRIAL	812332									P	P	P			
LAUNDRY, COIN-OPERATED									P	P					
LIBRARY	514120					P	P	P	P	P				P	
LIQUOR STORES	445310							P	P	P					
MANUFACTURED HOME DEALERS	453930									P	P				
MANUFACTURED HOME (INDIVIDUAL) FOR OFFICE AND/OR EXHIBITION					S	S	S	S	S	S	S	S		S	
MANUFACTURING, ARTISAN									P	P	P	P			
MANUFACTURING, GENERAL											C	P			
MANUFACTURING, INTENSIVE												CS			3.8.V
MANUFACTURING, LIMITED										P	P	P			

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R-10	R-20	M-F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O-S	CZ-1	
MARINA, COMMERCIAL	713930					PS		PS	PS	PS	PS	PS		PS	3.8.W
MARITIME SALES, RENTAL, AND SERVICE									P	P				P	
MICROBREWERY AND MICRODISTILLERY								SS	PS	PS	PS			PS	3.8.X
MOBILE VENDOR OR FOOD TRUCK								PS	PS	PS	PS	PS		PS	3.8.Y
MOTION PICTURE PRODUCTION & DISTRIBUTION	512110										P	P			
MOTOR FREIGHT COMPANIES, MOVERS, VAN LINES, AND STORAGE										P	P	P			
MUSEUMS, ART GALLERIES	712110						P	P	P	P					
NIGHTCLUB	722410							SS	SS	SS					3.8.Z
NURSING & PERSONAL CARE FACILITY	623110					SS	SS		SS	PS				PS	3.8.AA
OFFICE, GENERAL						P	P	P	P	P				P	
PACKAGE DELIVERY SERVICES, COMMERCIAL	492210						SS	SS	SS	PS	PS	PS			3.8.BB
PARKS & RECREATION AREAS, MUNICIPAL	924120	P	P	P	P	P	P	P	P	P			P	P	
PERSONAL SERVICE ESTABLISHMENT						P	P	P	P	P				P	
RADIO & TELEVISION STATIONS, STUDIOS, AND OFFICES							SS		PS	PS					3.8.CC
RECREATION FACILITY PRIVATE, INCL. CLUBS & RECREATION FACILITIES ASSOC. WITH MULTIPLE FAMILY COMPLEXES, GOLF COURSES, TENNIS FACILITIES, COUNTRY CLUBS, ETC.		SS	SS	SS	SS	SS	SS	SS	SS	SS				SS	3.8.F

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R-10	R-20	M-F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O-S	CZ-1	
RECREATIONAL VEHICLE PARK										SS					3.8.DD
RESEARCH & DEVELOPMENT							SS	SS		PS	PS	PS		SS	3.8.EE
RESTAURANT, CARRY-OUT	722211					S		P	P	P				P	
RESTAURANT, STANDARD & FAST-FOOD	722211					S		P	P	P				P	
RETAIL SALES, MAJOR										P					
RETAIL SALES, MINOR						P		P	P	P				P	
RETAIL SALES, MODERATE									P	P					
SALVAGE OPERATIONS												SS			3.8.FF
SHOPPING CENTER	233320					SS		SS	PS	PS				SS	3.8.GG
SHOOTING RANGE, INDOOR										PS	PS	PS			3.8.HH
SHOOTING RANGE, OUTDOOR												SS			3.8.HH
SHORT- TERM VACATION RENTALS						PS		PS	PS						3.8.II
SOLAR FARM												SS			3.8.JJ
STORAGE, SELF-SERVICE										PS	PS	PS			3.8.KK
TATTOO AND PIERCING ESTABLISHMENT												S			
TAXICAB STANDS								SS	PS	PS					3.8.LL
TELEPHONE COMMUNICATION FACILITY, UNATTENDED	513340	SS	SS	SS	SS	SS	SS	SS	SS	SS	PS	PS		SS	3.8.M M
TRANSITIONAL HOUSING FACILITIES							S								3.8.NN
US POSTAL SERVICE	491110					P	P	P	P	P	P	P		P	

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R-10	R-20	M-F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O-S	CZ-1	
UTILITY STATIONS & PLANTS (PUBLIC & PRIVATE) INCL. LIFT STATIONS, SUBSTATIONS, ETC.		P	P	P	P	P	P	P	P	P	P	P	P	P	
VETERINARY SERVICES WITH OPEN PENS	541940									P	P	P			
VETERINARY SERVICES WITH PENS ENCLOSED IN A BUILDING	541940								S	P	P	P		SS	
WAREHOUSING, GENERAL	493110									PS	PS	PS			3.8.00
WATER TRANSPORTATION INCL. DOCKS, TUGBOATS, BARGES, AND EXCURSIONS									P	P	P	P		P	
WELDING, REPAIR	811310								P	P	P	P			
WIRELESS TELECOMMUNICATION FACILITY OR COMPLEX, FREESTANDING AND SUBSTANTIAL MODIFICATIONS										SS	SS	SS		SS	See Article 7
WIRELESS TELECOMMUNICATION FACILITY, COLLOCATION OR COLLOCATED SMALL/MICRO-WIRELESS FACILITY		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	See Article 7
YARD SALES		P	P	P	P	P	P	P	P	P				P	

Exhibit C
Small Lot Design Areas



PN 1021180 | 02.14.2025 | BALD HEAD ISLAND LLC

LandDesign.

Exhibit D

NCDOT Comments to Traffic Impact Analysis

1 Executive Summary

The proposed Southport Mixed-Use Development is located in Southport, NC west of the Southport city limits within a currently vacant parcel bounded by Robert Ruark Drive (to the north), W 11th Street/W 8th Street (to the east), Indigo Plantation Drive (to the south), and the Dutchman Creek floodplain (to the west). Based on the current site plan, the proposed development is anticipated to consist of the following land uses:

- ◆ Residential Land Uses
 - 330 single-family detached homes
 - 340 single-family attached townhomes
 - 480 recreational homes
 - 120 senior adult detached housing units
 - 200 senior adult attached housing units
- ◆ Office Land Uses
 - 80,000 square feet of medical-dental office space
- ◆ Retail Land Uses
 - 8,000 square feet of retail shopping center space

The full build of the proposed development is anticipated to be complete in 2032 with access to be provided as follows:

- ◆ Connection to existing Robert Ruark Drive approximately 800 feet west of Forest Oak Drive/Cades Trail
- ◆ Connection to existing W 8th Street in front of Southport Elementary School

The North Carolina Department of Transportation (NCDOT) has a project identified (STIP Project R-5021) which will widen NC 211 (N. Howe Street) from NC 87 (River Drive) to NC 906. In coordination with NCDOT, it was determined that the future year analysis from this TIP project (2040) would be analyzed as part of the Southport Mixed-Use Development analysis. This traffic impact analysis (TIA) evaluates traffic operations under 2021 Existing, 2032 No-Build, 2032 Build, 2040 No-Build, and 2040 Build traffic conditions during the AM and PM peak hours at the following intersections:

1. NC 211 (N. Howe Street) at NC 87 (River Road)/Robert Ruark Drive
2. NC 211 (N. Howe Street) at 11th Street
3. NC 211 (N. Howe Street) at Fodale Avenue
4. NC 211 (N. Howe Street) at 8th Street
5. NC 211 (N. Howe Street) at West Street
6. NC 211 (N. Howe Street) at Moore Street

7. NC 211 (N. Howe Street) at 12th Street/Stuart Avenue
8. NC 211 (S. Howe Street) at Bay Street
9. Robert Ruark Drive at Proposed Site Access #1

The NCDOT TIA scoping document associated with this project was originally approved by NCDOT on July 21, 2021. This NCDOT TIA scoping document is included in Appendix A for reference. The Town of Southport requested the addition of the Bay Street intersection in January of 2022. This report has been amended to include this intersection at this request.

Kimley-Horn was retained to determine the potential traffic impacts of this development and identify transportation improvements that may be required to accommodate these impacts in accordance with the guidelines set forth in the North Carolina Department of Transportation (NCDOT) *Congestion Management Capacity Analysis Guidelines* and NCDOT *Policy on Street and Driveway Access to North Carolina Highways*. This report presents trip generation, trip distribution, capacity analyses, and recommendations for transportation improvements required to mitigate anticipated traffic demands produced by the subject development.

Based on the results of the analyses described within this report, the following improvements are recommended to accommodate site traffic associated with the proposed development:

NC 211 (N. Howe Street) at NC 87 (River Road)/Robert Ruark Drive

- Construct one (1) additional eastbound left-turn lane to form dual left-turn lanes with approximately 350 feet of full-width storage and an appropriate taper length.
- Construct one (1) eastbound right turn lane with approximately 350 feet of full-width storage and an appropriate taper length.
- Modify signal timing and phasing to accommodate the proposed improvements and changes in traffic volumes on each approach.

NC 211 (N. Howe Street) at 9th Street

- Construct a southbound right-turn lane with a minimum of 300 feet of full-width storage and an appropriate taper length, as utility and right-of-way constraints allow.
- Optimize signal timing in the context of the proposed improvements and increases in traffic volumes on each approach.

The following additional improvements have been identified based on No-Build traffic volumes (i.e., without the proposed Southport Mixed-Use Development) and are not the responsibility of the developer:

NC 211 (N. Howe Street) at 12th Street

- Install a fully actuated traffic signal to operate with existing geometry and permitted phasing on all approaches.
- Install a westbound right turn lane with 175 feet of storage and appropriate taper

Robert Ruark Drive at Site Access #1

- Construct a westbound left-turn lane with a minimum of 150 feet of full-width storage and an appropriate taper length.
- Construct the site access point to include one ingress lane and two egress lanes:
 - One northbound left-turn lane
 - One northbound right-turn lane with a minimum of 175 feet of full-width storage and an appropriate taper length

Based on forecasted traffic volumes developed through coordination with NCDOT, additional improvements may be warranted at the intersections of NC 211 (N. Howe Street) with 11th Street and Fedale Avenue. The need for these improvements was identified through the analyses described herein, but the design and construction of these improvements are not the responsibility of the developer.

Figure ES-1 shows the recommended roadway geometry and traffic control at the study area intersections as described above.

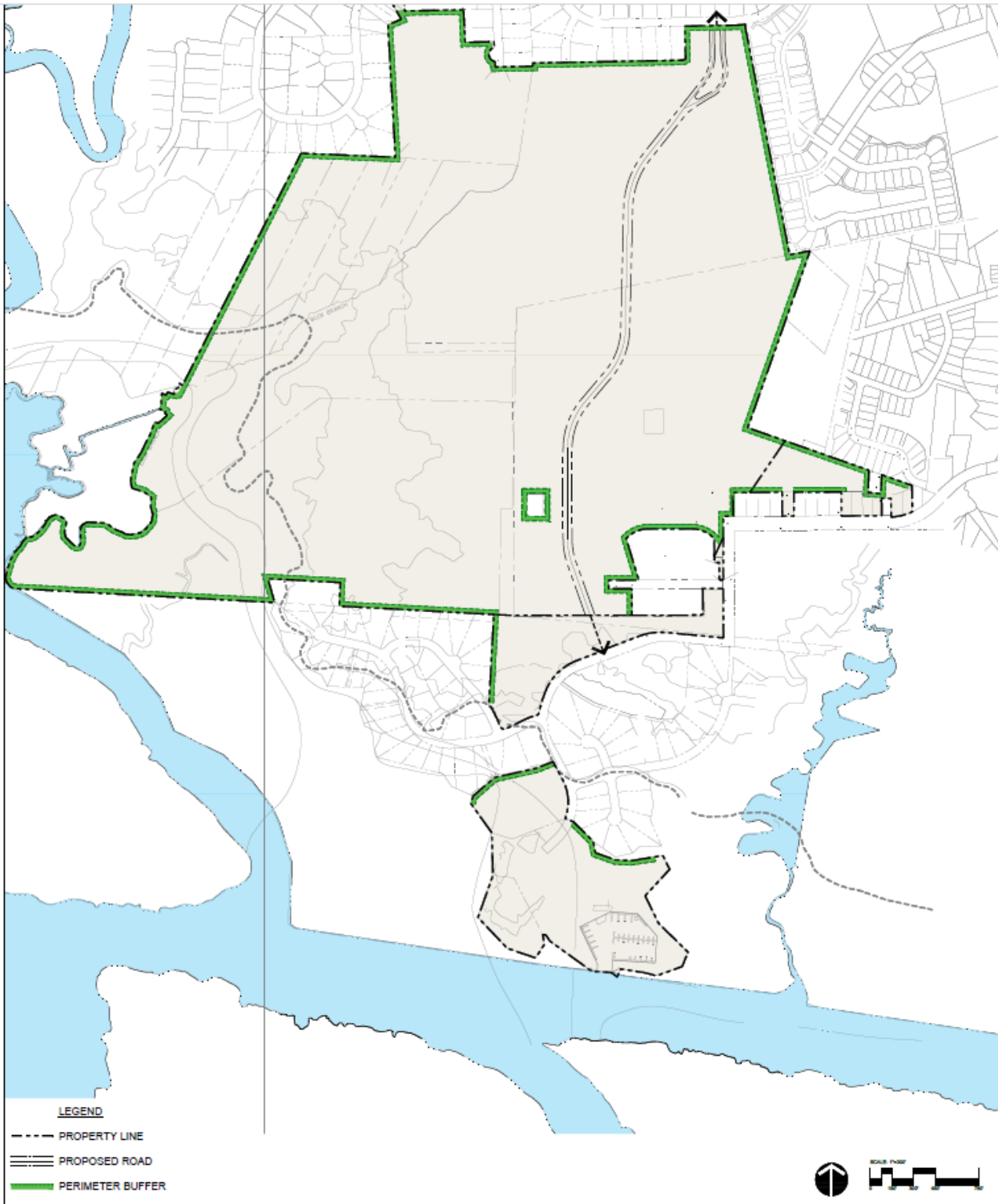
Exhibit E
Marina Parcel



.....PROPERTY
PN 1021180 | 02.14.2025 | BALD HEAD ISLAND LLC
PROJECT: 1021180 - BALD HEAD ISLAND LLC - BALD HEAD ISLAND, NC

.....LandDesign.....

Exhibit F
Bufferyard Locations



DEVELOPMENT AGREEMENT

BETWEEN
THE CITY OF SOUTHPORT
AND
EAST WEST PARTNERS MANAGEMENT COMPANY, INC.
AND BALD HEAD ISLAND LIMITED, LLC

Prepared by and Return to:
Thomas E. Terrell, Jr.
Fox Rothschild LLP
230 N. Elm Street, Suite 1200
Greensboro, N.C. 27401

STATE OF NORTH CAROLINA)
) **DEVELOPMENT AGREEMENT**
COUNTY OF BRUNSWICK)

This Development Agreement (“Agreement”) is entered into this _____ day of _____, 2025 (the “Effective Date”) pursuant to N.C. Gen. Stat. §160D Chapter 10 between the City of Southport (“City”), a North Carolina municipal corporation and East West Partners Management Company, Inc. (“East-West”), and Bald Head Island Limited, LLC (“BHI”), (East-West and BHI collectively “Waterway Developer”) (all parties collectively the “Parties”) for the development of a Master Planned Community to be called Waterway, in consideration of the mutual promises made herein, upon the following terms:

ARTICLE I.
LEGAL FRAMEWORK, BACKGROUND, AND PURPOSE

1.1 The North Carolina General Statutes ("N.C.G.S.") §160D-1001 through §160D-1012, as it exists on the Effective Date of this Agreement (the "Act"), enables local governments to enter into binding development agreements with entities intending to develop real property under certain conditions set forth in the Act. Among other things, the Act provides as follows:

1.2 N.C.G.S. §160D-1001(a)(1) provides that “Development projects often occur in multiple phases over several years, requiring a long-term commitment of both public and private resources.”

1.3 N.C.G.S. §160D-1001(a)(2) provides that “Such developments often create community impacts and opportunities that are difficult to accommodate within traditional zoning processes.”

1.4 N.C.G.S. §160D-1001(a)(3) provides that “Because of their scale and duration, such projects often require careful coordination of public capital facilities planning, financing, and construction schedules and phasing of the private development.”

1.5 N.C.G.S. §160D-1001(a)(4) provides that “Such projects involve substantial commitments of private capital, which developers are usually unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of development.”

1.6 N.C.G.S. §160D-1001(a)(5) provides that “Such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing impacts on the surrounding areas.”

1.7 N.C.G.S. §160D-1001(a)(6) provides that “To better structure and manage development approvals for such developments and ensure their proper integration into local capital facilities programs, local governments need flexibility to negotiate such developments.”

1.8 N.C.G.S. §160D-1004 provides that “a local government may enter into a development agreement with a developer for the development of property as provided in this Article for developable property of any size,” and that “development agreements shall be of a reasonable term specified in the agreement.”

1.9 The foregoing expressly authorizes local governments to enter into development agreements with developers pursuant to the procedures and requirements of N.C.G.S. §160D-1001 through §160D-1012, which procedures and requirements include approval of the development agreement by the governing body of the local government by ordinance after a duly noticed public hearing.

1.10 In addition to the force of law conferred upon this Agreement by North Carolina law related to local governments, the terms of this Agreement also are contractual in nature, are a significant inducement and consideration for both Parties to enter into this Agreement and may be enforced as contractual terms.

1.11 The City will benefit from this Agreement because, among other things, this Agreement will secure quality planning and growth, strengthen the tax base, coordinate the delivery of public services and construction of infrastructure, and be consistent with the City’s Comprehensive Plan.

1.12 Waterway Developer will benefit from this Agreement because, among other things, this Agreement provides for certainty and clarity as to the regulations to be applicable to the Property (as defined below) through the term of this Agreement.

1.13 Pursuant to N.C.G.S. 160D-1005, the Board of Aldermen conducted a public hearing regarding this Agreement on _____, 2025. The notice of public hearing specified, among other things, the location of the Property subject to this Agreement, the development uses proposed for the Property in accordance with the Master Plan, and a place where a copy of the proposed Agreement could be obtained. The initial draft of this Agreement was available for public inspection at City offices.

1.14 The Board of Aldermen has authorized the entry of the City into this Agreement. The approval of this Agreement constitutes a legislative act of the Board of Aldermen.

1.15 The Parties have determined that a development agreement is an effective means for defining the obligations of each party to ensure successful completion of Waterway to the advantages of each.

1.16 Waterway Developer intends to develop a Master Planned community of residential and non-residential uses to be called “Waterway” (the “Project”), which will be governed by a master property owners’ association (the “POA”).

1.17 The Project is anticipated to be annexed into the City in sections, as set forth in Section 3.1 hereof.

1.18 Terms not otherwise defined in this Agreement shall have the meanings set forth in the City of Southport Unified Development Ordinance (the “UDO”).

1.19 All provisions of this Agreement, including, without limitation, those of this Article I, are material terms hereof.

1.20 In the event that the conditional zoning text amendment, initial rezoning, and other ordinance amendments necessary or desirable to effectuate the intent of the agreements contained herein have not been adopted by the City on or before June 30, 2025, this Agreement shall be null, void, and of no further force or effect.

ARTICLE II. LAND GOVERNED BY AGREEMENT

2.1 The Project encompasses approximately 379.06 acres, comprised of 331.18 acres currently within the Brunswick County jurisdiction (the “County Land”), and 47.88 acres in the City (the “City Land”). The City Land is comprised of 28.37 acres that includes the existing marina and the and an additional 19.51 acres east of the marina. within the City but not adjacent to the marina (the “City Land,” and “County Land” together comprise the “Property.” The legal descriptions of and list of parcels comprising the Property components are attached to this Agreement as Exhibit A.

2.2 Master Plan. Attached as Exhibit B is a 10-page Master Plan prepared by Waterway Developer that illustrates the Property boundary, access locations, water and sewer plans, locations of uses, environmentally sensitive areas, and other features.

2.3 Amendments to Property Covered by Agreement. Amendments, expansions, and modifications to the Property covered by this Agreement shall be governed by the provisions in Article XV.

ARTICLE III. ANNEXATION, ZONING, APPROVALS, AND VESTING

3.1. Annexation.

3.1.1 Waterway Developer's Obligation to Petition for Annexation. Waterway Developer agrees to petition the City for annexation and original zoning of each separately platted area ("Platted Area") within 30 days of the following having occurred:

3.1.1.1 The plat for each Platted Area shall have been recorded.

3.1.1.2 Water and sewer lines serving the Platted Area have been installed, inspected, and accepted by the City.

3.1.1.3 The City has hired an inspector or inspector to oversee vertical construction.

3.1.1.4 The Parties have agreed upon a process by which permitting for vertical construction will be handled.

3.1.2 No Obligation to Annex. The City has no obligation to annex any portion of the Property but shall process each annexation petition in accordance with its adopted procedures for such requests and other applicable law.

3.1.3 Notice on Deeds and Plats. Prior to recordation, each plat shall have the following notice prominently written and displayed: THE LOTS ON THIS PLAT ARE SUBJECT TO AN AGREEMENT FOR ANNEXATION INTO THE CITY OF SOUTHPORT. Upon the sale of each lot or structure, the deed shall contain the following notice prominently written and displayed: THIS PROPERTY IS SUBJECT TO AN AGREEMENT FOR ANNEXATION INTO THE CITY OF SOUTHPORT

3.2. Original Zoning. Upon receipt of Waterway Developer's petition for original zoning, the City shall process such petition in accordance with its adopted procedures for the processing of such requests, and other applicable law. Waterway Developer's original zoning petition shall seek to zone each Section to a conditional district in the City's jurisdiction in accordance with, at Waterway Developer's election, either (i) existing structures, uses, lots, and site elements within such Section, such that no nonconformity shall be created, or (ii) the Master Plan (such rezoning in accordance with clauses (i) or (ii), a "Conforming Rezoning"). In the event a rezoning is

approved by the City that is neither a Conforming Rezoning nor otherwise agreed upon by Waterway Developer, then the annexation petition and rezoning petition for such property so rezoned shall be deemed withdrawn and shall be null, void, and of no further force or effect. The Parties acknowledge that the Marina and Parking Lots Land and the City Land are being rezoned as of the date hereof, and, if not rezoned in accordance with this agreement, this agreement shall be null, void, and of no further force or effect, and the annexation petition or petitions contemplated in Section 3.1 above shall be withdrawn.

3.3. Amended Laws. Because the City does not exercise zoning jurisdiction over the County Land, amendments to the City's ordinances, policies, regulations, and approval processes may be needed to protect each party's interests, to facilitate better design, and to expedite and clarify approval processes that might impose unnecessary or repetitive layers of administrative review. To the extent the City's ordinances, including its conditional zoning provisions, policies, regulations, and approval processes require amendment to effectuate the terms or the spirit of this Agreement, the Parties agree to reasonably and timely cooperate to make necessary modifications. Unified Development Ordinance amendments applicable explicitly to the project may be initiated by Waterway Developer. If the amendment would have broader application, then it may be initiated by any Party.

3.4. Permitting. In recognition that time is often the greatest development cost, the City or Developers may select and hire third-party planning professionals, architects, engineers and or technicians ("Third-Party Inspectors") to oversee project permitting and plan review as authorized by N. C. Gen. Stat. §160D-402 and N.C. Gen. Stat. §160D-1110.1.

3.4.1 Third-Party Inspector Reimbursement. If the City hires Third-Party Inspectors pursuant to N. C. Gen. Stat. §160D-402, then the City shall charge and Waterway Developer shall reimburse the City ("Reimbursement Fees") on a flat-fee basis for all permits required by the N.C. State Building Code upon the following schedule and within 30 days of invoicing:

- \$1500 per single-family residential unit
- \$500 per residential unit for multi-family structures
- \$500 per 1,000 square feet of non-residential structures
- \$3,000 for each plat review

3.4.2 Inflation adjustment. The Reimbursement Fees shall be increased 3% per annum beginning January 1, 2027.

3.4.5 Administrative fee. The City may charge an administrative fee upon the following schedule, to be invoiced and paid with the Reimbursement Fees.

- \$150 per single-family residential unit
- \$50 per residential unit for multi-family structures
- \$100 per 1,000 square feet of non-residential structures
- \$300 for each plat review

3.5 Reimbursement. Waterway Developer shall pay \$30,000 to reimburse the City's legal and other consultant costs in the negotiation of the development agreement.

ARTICLE IV. USES AND ARCHITECTURAL STANDARDS

4.1 Uses. Permitted uses shall be as set forth on Exhibit C for the CZ-1 zoning district.

4.2 Residential Standards. The Waterway Developer agrees to impose architectural standards on all residential structures within the Project generally as attached hereto as Exhibit D (Architectural Guidelines) which illustrate ways in which the Architectural Guidelines could be incorporated into building design. It is understood that each residential structure could deviate from these architectural renderings in material ways but the overall expression of style and quality shall not change and that these guidelines may be updated from time to time by the Property Owners' Association.

4.3. Non-Residential Standards.

Notwithstanding the terms of Section 6.5 below, up to 12,000 square feet of non-residential uses may be constructed on the combined City Land and Marina and Parking Lots Land in exchange for lighting, signage, and architectural standards within the City Land and Marina and Parking Lots Land that exceed the trade dress of retail uses in typical highway business corridors. The Parties shall negotiate in good faith on the types of standards that would trigger the additional 2,000 square foot bonus. The 2,000 square foot bonus may be allocated among multiple buildings or uses.

ARTICLE V. DEVELOPMENT STANDARDS FOR DENSITY, INTENSITY, AFFORDABILITY, AND LANDSCAPING

5.1 Residential Density- City Land and Marina and Parking Lots Land. Up to 199 residential units of any type may be developed on the combined City Land, and Marina and Parking Lots Land, provided that no more than 160 residential units of any type may be developed on the Marina and Parking Lots Land.

5.2 Residential Density – County Land. Up to 1,250 residential units of any type may be developed on the County Land, which limit shall include units within a Nursing and Personal Care Facility, if one is developed.

5.3 Workforce Housing. At least 5% of the rental multifamily units in the Project, if any, shall be affordable to households with incomes up to and including 80% of the Area Median Income as published annually by the federal department of Housing and Urban Development.

5.4 Non-Residential Development –Marina and Parking Lots Land. A total of 10,000 square feet of non-residential development shall be permitted on the Marina and Parking Lots Land Subject to the provisions of Section 5.3.

5.5 Non-Residential Development – County Land. Consistent with existing zoning of the County Land, a total of 100,000 square feet of non-residential development shall be permitted on the County Land, provided that the square footage of any Nursing and Personal Care Facility use shall not count against the square footage of non-residential uses permitted pursuant to this Section 5.5.

5.6 Allocation of Uses. Any allocation of residential units or non-residential square footage which is not used by Waterway Developer on the City Land or the Marina and Parking Lots Land may be used by Waterway Developer on the County Land.

5.7 Substitution of Uses. Notwithstanding the provisions of Sections 6.1 and 6.2.1 herein, Waterway Developer may elect to substitute one additional dwelling unit, in excess of those otherwise permitted by this Agreement for every 1,000 square feet of non-residential uses permitted by this agreement that it elects not to develop.

5.8 Landscaping and Vegetative Buffers. The Project shall have a minimum 30-foot, 0.6 opacity peripheral buffer that incorporates existing vegetation. Where the 0.6 opacity is not achieved by existing vegetation, the Waterway Developer shall plant additional evergreen vegetation that will achieve that standard when mature. Opaque fencing may be incorporated to achieve the 0.6 opacity if fencing is also used with additional vegetation. Where additional vegetation is required, it shall be of evergreen varieties that thrive in native soils and that are expected to reach no less than 12 to 15 feet at maturity.

ARTICLE VI. TRANSPORTATION

6.1. Transportation Impact Analysis. Waterway Developer has completed a Transportation Impact Analysis (“TIA”) of the Project as fully developed, which has been approved by Brunswick County and the North Carolina Department of Transportation (“NCDOT”) pursuant to Brunswick County and NCDOT requirements, attached hereto as Exhibit E. The City has had an opportunity to review the TIA as it affects City-maintained streets and accepts the mitigations required by the analysis and approved by NCDOT.

6.2. TIA Mitigations. Traffic mitigations required by the TIA shall be completed as set forth therein and may be subject to the enforcement provisions of this Agreement.

6.3. TIA Updates. The TIA shall be updated as the Project is developed over time if required by NCDOT in the event that changes in the Master Plan could reasonably impact levels of service at nearby intersections.

6.4. Road Repairs. Waterway Developer shall repair the Project-adjacent NCDOT-controlled roads to NCDOT standards, and City-maintained streets to City standards, to the extent the roads or streets are damaged by trucks during construction of the Project.

ARTICLE VII. PUBLIC SERVICES AND UTILITIES

7.1 Water and Sewer Service. Brunswick County Public Utilities shall provide water and sewer service to the Project. Waterway Developer shall separately negotiate the terms of water and sewer to be provided.

7.2 Electric Service. Electric service shall be provided by the appropriate service provider (City of Southport, Brunswick Electric, or Duke Energy Progress), as elected by Waterway Developer based on available capacity and other reasonable business considerations.

ARTICLE VIII. ENVIRONMENTAL PROTECTIONS

8.1 Open Space and Tree Save. Waterway Developer shall ensure the declaration(s) of covenants and restrictions to be recorded with respect to the Project shall require that the tree save area designated in the Master Plan shall be managed by the POA pursuant to a tree save management plan set forth on Exhibit F (the “Management Plan”).

8.1.1 The Management Plan shall be designed and sealed by a certified North Carolina arborist. The tree save program shall identify and attempt to save hardwood trees greater than 24 inches diameter at breast height, including trees that exist on private lots to be created.

8.1.2 Mass grading of the Property shall not be permitted except as necessary for improvements designated on or necessitated by uses designated on the Master Plan, including, without limitation, for roadways and infrastructure, and for intended building footprints.

8.1.3 Environmentally sensitive areas, including, without limitation, jurisdictional wetlands, and enhanced stormwater control measures may be counted towards open space.

8.2 Stormwater. Waterway Stormwater will be designed in compliance with all state and local stormwater regulations. Stormwater control measures will be designed to hold the 100-year storm without overtopping and the stormwater control measures will release the storm events with emergency spillways in accordance with Stormwater regulations.

8.3 Permitting. Waterway Developer shall timely provide the City with copies of all state and federal permits. The City shall cooperate with the Project’s state and federal permitting processes, including, without limitation, stormwater, wetlands, CAMA, and stream permitting, or other environmental permitting required by law. Cooperation as used in this sub-paragraph shall be defined as the timely execution of any permits that involve City-owned land, timely provision of

information relevant to permit applications, and non-interference with or objection to a permit's issuance.

8.4 Wetlands. All areas delineated as jurisdictional wetlands shall have, at minimum, a natural and undisturbed buffer averaging 20-feet in width.

8.5 Flood Zones. Buildings constructed within the AE Flood Zone shall meet applicable flood building codes.

ARTICLE IX. PUBLIC ACCESS

9.1 Public access.

9.1.1 The public shall have access to trails, greenways, and other parts of the Project dedicated to active or passive recreation (the "Recreation Space"), which is shown on the Master Plan as the Nature Park, Central Park, Pocket Park, and Linear Greens areas. Trails and greenways shall be maintained by the POA and contain trash receptacles in reasonable locations. Public access pursuant to this Article IX shall be granted through a limited-purpose public access easement that may contain restrictions on any public activity except specified active and passive recreation in the discretion of Waterway Developer together with enforcement provisions related to such use. Public access as set forth herein shall be provided for in applicable covenants and restrictions and enforced by the POA.

9.1.2 Trails or greenways shall connect to Smithville Woods and Cades Cove communities provided that written request for such connection is received by Waterway Developer from the appropriate authority for each community on or before September 1, 2025. If no request has been received by Waterway Developer on or before such date, Waterway Developer shall have no obligation to complete the connections contemplated in this Section 10.1.2.

ARTICLE X. PROPERTY OWNERS' ASSOCIATION AND PRIVATE RESTRICTIONS

10.1 Enforcement of architectural standards. The Project's architectural standards shall be administered and enforced by the POA.

10.2 Short-term rentals. All residential units shall be restricted by covenants and restrictions to prohibit short-term rentals. For the purposes of this Agreement, a short-term rental is one governed by the regulation of "short-term vacation rentals" in the UDO or any successor ordinance thereto.

ARTICLE XI PUBLIC RECREATIONAL FACILITY

11.1 Developer agrees to offer for-sale memberships to nonresidents of the Project for main amenity pool and fitness facility subject to reasonable limitation to control peak-hour capacity.

ARTICLE XII TERM

12.1. Term. Unless and until modified by the Parties, the term of this Agreement shall be 20 years from the date of recordation of this agreement and shall automatically renew for an additional 20 years at the expiration thereof unless either Party has delivered a notice of nonrenewal to the other Party prior to such expiration date. Waterway Developer shall be vested during the term of this Agreement pursuant to the laws existing at the time of adoption and described in Article XIII.

12.2 Sunset Provisions. Agreement provisions that become obsolete, including but not limited to provisions related to construction of roads, utilities, and residential and non-residential structures shall expire with respect to each Section at the time such Section of the Project has been constructed and annexed by the City, or otherwise granted a final certificate of occupancy.

ARTICLE XIII LAWS GOVERNING DEVELOPMENT OF THE PROJECT

13.1 Ordinance of Adoption. This Agreement is entered into and adopted by ordinance, making this Agreement legally binding and enforceable by its terms and by powers vested in the City by statute.

13.2. Unified Development Ordinance, City Policies, and Other Laws. The City's current UDO and all City standards and policies are listed by title and date of adoption on Exhibit G attached. Other laws applicable to the Project include the adopted conditional use zoning as and when applied to each Section, the Master Plan attached to this Agreement as Exhibit B, and this Agreement (collectively "Laws"). The covenants and restrictions and other rules adopted to govern the Project and its POA are not considered Laws and may be modified and amended in the sole discretion of Waterway Developer, provided that no such covenants, rules, or restrictions shall be inconsistent with this Agreement.

13.3. Permits. Permits issued by the State of North Carolina or the United States exist as to term and validity pursuant to the terms of the permit and underlying general statutes and federal codes. Permits referenced in this paragraph do not establish vested rights except as to common law application.

13.4. Vested rights.

13.4.1 Duration. Waterway Developer is vested for the duration of this Agreement under the laws and policies existing at the time of the Agreement, specifically including, without limitation, the laws and policies referenced in Section 13.2 above ("Existing Laws"). Fees included on the City's Fee Schedules at the time of the Agreement shall constitute the maximum applicable fees for each such purpose set forth therein.

13.4.2 Consent Required. Except as expressly provided in N.C. Gen. Stat. §§ 160D-108(c) or 160D-108.1(f), no changes, amendments, alterations, expansions, enhancements, or application of Existing Laws shall apply to the Project without the written consent of Waterway Developer pursuant to N.C. Gen. Stat. §143-755.

13.4.3 Change in State or Federal Law. As provided in N.C. Gen. Stat. § 160D-1007(c), in the event State or federal law is changed after this Agreement has been entered into and the change prevents or precludes compliance with one or more provisions of this Agreement, the Parties may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the Agreement. To the extent that a change in State or federal law has a fundamental effect on the Agreement to the detriment of Waterway Developer and amendment of this Agreement is not prohibited by law, the City agrees that its consent to amendment shall not be unreasonably or capriciously withheld.

13.4.4 Nonconformities. No nonconformities have been or will be created by the adoption of this Agreement.

13.5. Existing Laws Retained. The Existing Laws shall be kept in a permanent file in the Southport City Hall clearly marked “PERMANENT CITY RECORDS – DO NOT DISCARD OR AMEND.” These documents govern the development of Indigo Plantation.” If Waterway Developer have officially named the Project at the time this Agreement is executed, the Existing Laws may be stored under the Project’s name. Existing Laws shall also be stored electronically and retained permanently as provided in NCGS Section 132 et seq.

13.6 Interpretation. All Laws shall be interpreted as though the Parties intended consistent interpretation and application and shall be read for consistent interpretation and application. To the extent allowed under North Carolina law, the terms and conditions of this Agreement shall control. Where there is a discrepancy in interpretation or application, the UDO that existed on the date of this Agreement’s adoption shall be considered the controlling ordinance. If a provision in the UDO that existed on the date of this Agreement’s adoption is ambiguous as to how it is applied to this Project, then this Agreement shall be considered first as the City’s official interpretation of that provision and secondarily as an expression of the City’s intent. To the extent there is an ambiguity in terms or meaning not resolved by the above-listed canons of construction, then the ambiguity shall follow the rule at common law that ambiguities shall be interpreted to favor the free use of land.

ARTICLE XIV. ARTICLE 160D-1006 CERTIFICATIONS

14.1 Description. A description of the property subject to the agreement and the names of its legal and equitable property owners is found in Exhibit A.

14.2 The duration of the agreement. The duration of this Agreement shall be 20 years from the date of recordation and shall automatically renew for an additional 20 years unless either Party has delivered a notice of nonrenewal to the other Party.

14.3 Permitted uses, densities, placement on the site, and design. Uses and unit counts shall be as listed in Articles IV and V. Placement on the site shall be as illustrated in the Master Plan attached as Exhibit B. Design shall be as described under Article IV (Architectural Standards).

14.4 Public facilities, responsibility for construction, dates and schedules of delivery. All provisions in the Agreement related to public facilities, who shall develop and provide the services, the sequences of delivery and who is responsible are described in Article VII (Public Services) and Article VI (Transportation). To the extent that the City has incurred obligations for public services as described in this Agreement, such obligations shall be tied to successful performance by the Waterway Developer in their development of the Project and meeting their own obligations as described in this Agreement. The obligations of Waterway Developer hereunder shall be tied to successful performance by the City of its obligations as described herein.

14.5 Land reserved, dedicated or sold for public purposes and provisions for the protection of environmentally sensitive property. Public dedications or acquisitions are described in Article VI, Article VII, Article VIII, and Article IX.

14.6 Other protections for health, safety, and welfare. Public safety is further protected by several provisions contained within Article VII (Public Services), Article VIII, Article IX, and public welfare is further protected by provisions in all Articles.

14.7 Descriptions of provisions for preservation and restoration of historic structures. The Parties agree that the Property does not contain historic structures. There is purported to be a cemetery known as the “English Field” near the intersection of Maple Street and West 9th Street, Waterway Developer shall make all reasonable efforts to locate and protect the English Field.

ARTICLE XV. MISCELLANEOUS

15.1 Amendment. This Agreement may be amended by the mutual consent of the Parties or their successors in interest. As required by G.S. 160D-1006(e), consideration of a proposed major modification of the agreement shall follow the same procedures as required for initial approval of the Agreement. By the mutual consent of the Parties, the City’s Zoning Administrator shall have the authority to approve minor, administrative amendments and modifications to this Agreement and the Master Plan and any other plans approved in connection with the Project as provided herein. Major modifications shall include (1) the addition of new uses that increase the vehicle trips per day more than 5%; (2) reductions exceeding the greater of (a) 5 feet, and (b) 20% for setbacks or bufferyards; (3) the addition of new access point or points; and (4) increases in residential units greater than 2%. Any modification that is not defined as a major modification shall be a minor modification.

15.2 Recordation. Waterway Developer shall record this Agreement in the Office of the Brunswick County Register of Deeds within fourteen (14) days after the date of adoption. All recording costs shall be paid by Waterway Developer.

15.3 Periodic Review. This Agreement shall be reviewed on a regular and routine basis during the development of the Project, including, but not limited to, the submittal of any site plans or other development plans for public services. Upon buildout, the Agreement shall be reviewed by the City as reasonably necessary, but not less than once per year, to determine if there are matters of noncompliance that require enforcement.

15.4 Default. In the event one Party believes the other Party is in default, the Parties shall make a good faith effort to negotiate and informally resolve the issues in dispute prior to terminating or modifying this Agreement. In the event of an impasse, the Parties shall make good faith efforts to negotiate and informally resolve the issue in dispute (the "Claim"). If the Parties do not resolve the Claim through negotiation within thirty (30) days of the date of the notice of default, the Parties agree to submit the claim to mediation pursuant to the following process:

15.4.1 The non-defaulting Party (the "Claimant") shall have thirty (30) additional days within which to submit the Claim to mediation under the auspices of any dispute resolution center or other such independent agency providing similar services upon which the Parties may mutually agree.

15.4.2 If the Parties do not settle the Claim within thirty (30) days after initiation of mediation or within such time as determined reasonable or appropriate by the mediator, the mediator shall issue a notice of termination of the mediation proceedings. Such notice shall set forth when and where the Parties met, that the Parties are at an impasse, and the date that mediation was terminated.

15.4.3 If settlement does not occur and mediation is terminated, the Parties may pursue any actions at law and equity permitted under this Agreement subject to applicable rights to notice and cure provided for in this Agreement.

15.4.4 The costs of mediation shall be paid in equal shares by the Parties; provided, however, a Party who refuses to participate in a mediation that has been requested pursuant to this Paragraph may be assessed the entire costs of the mediation.

15.5 Notices. Notices shall be made to the following persons. Each Party shall make a good faith effort to determine the successors in interest of each of the following:

To the City:

Noah Saldo, City Manager
1029 N Howe St
Southport, N.C. 28461
sturille@cityofsouthport.com

With a copies to:

Thomas E. Terrell, Jr.

Fox Rothschild LLP
230 N. Elm St. Suite 230
Greensboro, NC 27401
tterrell@foxrothschild.com

To Waterway Developer:

Charles A. Paul, III
Chief Executive Officer
Bald Head Island Limited, LLC
PO Box 3069
Bald Head Island, NC 28461
cpaul@bhisland.com

And:

Roger Perry
East-West Partners
East West Partners Management Company, Inc.
1450 Environ Way
Chapel Hill, NC 27517

With copies to:

William J. Brian, Jr.
Morningstar Law Group
700 West Main Street
Durham, NC 27701

Molly M. Stuart
Morningstar Law Group
434 Fayetteville Street, #2200
Raleigh, NC 27601

15.6 Entire Agreement. This Agreement and the Laws described in Article XIII set forth and incorporate by reference all promises, terms, conditions and understandings between the Parties related to the Property and the Project, and there are no promises, agreements, conditions or understandings, oral or written, expressed or implied, among the Parties related to the matters addressed in this Agreement.

15.7 Construction. Counsel for the City and the Parties have reviewed and revised this Agreement and any rule of construction that ambiguities are to be resolved against the drafting party shall not apply.

15.8 Runs With the Land. This Agreement shall be binding upon, enforceable against, and inure to the benefit of the Parties and their heirs, successors, and assigns. This Agreement shall run with the Property and the rights and obligations of Waterway Developer shall be binding upon future owners thereof.

15.9. Governing Law. This Agreement shall be governed by the laws of the State of North Carolina and the Laws described in Article XIII.

15.10. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute one and the same instrument.

15.11. Agreement to Cooperate. In the event of legal action instituted by a third party challenging the validity of any annexation, rezoning, or the adoption of this Agreement or any provision contained herein, the Parties agree to cooperate in defending such action; provided, however, each party shall retain the right to pursue its own independent legal defense. Waterway Developer further agrees to pay the City's reasonable attorneys' fees up to and including \$50,000 to participate in litigation which defends Developers' interests.

15.12 Severability. If any term or provision herein shall be judicially determined to be void or of no effect, such determination shall not affect the validity of the remaining terms and provisions.

15.13 No Pledge of Taxing Power or Governmental Authority. No provision of this Agreement shall be construed or interpreted as (1) creating a pledge of the faith and credit of the City within the meaning of any constitutional debt limitation, (2) delegating governmental powers, or (3) a donation or a lending of the credit of the City within the meaning of the Constitution of the State of North Carolina. No provision of this Agreement shall be construed to pledge or to create a lien on any class or source of City funds or operate beyond its intended scope so as to restrict, to any extent prohibited by law, any future action or right of action on the part of the City. To the extent of any conflict between this section and any other provision of this Agreement, this section shall take priority. The City has pre-audited this Agreement and the obligations hereunder to ensure compliance with budgetary accounting requirements (if any) that may apply. This Agreement is conditioned upon, and shall not be operative until, any required pre-audited certificate is supplied.

15.14 Authority. Each party represents that it has undertaken all actions necessary for corporate or public approval of this Agreement, and that the person signing this Agreement has the authority to bind Waterway Developer or the City.

15.15 Parties. The City shall include the City of Southport as a municipal corporation and, appropriate to context, its aldermen, employees, contractors, consultants, and other agents acting on its behalf. Waterway Developer shall mean Waterway Developer as a company and, appropriate to context, its owners, manager, directors, employees, contractors, consultants, and other agents acting on its behalf.

15.16 Validity. Waterway Developer has fully participated in the negotiation and execution of this Agreement and affirms that the provisions and conditions herein pertaining to its financial and other obligations comport with all requirements of the UDO and the laws of the State of North Carolina, the laws of the United States, and common law.

[SIGNATURES ON FOLLOWING PAGES]

City of Southport

By: _____

Print Name: _____

Title: _____

State of North Carolina

_____ County

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein on behalf of City of Southport, and in the capacity indicated:
_____.

Date: _____

Notary Public

My Commission Expires:

Print Name: _____

[Affix Notary Stamp or Seal below]

PRE-AUDIT CERTIFICATION

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Lance Flint, City of Southport Finance Director

East West Partners Management Company, Inc.

By: _____

Print Name: _____

Title: _____

State of North Carolina

_____ County

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein on behalf of [_____] a _____ corporation, and in the capacity indicated: _____.

Date: _____

Notary Public

My Commission Expires:

Print Name: _____

[Affix Notary Stamp or Seal below]

Exhibit A

Property

Tax ID	Address	Owner
Marina and Parking Lots Land		
237KA004	No address listed	BALD HEAD ISLAND LIMITED LLC
237KA003	6099 Indigo Plantation Drive	BALD HEAD ISLAND LIMITED LLC
237KA006	No address listed	BALD HEAD ISLAND LIMITED LLC
237KA00302	No address listed	BALD HEAD ISLAND LIMITED LLC
237KA00501	No address listed	BALD HEAD ISLAND LIMITED LLC
City Land		
2370000301	No address listed	BALD HEAD ISLAND LIMITED LLC
2370000423	No address listed	BALD HEAD ISLAND LIMITED LLC
2370000420	No address listed	BALD HEAD ISLAND LIMITED LLC
2370000416	No address listed	BALD HEAD ISLAND LIMITED LLC
237FB002	No address listed	BALD HEAD ISLAND LIMITED LLC
237FD001	No address listed	BALD HEAD ISLAND LIMITED LLC
237FD002	No address listed	BALD HEAD ISLAND LIMITED LLC
237FD003	No address listed	BALD HEAD ISLAND LIMITED LLC
2370000305	No address listed	BALD HEAD ISLAND LIMITED LLC
237FD004	No address listed	BALD HEAD ISLAND LIMITED LLC
237FD005	No address listed	BALD HEAD ISLAND LIMITED LLC
237FD006	No address listed	BALD HEAD ISLAND LIMITED LLC
2370000424	No address listed	BALD HEAD ISLAND LIMITED LLC
2370000401	810 W. 9 th Street County	BALD HEAD ISLAND LIMITED LLC
County Land		
22100027	No address listed	BALD HEAD ISLAND LIMITED LLC
2210002901	No address listed	BALD HEAD ISLAND LIMITED LLC
221OA001	4017 Robert Ruark Dr SE	BALD HEAD ISLAND LIMITED LLC
23700015	No address listed	BALD HEAD ISLAND LIMITED LLC
23700016	No address listed	BALD HEAD ISLAND LIMITED LLC
2370001601	No address listed	BALD HEAD ISLAND LIMITED LLC
23700018	No address listed	BALD HEAD ISLAND LIMITED LLC
23700020	No address listed	BALD HEAD ISLAND LIMITED LLC
2370000401	810 W. 9th ST	BALD HEAD ISLAND LIMITED LLC
2370000419	No address listed	BALD HEAD ISLAND LIMITED LLC
2370000417	No address listed	BALD HEAD ISLAND LIMITED LLC
23700005	No address listed	BALD HEAD ISLAND LIMITED LLC
2370000502	712 W. 11th ST	BALD HEAD ISLAND LIMITED LLC
23700005	No address listed	BALD HEAD ISLAND LIMITED LLC

Exhibit B
Master Plan

Exhibit C

Permitted Uses

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R-10	R-20	M-F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O-S	CZ-1	Section #
Accessory Uses															
ACCESSORY STRUCTURES OR USES, GENERAL		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.A
ACCESSORY DWELLING, COMMERCIAL						SS	SS	SS	SS	SS	SS	SS		SS	3.6.B
ACCESSORY DWELLING, RESIDENTIAL		SS	SS	SS	SS	SS	SS							SS	3.6.C
CEMETERIES AND MAUSOLEUMS		SS	SS	SS	SS	SS	SS	PS	PS	PS				SS	3.6.D
DOCKS, , PIERS, GAZEBOs, BULKHEADS, AND LIVING SHORELINES		PS	PS	PS	PS	PS	PS	PS	PS				SS	PS	3.6.E
HOME DAYCARE, ADULT AND CHILD		SS	SS	SS	SS	SS								SS	3.6.F
HOME OCCUPATION		SS	SS	SS	SS	SS								SS	3.6.G
HOMESTAY		PS	PS	PS		PS								PS	3.6.H
MODULAR UNIT					PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.I
OUTDOOR DISPLAY								PS	PS	PS					3.6.J
OUTDOOR STORAGE									PS	PS	PS	PS			3.6.K
OUTDOOR VENDING MACHINE					PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.L
PORTABLE STORAGE CONTAINERS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.M
RECREATIONAL VEHICLE OR TRAVEL TRAILER		PS	PS		PS	PS	PS							PS	3.6.N
SELF-SERVICE ICE VENDING MACHINES									SS	SS					3.6.O
SOLAR ENERGY SYSTEMS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.P
SWIMMING POOLS		PS	PS	PS	PS	PS	PS	PS						PS	3.6.Q
TEMPORARY SALES OFFICES		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.R

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ-1	
Uses															Section #
TEMPORARY HEALTHCARE STRUCTURES		PS	PS	PS	PS	PS								PS	3.6.S
Residential Uses															
DWELLING, SINGLE-FAMILY		P	P	P	P	P	P							P	
DWELLING, TWO-FAMILY (DUPLEX)		S	S	P	P	P	P							P	
DWELLING, MULTI-FAMILY				PS		SS	SS							PS	3.7.A
DWELLING, TRIPLEX OR QUADRAPLEX				PS	SS	SS	SS							PS	3.7.B
FAMILY CARE HOME		PS	PS	PS	PS	PS								PS	3.7.C
MANUFACTURED HOME ON SINGLE LOT					PS										3.7.D
MANUFACTURED HOME PARK					PS										3.7.E
MIXED USES						PS	PS	PS	PS					PS	3.7.F
MODULAR HOMES		PS	PS	PS	PS	PS	PS								3.7.G
Nonresidential Uses															
ADULT ESTABLISHMENT												SS			3.8.A
ALCOHOLIC BEVERAGES, PACKAGED, RETAIL SALES								P	P	P					
AUTOMOTIVE, MAJOR									SS	P	P	P			3.8.B
AUTOMOTIVE, MINOR								SS	P	P	P				3.8.B
BED & BREAKFAST	721191	SS	SS	SS	SS	SS	SS	SS	SS	SS					3.8.C
BOTTLE SHOP AND WINE BAR						P		P	P	P				P	
BUILDING MATERIAL DEALERS	444190								S	P	P	P			

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ-1	
BUSINESS, COMMERCIAL, OR OTHER NON-RESIDENTIAL USE NOT ELSEWHERE CLASSIFIED	561						SS	SS	SS	SS				SS	3.8.D
BUS TERMINALS AND RAILROAD STATIONS									P	P					
CHURCHES, SYNAGOGUES & OTHER ASSOC. ACTIVITIES, INCL. OFFICES, ACTIVITY CENTER, ETC.	813110	SS	SS	SS	SS	SS	SS	PS	PS	PS				SS	3.8.E
CLUBS OR LODGE		SS	SS			SS		SS	PS	PS				SS	3.8.F
COMMERCIAL PARKING LOTS	812930						SS	SS	SS	PS	SS				3.8.G
COMMERCIAL RECREATION, INDOOR						S		S	P	P				S	
COMMERCIAL RECREATION, OUTDOOR										P				S	
CONTRACTORS, EQUIPMENT & SUPPLY DEALERS & SERVICE	811310									P	P	P			
CONTRACTORS, HEAVY CONSTRUCTION; GRADING, PAVING, MARINE, ETC.	234										P	P			
CULTURAL ARTS CENTER, INCL. THEATERS, OFFICES, CLASSROOMS, ETC.						P	P	P	P	P				P	
DANCE STUDIOS	611610					P	P	P	P	P				P	
DAYCARE, ADULT AND CHILD	624120						SS	SS	PS	PS				SS	3.8.H
DIVERS, COMMERCIAL								P	P	P	P	P			
DRY CLEANERS	812320					SS		PS	PS	PS				SS	3.8.I
DRY STORAGE										PS	PS	PS			3.8.J
EDUCATIONAL FACILITY		S	S	S	S	S	P	P	P	P				S	

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ-1	
ELECTRONIC GAMING OPERATIONS										SS					3.8.K
EXTERMINATING SERVICES	561710							PS	P S	P	P	P			3.8.L
FARMERS'S MARKET	445230	SS				SS		SS	PS	PS			S S	SS	3.8.M
FARM MACHINERY SALE AND SERVICE									S	P	P				
FEED, SEED, AND FERTILIZER SALES, RETAIL									S	P	P				
FISHING, COMMERCIAL	11411							P	P	P					
FLEA MARKET										SS					3.8.N
FRUIT & VEGETABLE MARKET, WHOLESALE WITH INCIDENTAL RETAIL	445230							SS	SS	PS	PS	SS			3.8.O
FUEL & ICE DEALERS	422710								P	P	P	P		PS	
FUNERAL HOMES	812210						P	P	P	P					
FURRIERS AND FUR STORAGE									P	P					
GARBAGE COLLECTION, PRIVATE (NO LANDFILLS)	562111											P			
GAS COMPANIES (LP-BOTTLED & BULK STORAGE)	324110										P	P			
GOLF COURSE, PRIVATE OR PUBLIC, W/RELATED SERVICES INCL. PRO SHOP	713910	P	P	P		P									
GOVERNMENT USE, CITY OF SOUTHPORT		P	P	P	P	P	P	P	P	P	P	P	P	P	
GOVERNMENT USES WITH BUILDINGS, NON-CITY OF SOUTHPORT		SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS		SS	3.8.P
GROCERY STORES	445110					P		P	P	P				P	
HARDWARE, LAWN, OR GARDEN STORE	444130							P	P	P	P	P			

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ-1	
HEALTH SERVICES,						P	P	P	P	P				P	
HELIPAD							SS								3.8.Q
HOSPITALS	622110						P	P	P	P				P	
HOTEL, MOTEL, OR INN	721110					SS	SS		SS	PS					3.8.R
HOTEL, RESIDENTIAL OR BOUTIQUE						SS	SS	PS	PS	PS					3.8.S
INSTITUTIONAL CARE FACILITY, ADULT										S				S	
INSTITUTIONAL CARE FACILITY, CHILD HANDICAPPED									S	S				S	
JAIL	922140									PS	PS	PS			3.8.T
KENNEL	812910									SS	PS	PS			3.8.U
LAUNDRY, INDUSTRIAL	812332									P	P	P			
LAUNDRY, COIN-OPERATED									P	P					
LIBRARY	514120					P	P	P	P	P				P	
LIQUOR STORES	445310							P	P	P					
MANUFACTURED HOME DEALERS	453930									P	P				
MANUFACTURED HOME (INDIVIDUAL) FOR OFFICE AND/OR EXHIBITION					S	S	S	S	S	S	S	S		S	
MANUFACTURING, ARTISAN									P	P	P	P			
MANUFACTURING, GENERAL											C	P			
MANUFACTURING, INTENSIVE												CS			3.8.V
MANUFACTURING, LIMITED										P	P	P			

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ-1	
MARINA, COMMERCIAL	713930					PS		PS	PS	PS	PS	PS		PS	3.8.W
MARITIME SALES, RENTAL, AND SERVICE									P	P				P	
MICROBREWERY AND MICRODISTILLERY								SS	PS	PS	PS			PS	3.8.X
MOBILE VENDOR OR FOOD TRUCK								PS	PS	PS	PS	PS		PS	3.8.Y
MOTION PICTURE PRODUCTION & DISTRIBUTION	512110										P	P			
MOTOR FREIGHT COMPANIES, MOVERS, VAN LINES, AND STORAGE										P	P	P			
MUSEUMS, ART GALLERIES	712110						P	P	P	P					
NIGHTCLUB	722410							SS	SS	SS					3.8.Z
NURSING & PERSONAL CARE FACILITY	623110					SS	SS		SS	PS				PS	3.8.AA
OFFICE, GENERAL						P	P	P	P	P				P	
PACKAGE DELIVERY SERVICES, COMMERCIAL	492210						SS	SS	SS	PS	PS	PS			3.8.BB
PARKS & RECREATION AREAS, MUNICIPAL	924120	P	P	P	P	P	P	P	P	P			P	P	
PERSONAL SERVICE ESTABLISHMENT						P	P	P	P	P				P	
RADIO & TELEVISION STATIONS, STUDIOS, AND OFFICES							SS		PS	PS					3.8.CC
RECREATION FACILITY PRIVATE, INCL. CLUBS & RECREATION FACILITIES ASSOC. WITH MULTIPLE FAMILY COMPLEXES, GOLF COURSES, TENNIS FACILITIES, COUNTRY CLUBS, ETC.		SS	SS	SS	SS	SS	SS	SS	SS	SS				SS	3.8.F

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ-1	Section #
RECREATIONAL VEHICLE PARK										SS					3.8.DD
RESEARCH & DEVELOPMENT							SS	SS		PS	PS	PS		SS	3.8.EE
RESTAURANT, CARRY-OUT	722211					S		P	P	P				P	
RESTAURANT, STANDARD & FAST-FOOD	722211					S		P	P	P				P	
RETAIL SALES, MAJOR										P					
RETAIL SALES, MINOR						P		P	P	P				P	
RETAIL SALES, MODERATE									P	P					
SALVAGE OPERATIONS												SS			3.8.FF
SHOPPING CENTER	233320					SS		SS	PS	PS				SS	3.8.GG
SHOOTING RANGE, INDOOR										PS	PS	PS			3.8.HH
SHOOTING RANGE, OUTDOOR												SS			3.8.HH
SHORT- TERM VACATION RENTALS						PS		PS	PS						3.8.II
SOLAR FARM												SS			3.8.JJ
STORAGE, SELF-SERVICE										PS	PS	PS			3.8.KK
TATTOO AND PIERCING ESTABLISHMENT												S			
TAXICAB STANDS								SS	PS	PS					3.8.LL
TELEPHONE COMMUNICATION FACILITY, UNATTENDED	513340	SS	SS	SS	SS	SS	SS	SS	SS	SS	PS	PS		SS	3.8.M M
TRANSITIONAL HOUSING FACILITIES							S								3.8.NN
US POSTAL SERVICE	491110					P	P	P	P	P	P	P		P	

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ-1	
UTILITY STATIONS & PLANTS (PUBLIC & PRIVATE) INCL. LIFT STATIONS, SUBSTATIONS, ETC.		P	P	P	P	P	P	P	P	P	P	P	P	P	
VETERINARY SERVICES WITH OPEN PENS	541940									P	P	P			
VETERINARY SERVICES WITH PENS ENCLOSED IN A BUILDING	541940								S	P	P	P		SS	
WAREHOUSING, GENERAL	493110									PS	PS	PS			3.8.00
WATER TRANSPORTATION INCL. DOCKS, TUGBOATS, BARGES, AND EXCURSIONS									P	P	P	P		P	
WELDING, REPAIR	811310								P	P	P	P			
WIRELESS TELECOMMUNICATION FACILITY OR COMPLEX, FREESTANDING AND SUBSTANTIAL MODIFICATIONS										SS	SS	SS		SS	See Article 7
WIRELESS TELECOMMUNICATION FACILITY, COLLOCATION OR COLLOCATED SMALL/MICRO-WIRELESS FACILITY		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	See Article 7
YARD SALES		P	P	P	P	P	P	P	P	P				P	

Exhibit D
Architectural Guidelines

Project Indigo
Of Southport

**ARCHITECTURAL DESIGN GUIDELINES
AND
ARCHITECTURAL REVIEW COMMITTEE
PROCEDURES**

November 2021

PREPARED BY

BOWMAN MURRAY HEMINGWAY ARCHITECTS

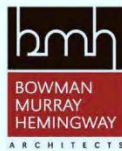


TABLE OF CONTENTS	PAGE
Architectural Design Guidelines Introduction and Mission Statement	1
Project Indigo Architectural Review Committee (PIARC)	
PIARC Purpose and Procedures	3
Applicant Responsibilities	3
General	4
Preliminary Design Review	4
Final Design Review	5
Pre-Construction Review	5
Final Construction Inspection Review	6
Alterations and Additions Review	7
Miscellaneous Inspections	7
Site Design Guidelines	
Setbacks	9
Impervious Areas	9
Driveways	9
Walkways	10
Fences	10
Retaining Walls	10
Lighting	11
Flags and Flagpoles	11
Outdoor Living Areas and Outbuildings	11
Grading, Drainage and Clearing	11
Landscaping and Sod	11
Street Trees	12
Signage	12
Service Areas	12
Utilities	12
Port-A-Johns	13
Garbage Containment and Recycles	13
Materials Storage	13
Architectural Design Guidelines	
Design Duplication, Diversity and Detailing	15
Exterior Elevations	15
Exterior Colors and Materials	16
Roofs	17
Awnings	18
Porches, Decks and Patios	18
Carports, Garages and Utility Apartments	19
Duplexes	19
Minimum Square Footage Requirements	19



ARCHITECTURAL DESIGN GUIDELINES INTRODUCTION AND MISSION STATEMENT

The objective of Project Indigo is to create a unique community in harmony with the existing architecture and detailing of Southport which exemplifies the highest standards of design. It is not developed to be just another typical suburban neighborhood or traditional neighborhood development. To assure an attractive, compatible, and aesthetically pleasing community, Project Indigo Property Owners Association have organized a Project Indigo Architectural Review Committee (PIARC). The PIARC's function is to guide residential development in architectural correctness and compatibility as well as to maximize compatibility of all improvements with the natural beauty and topography of the land at Project Indigo and a friendly neighbor to the nearby existing Southport architectural vernacular.

Maintaining high standards of design excellence at Project Indigo requires attention to many details. These Architectural Design Guidelines (Guidelines) reflect much thought and experience. Extensive research defining the Southport architectural vernacular style(s) has found the prominent architectural styles include Colonial Revival, Craftsman, Cottage and Neoclassical. Although there are many other less prominent architectural styles present in Southport, these have been defined and agreed upon as the main architectural styles found in the existing historical neighborhoods. These styles, in combination with the tree shaded streets and detailed landscaping, define Southport's history and what visitors and natives remember as the image of Southport's neighborhoods and lifestyle. See the Appendix for examples of the Southport Historic architecture.

The PIARC encourages the use of architectural styles that blend with the Southport vernacular and will approve all such proposals based on architectural style and detail correctness and compatibility.

Implementation of the Guidelines will materially enhance the community. The PIARC intends to apply the rules in all cases. Variances are to be granted only when the PIARC is convinced that it is justified, necessary, is the best resolution of the situation, and is in the best interest of the total community.

The design of each residence directly impacts every neighbor. Each of the four elevations of every residence should be articulated and landscaped to be aesthetically pleasing from every angle viewed based on the architectural style of the house. Natural exterior features and materials are desired.

Landscaping should address the retention of natural spaces. The topography should dictate what the building envelope will be. Cutting into hillsides and sloping terrain to make level areas should be minimized.

Property Owners are invited to review these Guidelines, to follow the course of the development in Project Indigo, and to make comments and recommendations to the PIARC. Comments and recommendations shall be made in writing so that they may be fully addressed.

PROJECT INDIGO ARCHITECTURAL REVIEW
COMMITTEE (PIARC)

PROJECT INDIGO ARCHITECTURAL REVIEW COMMITTEE (PIARC)

PIARC Purpose and Procedures

1. The following Project Indigo Architectural Design Guidelines (Guidelines) embody the preceding description of what Project Indigo is and should continue to be in the future. These Guidelines will be the primary vehicle for establishing and maintaining the architectural correctness, compatibility, and diversity unique to Project Indigo. The Guidelines may be periodically updated as required by the Project Indigo Architectural Review Committee (PIARC).
2. The PIARC shall enforce the Guidelines. Proposed houses must be submitted to the PIARC for final review and approval prior to beginning any construction. Plans for construction of improvements and any alterations to existing improvements must be submitted to the PIARC for design approval prior to proceeding.
3. The PIARC meets on a weekly basis or as required to review all application submittals. Copies of the PIARC meeting summaries will be forwarded to East West Partners, Project Indigo Sales Office Manager and Property Owners in a timely manner.
4. The PIARC reserves the right to limit the number of Applications per PIARC Review Meeting.
5. Property Owners proposing improvements or any alterations to existing structures are required to submit such proposals to the PIARC. See the "Alterations and Additions Review" procedures and requirements on page 7.
6. Failure to follow and comply with PIARC requirements will result in the Property Owner not receiving formal approval and the Property Owner having to remove and reconstruct improvements and restore landscaping features affected.
7. All proposals shall be submitted in PDF format to the PIARC by email to msiegel@ewpnc.com.
8. Submittals shall include the specific design phase Application and Checklist (copy included in Appendix of the Guidelines) with requirements as noted below for each design phase. In order to provide information necessary for a systematic and uniform review of the proposed construction, the design documents should adhere to the criteria outlined in the checklists. Be sure that all application packages are complete. Incomplete applications will not be scheduled for review.

Applicant Responsibilities

The PIARC assumes no liability for Applicant's (Property Owner) responsibilities, which include but are not limited to the following:

1. Preparation of Applications and Plans and the making of all improvements in compliance with the Project Indigo Architectural Design Guidelines (Guidelines), Project Indigo Architectural Review Committee (PIARC) Guidelines and Procedures and Project Indigo Covenants and Restrictions.
2. Performance or quality of work of any architect/ designer, contractor, or subcontractor in accordance with plans prepared and sealed by a North Carolina licensed Architect, Landscape Architect and/or designer and as approved by the PIARC.
3. Compliance with all laws, codes and ordinances of all governmental agencies or bodies, Project

4. Determination of environmental restrictions, drainage and grading requirements and all surface and subsurface soil conditions.
5. Determination of structural, mechanical, electrical and all other technical aspects of a proposed design that can only be determined by competent architects, engineers, contractors, and other similar professionals.
6. Accuracy and completeness of all plans, applications, certificates, stakeouts, and surveys.

General

In the following sections are outlines of the steps required in the design and construction approval process from the Preliminary Design Review to the Final Construction Inspection Review. Again, note that all property owners proposing improvements or any alterations to existing improvements are required to submit such proposals to the Project Indigo Community Association and PIARC per the "Alterations and Additions Review" procedures and requirements. Please note the participating Architect, Designer and/or Landscape Architect who prepare the design documents for each home proposal should participate in each design review phase unless otherwise approved by the PIARC.

Preliminary Design Review

1. The Preliminary Design Review provides an opportunity for the Architect / Designer and Property Owner to review proposed plans with the PIARC and to take advantage of input from the PIARC early in the design process. This step is especially important if any deviation is proposed from the Guidelines, intrusion into any setback, approval of any new material, variance request, questions about the Covenants or these Guidelines, or with regard to homes in Project Indigo, any deviation from a standard plan or footprint, etc.
2. The Property Owner or Builder must submit one copy of the Preliminary Design Application package consisting of the Preliminary Design Review Application (filled out completely) and preliminary construction drawings in PDF format. The Preliminary Design Review Package is to be transmitted electronically to McKay Siegel at msiegel@ewpnc.com.
3. Applicant must submit the completed Preliminary Design Review Application package before 5 PM on the Monday prior to the regularly scheduled PIARC meeting. The PIARC will review the Application for completeness. The Property Owner will be notified of any missing required information. The Property Owner must provide all required information prior to scheduling a time to present proposal to the PIARC. The Architect / Designer and/or Property Owner must personally present the package to the PIARC.
4. The Application will be reviewed per the following: Approved (Proceed with Final Design Review Application), Approved with exceptions (Re-submit for PIARC review and approval prior to proceeding with the Final Design Review Application) or Not Approved/Re-submit. The Property Owner shall not proceed to the Final Design Review Application Phase prior to full approval of the Preliminary Design Review Application Phase.
5. The PIARC will respond in writing within fourteen (14) days of the presentation of a completed application.

PROJECT INDIGO OF SOUTHPORT

Final Design Review

1. The Final Design Review provides an opportunity for the Architect / Designer and Property Owner to review final proposed plans with the PIARC and to verify that the proposal is based on the previous approved Preliminary Design Review Application. This step is also especially important if there is any proposed deviation from the Preliminary Design Review Application.
2. The Property Owner must submit one copy of the Final Design Review Application package consisting of the Final Design Review Application (filled out completely) and full-size construction documents in PDF format. The Final Design Review Package is to be transmitted electronically to msiegel@ewpnc.com.
3. Applicant must submit the completed Final Design Review Application package before 5:00 PM on the Monday prior to regularly scheduled PIARC meeting. The PIARC will review the Application for completeness. The Property Owner will be notified of any missing required information. The Property Owner must provide all required information prior to scheduling a time to present proposal to the PIARC. The Architect / Designer and/or Property Owner must personally present the Application package to the PIARC.
4. The Application will be reviewed per the following: Approved (Proceed with Construction and Pre-Construction Review Application), Approved with exceptions (Re-submit for PIARC review and approval prior to proceeding with Construction) or Not Approved Re-submit. The Owner shall not proceed with construction prior to full approval of the Final Design Review Application Phase.
5. The PIARC will respond in writing within fourteen (14) days of the presentation of a completed application.

Pre-Construction Review

1. The Applicant or his representative must stake the site in accordance with the approved Site Plan (including the silt fencing, tree fencing, etc.). Safety fencing shall be used to mark the perimeter of the building envelope and tree fencing shall be used to protect any other individual specimens. A designated PIARC member must approve this stakeout prior to beginning house construction. All erosion control and other plans shall be strictly followed. The Project Indigo Erosion Control Plan is available for reference from East West Partners and will be strictly enforced. Contact McKay Siegel at msiegel@ewpnc.com, to review or acquire a copy of the Erosion Control Plan. Flagging or tree fencing shall be used as needed to prevent damage to trees which includes the root zones and natural areas. Construction materials and machinery shall be kept away from trees, off root zones and out of natural areas. **NOTE: All utilities are located underground, and it is the responsibility of the Owner / Builder to field verify all utility locations and take extreme care not to damage such utilities. Total and expeditious repair of any utilities damaged during construction is the sole responsibility of the Owner / Builder.**
2. The site and adjacent streets shall be kept neat and clean at all times. By 3:00 PM each Friday the site and adjacent streets must be cleaned of all debris. Should it be necessary for Project Indigo to clean a site, a fee will be imposed.
3. Before planting any trees, shrubs, or sod, installing irrigation, mulching or other landscape work, contact the PIARC to schedule an onsite review and approval meeting. Landscape installation must be closely supervised by the Builder and/or Property Owner. It is essential that the landscaping do what it is intended to do. Features of particular importance include full screening of mechanical equipment and the underside of decks, proper initial size of plant material, and careful placement of

PROJECT INDIGO OF SOUTHPORT

all shrubs and specimen trees to provide screening where intended. Since the Builder is responsible for the entire project, he should be familiar with the approved landscaping and irrigation plans so that he can properly supervise installation.

4. The PIARC may conduct a detailed field inspection, comparing the installation with the approved plans. In the event a particular species or variety of plant specified on the plan is not available, the PIARC may authorize a substitution of another species or variety of the same size, if the PIARC is confident that the substitute will accomplish the intended objective. Changes in the field which address topography, and which maintain the effect of mature plants which complement the house and tie it into the setting are generally acceptable. Any such substitutions or field changes should be reviewed and approved by the PIARC and revised drawings submitted for record.
5. The Applicant must notify and obtain approval from the PIARC in writing prior to making any changes in the approved site and grading plans, exterior elevations, or landscape plans. Any requests for changes in exterior colors or materials must be accompanied by a properly labeled sample affixed to the corresponding presentation book template, as well as any additional information which may assist the PIARC in determining the suitability of the request. Applicants requesting design change approvals should submit for approval revised plans prepared and sealed by their respective Architect / Designer or Landscape Architect.
6. In the event the Applicant desires to substitute a material different from one already approved by the PIARC, it is the responsibility of the Applicant to provide documentation necessary for the PIARC to determine whether or not the proposed substitute is well designed, composed of acceptable, high-quality materials, and compatible with the appearance of both the material it is intended to replace and other approved exterior materials.
7. The PIARC will respond in writing within seven (7) days of the presentation of any requested revision.

Final Construction Inspection Review

1. At least one month before the construction is completed, the Property Owner, Architect / Designer and/or Builder shall contact the PIARC to set up a meeting on site to conduct a Final Construction Inspection Review. If the improvements have been completed in accordance with the plans approved by the PIARC, Guidelines, criteria and requirements and Covenants, then, immediately upon concluding the Final Construction Inspection Review, the PIARC will issue a Certificate of Compliance. In the event the completed improvements deviate from the approved plans and specifications, then all incomplete items shall be completed prior to issuance of a Certificate of Compliance and occupancy of the building.
2. In cases where the PIARC has approved a delayed planting schedule to allow cool season planting for larger trees and fescue grass, the PIARC may allow occupancy of the building; however, the final approval Certificate of Compliance will be processed at the completion, inspection, and approval of the completed landscaping installation.
3. Project Indigo requires an as-built impervious surface survey prior to issuance of the Certificate of Compliance. The impervious surface square footage is based on the specific maximum impervious surface deed restriction and will be fully enforced.
4. If the completion of a Certificate of Compliance from PIARC acceptance is delayed more than thirty (30) days after the Final Construction Inspection Review, then the PIARC will not approve the Builder for another project until the deficiencies are corrected. The PIARC may record a Certificate of Non-Compliance or take other actions as provided in the Guidelines and Covenants.

1. One of the features that attracted the Property Owners to Project Indigo is the architectural character and quality controls planned for this community. In order to assist and preserve the integrity of the community, certain restrictions have been established including review of any alterations and additions to any existing structure and/or site after occupancy.
2. All alterations, additions or modifications to Project Indigo property must be reviewed and approved by the PIARC similar to the original design review procedures and requirements. These modifications include, but are not limited to building decks, patios, dog enclosures, fences, retaining walls, satellite dish installation, changing the exterior house detailing and/or color, etc.
3. The Property Owner must submit one copy of the Alterations and Additions Application package consisting of the Alterations and Additions Review Application (filled out completely) and full-size construction documents in PDF format. The Additional and Alterations Review Package is to be transmitted electronically to msiegel@ewpnc.com.
4. Note that only one form exists for the Alterations and Additions Review with the appropriate approval for each review phase noted.
5. Applicant must submit the completed Alterations and Additions Review Application package one week prior to regularly scheduled PIARC meeting. The Project Indigo Community Association will review the Application for completeness. The Property Owner will be notified of any missing required information. The Property Owner must provide all required information prior to scheduling a time to present proposal to the PIARC. The Project Indigo Community Association (Architect / Designer and/or Property Owner should also personally be present) will schedule and present the Application package to the PIARC.
6. The Application will be reviewed per the following: Approved (Proceed with Final Design Review Application), Approved with exceptions (Re-submit for PIARC review and approval prior to proceeding with the Final Design Review Application) or Not Approved/Re-submit. The Property Owner shall not proceed to the Final Design Review Application Phase prior to full approval of the Preliminary Design Review Application Phase.
7. The PIARC will respond in writing within seven (7) days of the presentation of a completed application in each review phase.

Miscellaneous Inspections

1. The PIARC has the right to inspect construction for conformance with approved design documents at any time and Applicants should cooperate fully with members or agents of the PIARC.

PROJECT INDIGO OF SOUTHPORT

1. Walkways serve to welcome neighbors providing an important feature of a "neighborly" streetscape next to front porches.
2. All homes within Project Indigo must include a walkway which extends to the sidewalk along the street.
3. Architectural diversity is encouraged through the use of a variety of materials, including (brick, stone, pavers, edged gravel, etc.).

Fences

1. The Historic Districts and other neighborhoods in Southport contain minimal front yard fencing and typically low wooden fencing adjoin entry sidewalks and steps and are used to define the property edges maintaining openness to the street and adjacent lots. These low fences also provide high visibility of the house and front yard and include a welcoming friendly pedestrian access to the house. There are also very few fences in rear yards. Therefore, it is strongly recommended to provide similar enclosures in Project Indigo. Fencing, if needed, should be used only when necessary for the protection of children or pets and shall be integrated into the architectural character of the house. Reference the photos of existing Southport homes in the Appendix.
2. Wherever possible, landscaping should be considered as an alternate to fencing.
3. Fencing which is visible from the street will be a maximum of 30" high and similar in style to the examples provided in the Appendix. Fences must be painted and finished to complement the home.
4. Fencing not visible from the street may be 6' 0" high. All rear yard fences visible from the street shall be screened with landscaping. All 6' 0" high fences shall not be located closer to the street than the rear corner of the house. Corner lot fences shall not be located closer than the adjacent house front face of the house to maintain clear visibility from adjacent house to street.
6. Solid fencing is not recommended. Provide minimum of 1" spacing between pickets.
7. Chain-link and horizontal rail fencing are not permitted.
8. PVC Fencing is not permitted.
9. Fences with only one side finished shall always have the finished surface facing out.
10. Wherever possible, fences shall be located so that trees do not have to be removed.
11. All requests for the installation of fencing must be submitted to PIARC.

Retaining Walls

1. Project Indigo is situated on land that is relatively flat. In rare instances retaining walls may be needed to accommodate land uses which require the leveling of areas within confined limits. Southport has historically used brick retaining walls to deal with these situations helping to establish an important element in the architectural vernacular of the area. New retaining walls should replicate existing materials of existing retaining walls.

Lighting

1. Post lights situated near the walkway are encouraged and present the best opportunity for individual treatment. Request for post lamps must include the size and style proposed.

PROJECT INDIGO OF SOUTHPORT

4. Erosion control measures require the placement of silt fencing on all down slopes and the installation of a 10' x 30' washed gravel construction entrance. Ingress and egress must be confined to such areas to prevent dragging or run off of mud and other debris into street. See also the Project Indigo Erosion Control Plan as noted previously.

Landscaping and Sod

1. Guidelines for the landscaping of single-family homes have been approved as a part of the overall Project Indigo Master Plan.
2. Interior lots require St. Augustine sod in front yards, extended 8' 0" back into side yards and between sidewalk and curb. Corner lots require St Augustine sod in front yards, extended into side yards to rear corner of house and between sidewalk and curb entire front and side yard of property. Corner lots require St. Augustine sod from rear of house and rear yards back to property line due to the high visibility of corner lot.

Street Trees

1. Street tree plantings are planned as a part of the overall revegetation of Project Indigo.
2. Each single-family home is responsible for contributing payment of one street tree in a location on your lot prescribed by PIARC.
3. The tree variety and general location are illustrated on The Project Indigo Master Landscape Plan available from PIARC.

Signage

1. Construction and builder/subcontractor signage are restricted to the format as noted in the Appendix.

Service Areas

1. Service areas including garbage containment, mechanical equipment, meters, electrical equipment, etc. must be screened from the street and from outdoor living areas of adjacent homes.
2. Screening must be by a means that is compatible with the architecture or the landscaping of the home.

Utilities

1. Each lot is responsible for the location/verification of all utilities prior to the commencement of any clearing, excavation or grading activity. All utilities are located underground, and it is the responsibility of the Owner / Builder to field verify all utility locations and take extreme care not to damage such utilities. Total and expeditious repair of any utilities damaged during construction is the sole responsibility of the Owner / Builder.
2. Any discrepancies must be brought to the immediate attention of PIARC before any clearing begins.

Port-A-Johns

1. The provision of port-a-johns are required per local ordinances and must be placed outside the street & utility rights-of-way in order to permit the timely placement of utilities.

PROJECT INDIGO OF SOUTHPORT

Garbage Containment and Recycles

1. Facilities for the containment & recycling of construction debris is required for each building lot.
2. These facilities must be located outside of the street & utilities rights-of-way and must be serviced as needed to maintain a neat appearance.
3. Permanent garbage containment must be screened in an appropriate service area (See Service Areas section).

Materials Storage

1. All material deliveries must be placed outside the street & utilities rights-of-way.

ARCHITECTURAL DESIGN GUIDELINES

ARCHITECTURAL DESIGN GUIDELINES

Design Duplication, Diversity and Detailing

1. Applicants should select building sites and home plans so as not to construct repetitious designs within close proximity. Similar designs or design duplications are discouraged and subject to disapproval by the PIARC if sufficient variations in exterior colors, materials, finishes, trim and detailing are absent.
2. Elevations that are similar in appearance and same/similar exterior colors are prohibited on any adjacent sites and any sites immediately across the street.
3. The approval of plans, materials or colors for a specific site does not imply approval for another building site.
4. Architectural diversity is very important to Project Indigo. Colonial Revival, Craftsman (including Bungalows, Prairie, etc.), Cottage and Neoclassical, etc. style detailing is encouraged. This detailing along with more traditional style architecture helps achieve the diversity and classic older Southport neighborhood features offered at Project Indigo.
5. Examples of various existing Southport Historic District homes are also included for reference in the Appendix. Additional Southport home photographs are available for reference by contacting the PIARC.
6. The following architectural styles will not be considered or accepted: Log cabins, "A" Frames, Adobe, Spanish, Octagonal and Dome.

Exterior Elevations

1. Exterior elevations will be reviewed for architectural design and materials and for aesthetic appearance in terms of the overall dwelling and its relationship to other homes.
2. Design should be site specific and should take advantage of the natural setting. For example, most houses within historic Southport are sited below an existing tree canopy. Efforts to save existing significant trees and maintain a tree canopy for the development are encouraged. Any home with a three-story elevation will be closely scrutinized to make sure it fits the natural landscaping of the area. Careful placement of architectural components and windows can maximize views of neighborhood features and distant vistas.
3. Elevations and plans shall address the total architectural design style of the home including the front, rear and side elevations. Each of the four elevations of every residence should be articulated and landscaped to be aesthetically pleasing from every angle of view based on the architectural style of the house.
4. Review of exterior design will be based upon the overall design themes and consideration of mass and scale: materials, textures, colors, and finishes; continuity between primary design elements and secondary surface treatments; placement of windows, doors, and openings; vertical and horizontal lines; and roof pitches.
5. Depending on the architectural style, preferred exterior features and materials include horizontal or vertical wood siding, brick, stucco and brick chimneys.

PROJECT INDIGO OF SOUTHPORT

6. The PIARC may bar any proposed new construction or changes to existing homes on purely aesthetic grounds, where in its sole judgement, such action is required to maintain the Project Indigo standard of architectural excellence in exterior materials and design.
7. Exterior finishes for new construction shall be consistent on all four elevations. A substantial change in material finish or style at different elevations is prohibited.
8. Vinyl siding and trim is not allowed.
9. Framed chimneys are permitted with stucco or brick panel finish. Direct vents are allowed; however, they must be integrated into the architecture (i.e., gable or shed roofs over fireplace boxes). Masonry chimneys are encouraged.
10. Synthetic stone or stone veneer is not permitted.
11. Exterior mechanical equipment shall be concealed/screened and located so as not to have an adverse effect on the use of adjacent property.

Exterior Colors and Materials

1. Historically and architecturally suitable exterior colors that blend with the historic Southport architectural examples are preferred. The intent is for the individual house to blend into the neighborhood and natural setting. Roof colors should not contrast sharply with the rest of the house.
2. A color scheme must be selected and submitted to the PIARC for review and approval prior to painting house. In the case of similar color scheme on adjacent existing homes, another color choice may be required for PIARC review and approval. Colors should be submitted with the original house submittal to best assure your first-choice selection. Note: Color selection approval based on a first-come first-serve basis.
3. Various exterior colors are encouraged on the same house as appropriate to some Southport architectural styles (i.e., siding, siding in gable ends, dormers, doors, shutters, window sashes, muntins, etc.).
4. Garage doors shall be painted to match the trim or siding color. This decision will be made by the PIARC to minimize the impact of the garage doors on the streetscape.
5. Fences visible from the street are to be painted to match the house trim color. Other non-visible wood fencing may be left natural as approved by the PIARC. See also the historic fencing examples included in the appendix for additional information.
6. The selection of exterior materials shall be harmonious with the architectural style of each dwelling unit and the community development as a whole. Natural materials are preferred over synthetic material. Depending upon the specific application, materials approved include the following:

Wood: Cypress, cedar, redwood, board and batten siding, cedar shakes or shingles, tongue, and groove siding, hardiplank and other cementitious type siding materials.

Plywood: Will be considered on a case-by-case basis and its own use (horizontal and vertical applications).

Stucco: Synthetic stucco hard coat stucco systems are approved for foundation walls. Color and texture should match existing Southport historic precedents.

Masonry: Brick.

Windows: Wood, aluminum clad, PVC clad, fiberglass clad or painted.

PROJECT INDIGO OF SOUTHPORT

Garage doors: Wood and raised panel insulated steel. Glass panels are required on Craftsman style homes and encouraged on all others.

Chimney: Exterior to be masonry or stucco. Flues for fireplaces and woodburning stoves must include spark arrestors. Spark arrestors and chimney caps are to be unobtrusive and appropriately proportioned. Any flue pipe at chimney top is to be concealed unless it is an approved design feature. Direct vent gas units are allowed, however; vents must be an integral design feature of the house. Thru wall gas ventilation is not permitted. Exposed equipment shall be painted/finished to match the adjacent finish color.

7. The following exterior materials are not approved for construction: Metal siding; decorative concrete block; concrete block (except sub-surface wall); fiberglass, plastic, asphalt, and vinyl siding and trim; logs (imitation or otherwise, except for landscaping purposes); flagstone used as siding; fiberglass or asphalt shingles for siding; vinyl clad fascia; certain types of imitation stone and brick. High quality simulated materials (e.g., stone and brick) will be considered on their own merit by the PIARC but are subject to disapproval.
8. The PIARC shall have final approval of all exterior colors and materials. Exterior colors that, in the opinion of the PIARC, would be inharmonious, discordant, or incongruous with the intent of Project Indigo and adjacent existing homes will not be permitted.

Roofs

1. Generally, rooflines should follow the appropriate architectural style slopes as defined previously (i.e., Colonial Revival, Craftsman, Cottages, etc.). Primary roofs should slope at a minimum of 5/12 pitch. Flat roofs are permitted; however, they will be reviewed on a case-by-case basis and in relation to architectural correctness of the proposed style. Wide overhangs are encouraged.
2. Recommended roof surfacing materials are asphalt shingles (see recommended materials below), cedar shakes, cedar shingles, natural slate, tile, and copper seamed roofing. These and other roofing materials (such as metal roofing with baked enamel finishes, synthetic roofing materials, etc.) may be approved by the PIARC on an individual case-by-case basis.
3. The PIARC has the right to disapprove any roofing material or color choice that it deems to be inharmonious or discordant with the house design, surroundings, or the development as a whole.
4. Gutters and downspouts should be copper or painted to match the trim. Any proposed leaf guards must either be compatible with the roof color or painted to match the gutter.
5. All roof stacks, flashing and metal chimney caps shall have a dark dull finish. For flashing, copper or anodized aluminum is recommended. Roof stacks and plumbing vents shall be placed on rear slopes of the roofs.
6. Solar roof panels are not permitted unless designed to be mounted flush with the roof plane, or are an integral part of the architectural design and not a major design element of the house.
7. Antennas and DSS dishes are permitted only if they are designed and located in rear yards so as to not be visible from front yard streets, common property, or common areas. Prior written approval of the PIARC is required and the PIARC is to conduct an inspection after installation. DSS dishes larger than 2' -0" in diameter are not allowed. DSS dishes shall be painted to match house or roof color.

Awnings

- I. Awnings, canopies, and shutters shall not be permitted or affixed to the exterior of the residence without prior approval of the PIARC and unless they are compatible with the proposed architectural

2. Exterior shutters are allowed where appropriate. Shutters are only allowed on single windows and shall be sized appropriately to the size of the window and architectural style. Shutters are not allowed on "craftsman" style architecture and certain other architectural styles as determined by the PIARC.

Porches, Decks and Patios

1. Porches are required on all lots. Wrapped porches are recommended on all corner lots. Porches shall be functional with the main area of the porch to have a minimum of 8'-0" clear floor space between the face of the house and the inside face of the porch column and/or handrail. The intention here is to provide ample space for furnishings (swing, glider, chairs, etc.) and circulation. Porch space that is used for circulation only may be smaller and will be reviewed on a case-by-case basis.
2. Houses on corner lots shall be designed to architecturally address the corner and both street frontages. Therefore, it is recommended that houses on corner lots have porches that wrap the house corner (facing the intersection) at least 8'-0" around the side elevation or provide side porch type features (i.e., screened porches also acceptable). It is suggested that additional doors and steps be located on the wrapped porch where appropriate (i.e., private door from a living, dining, or bedroom area).
3. All porches, decks and stair risers must be enclosed. Lattice used under front porch must be a horizontal pattern (not diagonal). Diagonal lattice may be used under rear porches and decks. Lattice must be framed between structural members and trimmed out in wood.
4. All rear decks and porches visible from a street (i.e., corner lots) shall be finished to match the front porch detailing (handrails, horizontal lattice, etc.) and colors. Additional landscape screening may be required at "visible" decks.
5. All exposed vertical wood trim, risers, stringers, etc. must be painted to match the trim color.
6. Various porch column and handrail detailing is encouraged (i.e., brick piers with concrete cap and tapered wood columns, tapered round columns, triple and double square columns at corners and major elements such as steps, etc.).
7. Where grades and impervious surface requirements allow, patios are encouraged in lieu of decks.
8. Brick pavers, textured concrete, etc. surfaces are encouraged at all sidewalks and patios.
9. Decks and patios should be located at the rear of the house or located within a fully enclosed area.
10. Sizes of porches, decks and patios shall be consistent with the size of the house and yard and will be reviewed with respect to their visual impact on adjacent property.

Carpports, Garages and Utility Apartments

1. Elevations must be designed to subordinate garages to the house to the greatest extent possible. Garages shall not face the street unless no other means are available and are approved by the PIARC and the Town of Southport. Front load garages shall have single width garage doors only

ARCHITECTURAL STYLE REFERENCE

ARCHITECTURAL STYLE REFERENCE

COLONIAL REVIVAL



COLONIAL REVIVAL

Houses built as colonial revivals have a wide range of history to draw from and many sub-forms and important characteristics denoting their style. Prominence is given to the front door with a pediment of varying shapes supported by pilasters. This pediment can also be extended forward and supported on slender columns to form a small entry porch. The door normally has overhead fanlights and or sidelights. The facade is typically symmetrical with respect to the windows and the door is almost always centered. Windows have double hung sashes and multiple glazing in one or both sashes.

Colonial Revival is accepted as nine different sub-forms. It can be asymmetrical with free-form facades or boxed with hipped roofs and full-width porches. Homes are also built as side gables with one or two stories. When the side gable is two stories, a centered front gable is often added to this form to further accentuate the front door, or the second floor can be pulled out to overhang the first. Gambrel roofs are also used, as well as three story homes capped with a low sloped hip roof.

From these forms, combinations can be used to further extend the builder's pallet. Both shed and gable dormers are frequently used in these homes. They can be individual or continuous dormers depending on the application. One-story side rooms with flat roofs were also added on frequently. Whether Georgian, Adam or Dutch, there are many possibilities for a Colonial Revival home.

Reference: "A Field Guide to American Houses" by Virginia & Lee McAlester

ARCHITECTURAL STYLE EXAMPLES

COLONIAL REVIVAL



PROJECT INDIGO OF SOUTHPORT

ARCHITECTURAL STYLE REFERENCE

CRAFTSMAN



CRAFTSMAN

Craftsman style architecture can be developed in several forms and with many characteristics unique to the craftsman look. These homes have low-pitched, gable roofs and unenclosed eave overhangs. The roof rafters are often exposed and false beams (normally three) or knee-braces are commonly added under the gables. The porch and its details act as a strong symbol for the craftsman style.

The porch is supported on piers that extend from the ground past the floor plane. They are constructed from brick, CMU's, shingles, stucco, or stone, and continue to the roof themselves or support any number of wooden column types. Variations in wooden columns include square and tapered, straight and square and double columns. It is also important to choose a well-detailed handrail for the porch.

There are four main variations in overall form for a craftsman house. On the front-gabled roofs, the main roof is used to shelter the front porch on most one-stories, but a second gable can also be projected out from the front of the house. Side-gabled roofs often contain the porch under the main roof as well; a break in the roof slope often accentuates the porch. Two-story side-gables incorporate a full-width porch and either shed or gambel dormers. Crossed-gabled roofs are also popular. The cross-gable on many of these houses is formed by a

PROJECT INDIGO OF SOUTHPORT

partial width, front gabled porch, although other porch styles can be used. The fourth form, hipped roofs, are less popular than the others because of the lack of detail. The roof style deprives the builder of opportunities for exposed roof rafters and other common details used in craftsman architecture, so the home often resembles a prairie style. From these basic forms, a builder can incorporate any number of details and variations of the forms themselves to create an interesting aesthetic.

Diverse roof styles, building massing and materials are emphasized. Roof brackets and roofs with wide overhangs (1' 6" to 2' 6" wide and 1' 0" wide at dormers) are strongly encouraged. Roof brackets or braces shall be constructed of 4" x 4" wood members minimum. Large "bungalow" style dormers (i.e., shed, gable, hipped, etc.) are encouraged and may be required on some 1 and 1 1/2 story Craftsman houses.

Continuous horizontal trim at the base of siding and above window/door heads is a primary element in Craftsman (and some revival types) style architecture. The Craftsman style also includes simple square edged exterior trim including wide window and door trim. Textured finish materials such as shakes, or a different width siding are emphasized at gable ends of roofs and around dormers. The emphasis also applies to trim detailing at gable ends and dormers.

Various muntin configurations should be used in windows (i.e., no muntins upper and lower sashes, 2 over 1, 4 over 1, 6 over 1, etc., prairie style muntins, etc.). Various shaped windows are encouraged (i.e., cottage style windows, special shape windows such as rounds, ovals, etc.). Various special window configurations are encouraged (i.e., triple window including one 6 over 1 center window with 4 over 1 side windows). Half glass doors (with various muntin configurations matching the window muntins) and doors with sidelites contribute to the architectural correctness of the Craftsman and Bungalow style houses.

Reference: "A Field Guide to American Houses" by Virginia & Lee McAlester

PROJECT INDIGO OF SOUTHPORT

ARCHITECTURAL STYLE EXAMPLES

CRAFTSMAN



ARCHITECTURAL STYLE REFERENCE COTTAGE



COTTAGE

The Cottage Style borrowed from the Early Gothic Style also created new rules soon to be followed by American housebuilders. The house was to be irregular like the forms of nature. It was to be nestled into the landscape to appear picturesque when viewed from various site and also afford attractive views from its windows and porches. It was to be built of natural materials or painted tan, gray, or green to harmonize with the earth and its plants. It was the opposite of the symmetrical, hard-edged, white Greek Revival Style house designed to stand out in the landscape.

During the mid-nineteenth century, many house pattern books, inspired by [A. J.] Downing, provided the increasingly large middle class with detailed plans of highly affordable cottages. The building boom that occurred then was not only a product of the American economy but of the availability of a technologically sound, easy-to-build, inexpensive, comfortable dwelling.

The Cottage Style is credited with giving birth to the American front porch. It provided a roof over the main entrance and a semiprivate place to sit and enjoy the outdoors while protected from the hot sun and inclement weather. It was usually covered with honeysuckle or some other flowering vine, which pleasantly scented warm summer evenings.

Reference: "American Shelter: An Illustrated Encyclopedia of the American Home" by Lester Walker

ARCHITECTURAL STYLE EXAMPLES

COTTAGE



ARCHITECTURAL STYLE REFERENCE

NEOCLASSICAL



NEOCLASSICAL

Neoclassical architecture follows a few rules of style. The windows and doors are symmetrical on the front facade. The building is set behind a dominating full height porch supported by classical columns, which are typically Ionic or Corinthian. Although a full height entry porch is common to all buildings, there are still variations of the form.

One variant has a less than full width entry porch centrally located on the front facade. These porches carry pediments most of the time. A variation of the first example can be achieved by adding lower wings onto the porch, making it full width as a one story, but full height in the middle - pediments are used here also. Another common form uses a full width porch that is full height as well. These porches are covered by either extending the roof on a front gabled house, or with a flat roof on a side gable. The neoclassical style can also be incorporated into a one story. These have hip roofs and either a full width or partial porch. The hip can be extended over the colonnade or a separate flat or shed roof can be used.

PROJECT INDIGO OF SOUTHPORT

More subtle details can also be manipulated for variation within the Neoclassical style. Doorways are often very elaborate and are based on Greek Revival precedents. A cornice is also common with a moderate overhang and dentils or modillions beneath. Early precedents use windows with double sashes with 6 or 9 panes. Almost every other type of window has been incorporated in latter designs, however. Roof-line balustrades are another common feature of the Neoclassical style.

Reference: "A Field Guide to American Houses" by Virginia & Lee McAlester

ARCHITECTURAL STYLE EXAMPLES

NEOCLASSICAL



SOUTHPORT HISTORIC DISTRICT

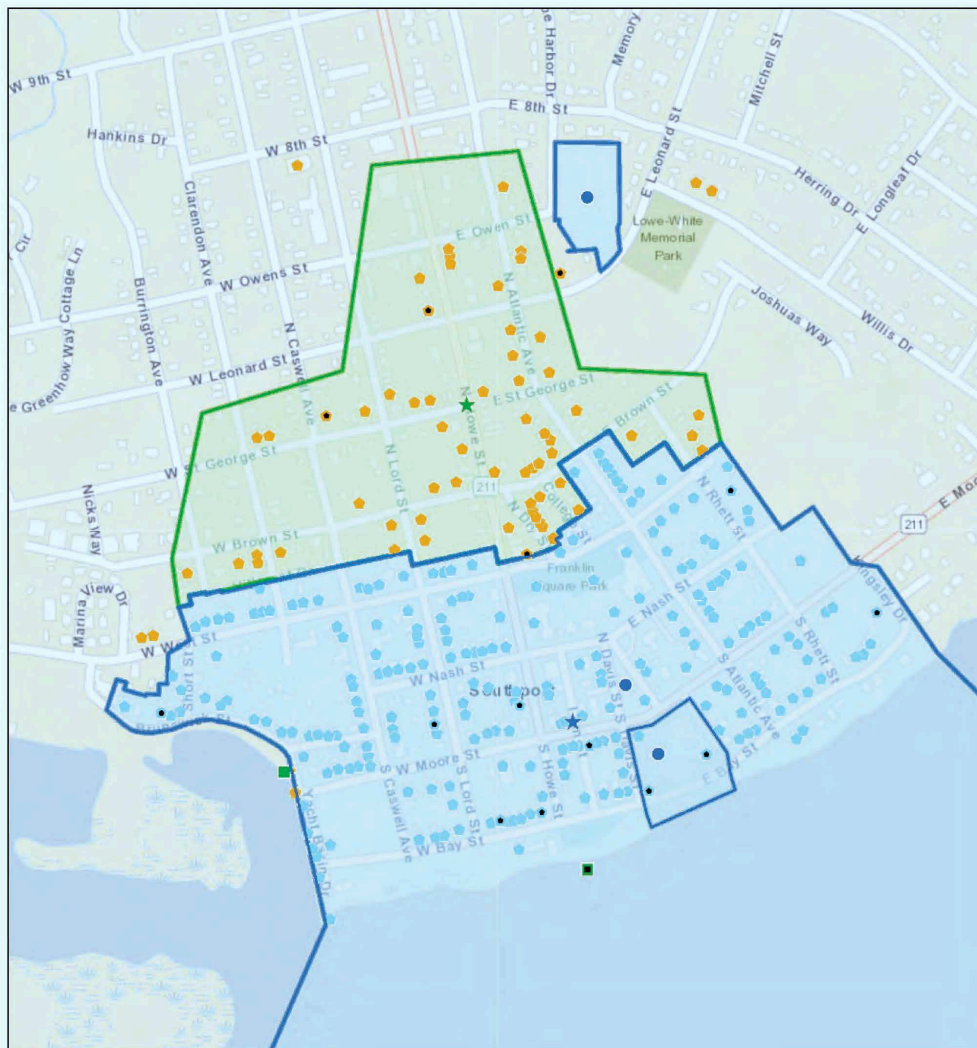
Southport's Historic District is largely defined by the expansive tree canopy that has been preserved and incorporated into the planning of the town and individual building placement. Individual dwellings are broadly traced to vernacular building types, where an emphasis is placed on the presence of a front porch to take advantage of the region's salubrious climate.

Below is an excerpt from the 1979 Southport Historic District's Nomination Form for the National Register of Historic Places, which highlights the integration of built structures and nature:

Located at the mouth of the Cape Fear River the small village of Southport is the best example of a Victorian [Era] coastal town in North Carolina. The town has barely grown past its original 1792 boundaries. Over half of the structures in the historic district date from the 1885-1905 period when Southport bustled with economic activity and speculative ventures. Most of the plain one and two-story frame dwellings which border the meandering tree-lined streets were built by about half a dozen local carpenters working in the local tradition. All the residential streets feature a canopy of live and water oaks which tie the town together into an oak grove. Viewed from the river the town appears much like a park. Beyond the main commercial blocks of Moore and Howe Streets, the streets, which remain uncurbed, wind between the gnarled oaks. The combination of shady informal streets, river orientation vernacular Victorian [Era] buildings, fishing boats and docks give the town a distinctive character. Because well over one hundred of the buildings in the town can be traced to an individual carpenter-builder and a specific year of construction, the town presents an excellent study of Victoria [Era] building practices in a small North Carolina town.

An excellent record of the development of Smithville, and later, of the Town of Southport, complete with an architectural inventory of Southport's Historic District can be found in the book *THE ARCHITECTURE OF SOUTHPORT* by Carl Lounsbury, published in 1979 by The Southport Historical Society, Inc.

SOUTHPORT HISTORIC DISTRICT

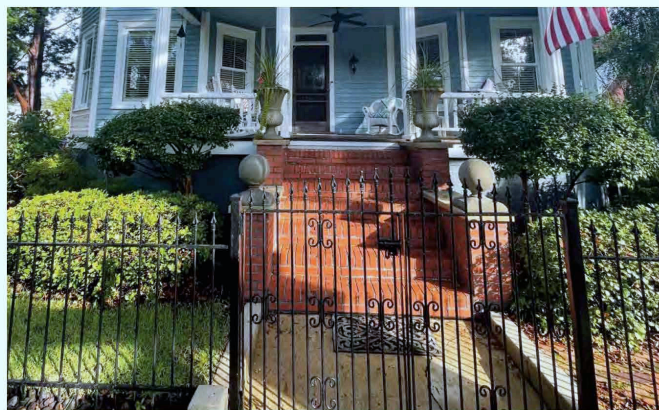


Area in Blue: Southport Historic District Boundary as designated in 1980.
Area in Green: Southport Historic District Boundary as enlarged and amended in 2010.

SOUTHPORT EXISTING PROPERTY BOUNDARIES AND DETAILS

PROJECT INDIGO OF SOUTHPORT

SOUTHPORT EXAMPLES: SIDEWALKS AND FRONT ENTRIES



PROJECT INDIGO OF SOUTHPORT

**SOUTHPORT EXAMPLES:
SIDEWALKS AND FRONT ENTRIES**



PROJECT INDIGO OF SOUTHPORT

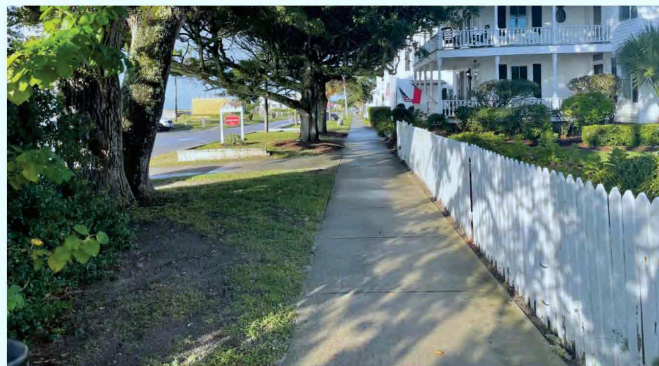
SOUTHPORT EXAMPLES: SIDEWALKS AND FRONT ENTRIES



37

PROJECT INDIGO OF SOUTHPORT

SOUTHPORT EXAMPLES: SIDEWALKS AND FRONT ENTRIES



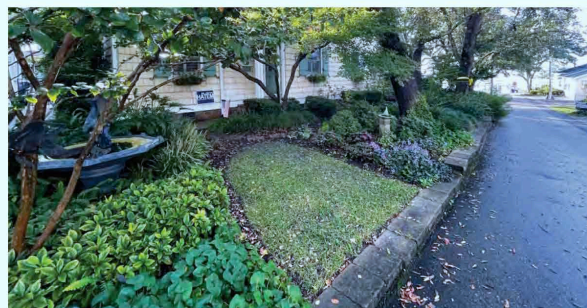
PROJECT INDIGO OF SOUTHPORT

SOUTHPORT EXAMPLES: ENTRY DRIVES



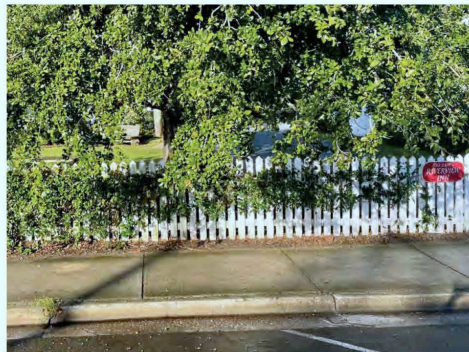
PROJECT INDIGO OF SOUTHPORT

**SOUTHPORT EXAMPLES:
LOW WALLS**



PROJECT INDIGO OF SOUTHPORT

SOUTHPORT EXAMPLES:
FENCES



PAINT COLOR SELECTION

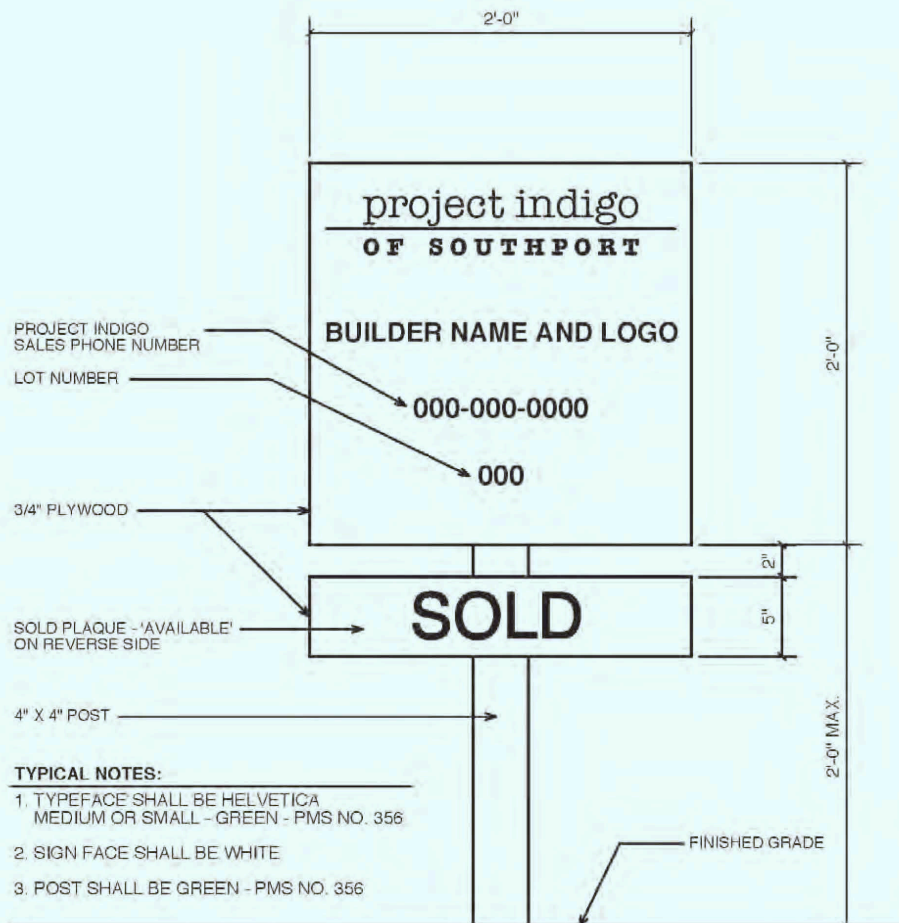
November 2021

Paint Color Selection Procedures and General Notes

1. One color scheme must be selected and submitted to the Project Indigo Architectural Review Committee (PIARC) for review and approval prior to painting house. In case of conflict with existing homes, another color choice may be required for PIARC review and approval.
2. Review the Project Indigo files and adjacent house colors for color coordination and prevention of color duplication prior to submittal.
3. Color schemes will be considered on a case-by-case basis. Colors shall be submitted with color chip samples (minimum 2" square in size, larger samples may be required) for PIARC review and approval.
4. Colors should be submitted with the Preliminary Design Review submittal to best assure your first-choice selection. Color selection approval based on a first-come first-serve basis.
5. Various exterior colors are encouraged on the same house (i.e., siding, siding in gable ends, dormers, doors, shutters, window sashes, etc.). The PIARC suggests accent colors in gable ends (i.e., cedar shakes, etc.) including all visible gables on front elevations, dormers, and corner lot side elevations.
6. Garage doors may be painted to match the trim, siding or accent color. This decision will be made by the PIARC to minimize the impact of the garage doors on the streetscape.
7. Fences in side and rear yards may remain unfinished. However, fences in front yards and locations visible from street (i.e., side yard fences facing street, corner lot fences facing and visible from streets, etc.) shall be painted to match the house trim color.
8. A darker colored siding color is recommended a minimum of every fourth house (or 25% off all houses).
9. No same or similar color will be approved within 3 houses each side of street.
10. Houses of the same exterior design shall not match the same color scheme.
11. Gutters and downspouts shall match the trim color.

PROJECT INDIGO OF SOUTHPORT

CONSTRUCTION SIGNAGE



DESIGN REVIEW APPLICATIONS AND CHECKLISTS

Preliminary Design Review Application and Checklist

Final Design Review Application and Checklist

Pre-Construction Review Application and Checklist

Final Construction Inspection Review Application and Checklist

Certificate of Compliance Form

Alterations and Additions Review Application and Checklist

Color Selection Form

PROJECT INDIGO OF SOUTHPORT

PRELIMINARY DESIGN REVIEW APPLICATION AND CHECKLIST (Revised September 2021)

NO SUBMITTAL WILL BE REVIEWED UNLESS ALL REQUIRED INFORMATION IS INCLUDED

Builder/ Owner Name _____ Lot No. _____

Plan Name _____ Date Submitted _____

Street Address. _____ Tele. No. _____

Site Plan (One copy 8 1/2" x 11")

- ☐ Property Lines and Setbacks
- ☐ Building footprint and finished floor elevation
- ☐ Clearing limits not to exceed necessary construction zone (indicate on plan)
- ☐ Water meter & sewer locations (from field observation)
- ☐ Driveway (include any special materials) and finished elevation at street
- ☐ Walkways (include minimum 3'-0" wide walkway to street sidewalk)
- ☐ Decks and patios
- ☐ Fencing and retaining walls (including fence detail if proposed)
- ☐ Service areas (include method of screening)
- ☐ Outbuildings (if any)
- ☐ Impervious area square footages (house, covered porches, drives, walkways, patios, etc.,)

Architectural Floor Plans and Elevations (One copy 8-1/2" x 11" or copy of Approved Builder Cut-Sheet) (Note: Floor plans and elevations may be free-hand for this submittal)

- ☐ Floor plans (All levels including covered porches, decks, patios, etc., with heated/finishable square footage)
- ☐ Front, sides & rear elevations (with material indications)

Colors and Materials

(Note: Color selection is not required for this submittal)

- ☐ Color Selection Form must be attached

The PIARC has reviewed the Application with the following decisions and comments and is only for conformance with the Project Indigo Architectural Design Guidelines. The Owner / Builder is responsible for compliance with the Guidelines, state and local codes, regulations, ordinances, etc.

- ☐ Approved (Proceed with the Final Design Review Application.)
- ☐ Approved as Noted (See attached comments for inclusion in the Final Design Review Application)
- ☐ Not Approved/Re-Submit (See attached comments for PIARC review and approval prior to proceeding with the Final Design Review Application.)

PIARC Representative _____ Date _____

This Application is valid for six (6) months from the PIARC review date as noted above.

PROJECT INDIGO OF SOUTHPORT

FINAL DESIGN REVIEW APPLICATION AND CHECKLIST (Revised September 2021)

NO SUBMITTAL WILL BE REVIEWED UNLESS ALL REQUIRED INFORMATION IS INCLUDED

Builder / Owner Name _____ Lot No. _____

Plan Name _____ Date Submitted _____

Street Address _____ Tele. No. _____

Site Plan (One copy 8-1/2" x 11")

- ☐ Property Lines and Setbacks
- ☐ Building footprint and finished floor elevation
- ☐ Clearing limits not to exceed necessary construction zone (indicate on plan)
- ☐ Water meter & sewer locations (from field observation)
- ☐ Driveway (include any special materials) and finished elevation at street
- ☐ Walkways (include minimum 3'-0" wide walkway to street sidewalk)
- ☐ Decks and patios
- ☐ Fencing and retaining walls (including fence detail if proposed)
- ☐ Service areas (include method of screening)
- ☐ Outbuildings (if any)
- ☐ Impervious area square footages (house, covered porches, drives, walkways, patios, etc.,)
- ☐ Landscaping Plan (One copy 8-1/2" x 11" including existing plantings)

Architectural Floor Plans and Elevations (One copy 8-1/2" x 11" or copy of Approved Builder Cut-Sheet) (Note: Floor plans and elevations may be free-hand for this submittal)

- ☐ Floor plans (All levels including covered porches, decks, patios, etc. with heated / finishable square footage)
- ☐ Front, sides & rear elevations (with material indications)

Colors and Materials

- ☐ Color Selection Form must be attached

Energy Program Certification

- ☐ Plan Review and Certification Letter

The PIARC has reviewed the Application with the following decisions and comments and is only for conformance with the Project Indigo Architectural Design Guidelines. The Owner / Builder is responsible for compliance with the Guidelines, state and local codes, regulations, ordinances, etc.

- ☐ Approved (Proceed with clearing of lot and the Pre-Construction Review Application.)
- ☐ Approved as Noted (See attached comments for inclusion in the Pre-Construction Review Application.)
- ☐ Not Approved / Re-Submit (See attached comments for PIARC review and approval prior to proceeding with clearing of lot and the Pre-Construction Review Application.)

PIARC Representative _____ Date _____

This Application is valid for six (6) months from the PIARC review date as noted above.

PROJECT INDIGO OF SOUTHPORT

PRE-CONSTRUCTION REVIEW APPLICATION AND CHECKLIST (Revised September 2021)

NO SUBMITTAL WILL BE REVIEWED UNLESS ALL REQUIRED INFORMATION IS INCLUDED

Builder/ Owner Name _____ **Lot No.** _____

Plan Name _____ **Date Submitted** _____

Street Address _____ **Tele. No.** _____

Clear lot and stake out the following prior to scheduling PIARC Review. Provide Final Design Review Site Plan for reference and attach to this form.

- ☐ Property Lines and Setbacks
- ☐ Building footprint and finished floor elevation
- ☐ Clearing limits not to exceed necessary construction zone (indicate on plan)
- ☐ Water meter & sewer locations (from field observation)
- ☐ Driveway and walkways (include minimum 3'-0" wide walkway to street sidewalk)
- ☐ Decks and patios
- ☐ Fencing and retaining walls
- ☐ Service areas (include method of screening)
- ☐ Outbuildings (if any)
- ☐ Impervious area square footages (house, covered porches, drives, walkways, patios, etc.)
- ☐ Landscaping Plan (One copy 8-1/2" x 11" including existing plantings)
- ☐ Tree protection fencing
- ☐ Storm water control and silt fencing
- ☐ Construction entry with gravel base
- ☐ Energy Program Certification Letter confirmation

The PIARC has reviewed the Application with the following decisions and comments and is only for conformance with the Project Indigo Architectural Design Guidelines. The Owner/ Builder is responsible for compliance with the Guidelines, state and local codes, regulations, ordinances, etc.

- ☐ Approved (Proceed with construction and landscaping. Schedule the Final Construction Inspection Review a minimum of two weeks prior to construction completion.)
- ☐ Approved as Noted (See attached comments for completion prior to Final Construction Inspection Review.)
- ☐ Not Approved / Re-Submit (See attached comments for PIARC review and approval prior to proceeding with construction and landscaping.)

PIARC Representative _____ **Date** _____

This Application is valid for six (6) months from the PIARC review date as noted above.

PROJECT INDIGO OF SOUTHPORT

PROJECT INDIGO OF SOUTHPORT

FINAL CONSTRUCTION INSPECTION REVIEW APPLICATION AND CHECKLIST (Revised September 2021)

NO SUBMITTAL WILL BE REVIEWED UNLESS ALL REQUIRED INFORMATION IS COMPLETED

Builder /Owner Name _____ Lot No. _____

Plan Name _____ Date Submitted _____

Street Address _____ Tele. No. _____

Schedule the Final Construction Inspection Review a minimum of two weeks prior to completion of construction for proper PIARC scheduling and confirmation that all construction and requirements noted below are completed.

Provide a copy of the Final Design Review Site Plan, Floor plans and Elevations (for reference only) and a final impervious square footage survey and attach to this form.

- ☐ Proposed structure(s) completed including decks, patios, storage buildings, dog houses, etc.
- ☐ Proposed site features completed including driveways, sidewalks, fences, retaining walls, gazebos, pools, etc.)
- ☐ Impervious area square footage verification per previous reviews/ approvals.
- ☐ Proposed landscaping finally completed (or provide bond for completion at a later date).
- ☐ Proposed utilities completed including meters.
- ☐ Energy Program Standards Requirements completed.
- ☐ Exterior colors and finishes completed.
- ☐ Town of Southport Certificate of Occupancy.

OWNER CERTIFICATION

I have reviewed and verified that this Application and Checklist (including required documentation attachments) is complete and submitted for the PIARC Final Construction Inspection Review and agree to all conditions as set forth in the Architectural Guidelines.

Signature of Property Owner _____ Date _____

The PIARC has reviewed the Application with the following decisions and comments and is only for conformance with the Project Indigo Architectural Design Guidelines. The Owner/ Builder is responsible for compliance with the Guidelines, state and local codes, regulations, ordinances, etc.

- ☐ Approved (Certificate of Compliance attached.)
- ☐ Approved as Noted (See attached comments for completion and PIARC review and approval prior to occupying the property and receiving the Certificate of Compliance.)
- ☐ Not Approved / Re-Submit (See attached comments for completion and PIARC review and approval prior to occupying the property and receiving the Certificate of Compliance.)

PIARC Representative _____ Date _____

This Application is valid for six (6) months from the PIARC review date as noted above.

PROJECT INDIGO OF SOUTHPORT

CERTIFICATE OF COMPLIANCE (Revised September 2021)

Builder/ Owner Name _____

Street Address _____

Tele. No. _____

The Project Indigo Architectural Review Committee, Owner and Builder have completed the Final Construction Inspection Review and hereby certifies the building and site improvements as noted to be in compliance with the Project Indigo Architectural Guidelines and in accordance with the Project Indigo Covenants and all other governing agencies, codes, and requirements.

OWNER CERTIFICATION

I have reviewed and verified that the Final Inspection Review and all construction is complete and submitted for the PIARC Certificate of Compliance certification and agree to all conditions as set forth in the Architectural Guidelines.

Signature of Property Owner _____ **Date** _____

The PIARC has reviewed the Application with the following decisions and comments and is only for conformance with the Project Indigo Architectural Design Guidelines. The Owner/ Builder is responsible for compliance with the Guidelines, state and local codes, regulations, ordinances, etc.

- ☐ Approved
- ☐ Approved as Noted / Re-Submit (See attached comments for completion and PIARC review and approval prior to occupying the property and receiving the Certificate of Compliance.)

PIARC Representative _____ **Date** _____

This Application is valid for six (6) months from the PIARC review date as noted above.

PROJECT INDIGO OF SOUTHPORT

PROJECT INDIGO OF SOUTHPORT

ALTERATIONS AND ADDITIONS REVIEW APPLICATION AND CHECKLIST (Revised September 2021)

NO SUBMITTAL WILL BE REVIEWED UNLESS ALL REQUIRED INFORMATION IS INCLUDED

Owner Name _____ Lot No. _____
Plan Name _____ Date Submitted _____
Street Address _____ Tele. No. _____

Site Plan (One copy 8 1/2" x 11")

- ☐ Property lines and setbacks
- ☐ Adjacent lot numbers and existing buildings (if any)
- ☐ Existing house and other structures (including decks, patios, driveways, walks, fences, etc.)
- ☐ Proposed alterations and additions (including detailed landscape plan) including short description below,
finished floor elevations, square footages, details, etc.
- ☐ Impervious area square footages (house, covered porches, drives, walkways, patios, etc.)

Architectural Floor Plans and Elevations (If required. One copy 8 1/2" x 11" format. Note: Floor plans and elevations may be free hand for this submittal.)

- ☐ Floor plans of alterations and additions including existing construction (All levels including covered porches, decks, patios, etc. with heated/ finishable square footage)
- ☐ Front, sides & rear elevations of alterations and additions including existing construction (with material indications)

Colors and Materials

- ☐ Color Selection Form must be attached

Energy Program Standards (If applicable)

- ☐ Energy Program Standards Certification Letter

Brief description of proposed alterations and additions (attach more detailed description if required).

The PIARC has reviewed the Application with the following decisions and comments and is only for conformance with the Project Indigo Architectural Design Guidelines. The Owner/ Builder is responsible for compliance with the Guidelines, state and local codes, regulations, ordinances, etc.

- ☐ Preliminary Design Review
- ☐ Final Design Review
- ☐ Approved (Proceed with construction.)
- ☐ Approved as Noted (See attached comments for inclusion in the construction.)
- ☐ Not Approved / Re-Submit (See attached comments for PIARC review and approval prior to proceeding with construction.)

PIARC Representative _____ Date _____

This Application is valid for six (6) months from the PLAC review dates noted above.

PROJECT INDIGO OF SOUTHPORT

PROJECT INDIGO OF SOUTHPORT

PROJECT INDIGO OF SOUTHPORT

COLOR SELECTION FORM

Owner Name _____ Lot No. _____
Plan Name _____ Date Submitted _____
Street Address _____ Tele. No. _____

Complete and submit one copy of the following Color Selection Form for the Project Indigo Architectural Review Committee (PIARC) review and approval prior to proceeding with exterior finishing and painting. Attach this form to the specific design phase application. All color selections and this form is strongly recommended at the Preliminary Design Review Phase due to the importance of the color selections relative to previous color selections in the neighborhood, however color selections may be delayed until the Final Design Review. If an incomplete form is submitted, the PIARC will automatically reject your Application and the Application will be returned and completed prior to scheduling a PIARC final color review and approval. Include all applicable colors, material samples, etc. as required to communicate most efficiently with the PIARC. List all colors if multiple colors are proposed (i.e., accent siding color on shake detailing, upper gables, trim, window sashes/muntins, doors, etc.). Color samples are not required if a recommended Project Indigo Color Scheme is proposed.

PROPOSED COLOR SELECTIONS

Color Scheme No. Proposal (Color samples not required): _____
Siding: _____
Brick: _____
Stone: _____
Trim: _____
Doors: _____
Windows: _____
Garage Doors: _____
Shutters: _____
Roof: _____
Other (List as required): _____

The PIARC has reviewed the Application with the following decisions and comments and is only for conformance with the Project Indigo Architectural Design Guidelines. The Owner/ Builder is responsible for compliance with the Guidelines, state and local codes, regulations, ordinances, etc.

- ☐ Approved (Proceed with exterior finishing and painting.)
☐ Approved as Noted (See attached comments. Proceed with exterior finishing and painting.)
☐ Not Approved/ Re-Submit (See attached comments for PIARC review and approval prior to proceeding with exterior finishing and painting.)

PIARC Representative _____ Date _____
This Application is valid for six (6) months from the PIARC review date as noted above.

Exhibit E
Traffic Impact Analysis

Exhibit F

Management Plan

1. Purpose & Objectives

The Tree Management Plan (TMP) establishes guidelines for tree preservation, removal, and mitigation within the proposed master-planned community. The goal is to balance development needs while maintaining the area's natural character and ecological integrity. Additionally, this plan aims to enhance environmental sustainability, improve air and water quality, and provide aesthetic and recreational benefits to residents.

2. Tree Preservation Strategy

2.1 Protected Trees

- Specimen Trees: Defined as trees meeting or exceeding the following size thresholds:
 - Deciduous Trees: ≥ 24 inches DBH (Diameter at Breast Height)
 - Evergreen Trees: ≥ 18 inches DBH
 - Longleaf Pine: ≥ 16 inches DBH
- All specimen trees shall be identified, surveyed, and prioritized for preservation during the site planning process.
- Preservation efforts shall include root zone protection, fencing during construction, and adjustments to grading plans where feasible.
- Development designs should prioritize the retention of tree groupings and forested corridors to support wildlife habitats and maintain natural drainage patterns.
- Where feasible, preserved trees shall be integrated into parks, trails, and open spaces to enhance community amenities.

3. Tree Removal & Mitigation

3.1 Removal Allowances

- Tree removal is permitted when necessary for essential infrastructure, roads, utilities, and building sites.
- If removal of specimen trees is unavoidable, a **1:1 mitigation ratio** shall apply.
- Prior to removal, alternative site designs shall be evaluated to minimize tree loss.
- Trees that are removed should be repurposed where possible, including use for mulch, habitat enhancement, or lumber for community projects.

3.2 Mitigation Requirements

- Replacement trees shall meet the following criteria:
 - Minimum caliper of 2" (deciduous-shade tree), 1.5" single-stem or 6' multi-stem (deciduous-ornamental tree) or height of 8' (evergreens) at the time of planting.
 - Must be of a native or regionally adapted species to enhance biodiversity and resilience.

- Replacement trees should be placed in areas that maximize ecological and aesthetic benefits.
- Mitigation plantings can occur anywhere on the overall property with all intent to be designated in open spaces, buffers, or streetscapes.
- If on-site mitigation is not feasible, off-site mitigation in conservation areas or community reforestation projects may be considered.

4. Implementation & Compliance

4.1 Documentation & Monitoring

- A Tree Survey & Preservation Plan shall be submitted as part of the development approval process.
- Compliance with mitigation requirements shall be verified through an annual inspection for the first three years post-planting.

4.2 Long-Term Management

- The community's HOA or designated property manager shall oversee ongoing tree care, including irrigation, pruning, and health assessments.
- A contingency plan for replanting shall be in place for any mitigation trees that fail within three years of installation.

Exhibit G

Current Ordinances and Policies

The League of Municipalities and the NC Chapter of the American Planning Association have provided legislative updates and priority bills that relate to land use regulation and development. Further, on April 3, 2025, HB 756: Local Government Development Regulations Omnibus was filed.

The following document includes a summary of each bill from the UNC School of Government. Staff comments are in blue at the beginning of each section. The UNC SOC legislative reports and summaries are at this link: [All Bills | Legislative Reporting Service](#).

NCLM Priority Bills – in numerical order:

SB493: Land Use Clarification and Changes.

Part I. - [No change for the city, currently the UDO allows educational facilities in residential and commercial zoning districts.](#)

Enacts new GS 160D-917 to require zoning regulations in areas zoned for commercial use to allow the siting of a school building primarily used for the instruction of students and is under the control of a public school unit.

Part II. - [Local governments can pass resolutions to apply land use regulations for properties that have more than one local jurisdiction or property owners can elect to use the regulations for the jurisdiction that encompasses the majority of their property \(parcels that were in the former ETJ fall under this category\).](#)

Amends GS 160D-108 by adding that a vested right obtained by permit or other local government approval must not preclude the use or extinguish the existence of any other vested right or use by right attached to the property.

Amends GS 160D-705 by adding that if a special use permit expires and does not vest, the current zoning classification or regulation for the property applies.

Amends GS 160D-203, which provides that when land is within the planning and development jurisdiction of more than one local government, the local governments may, with the landowners' consent, assign exclusive planning and development regulation jurisdiction to any one of those local governments; specifies that this includes all development phases on the land (was the entire parcel). Adds that if such an agreement, or landowner consent, does not exist, then the landowner may elect the planning and development regulations of the local government where the majority of the total acreage of land is situated. Defines *landowner* as all titleholders of record owing an interest in the land. Makes additional conforming and clarifying changes.

Part III. – [This section is not applicable to Southport since we do not have extraterritorial jurisdiction.](#)

Section 3.1

Amends GS 160D-201 by limiting a city's exercise of powers granted by GS Chapter 160D to within the city's corporate limits, no longer including extraterritorial areas. Amends the following by removing provisions related to extraterritorial jurisdiction and areas: GS 160D-202 (municipal extraterritorial jurisdiction), GS 160D-602 (notice of hearing on proposed zoning map amendments), GS 160D-903 (agricultural uses), GS 160D-912 (outdoor advertising), GS 160D-925 (stormwater control), GS 160D-1125 (enforcement), and GS 113A-208 (regulation of mountain ridge construction by counties and cities). Makes conforming changes to GS 160D-1102 and GS 160A-58.4.

Repeals GS 160D-307, Extraterritorial representation on boards.

Amends GS 130A-317 by defining *extraterritorial jurisdiction* for purposes of defining the service area of a municipality that has established its own approval program instead of State approval for water system plans, as the boundaries of the area over which a municipality was exercising extraterritorial planning jurisdiction under Article 19 of GS Chapter 160A, or its successor GS Chapter 160D, before the municipality's relinquishment of jurisdiction over the area in accordance with the law.

Removes references to "extraterritorial jurisdiction" in GS 136-55.1 (notice of abandonment of roads), GS 136-63 (change or abandonment of roads), GS 136-66.3 (local government participation in improvements to the State transportation system), GS 143-138 (North Carolina State Building Code), GS 153A-317.14 (extension of economic development and training districts), GS 160A-176.1 and GS 160A-176.2 (ordinances effective in Atlantic Ocean), GS 160A-296 (establishment and control of streets), and GS 160A-299 (procedure for permanently closing streets and alleys).

Amends GS 143-215.1 (control of sources of water pollution; permits required) to define *extraterritorial jurisdiction* for the purpose of local permit programs for sewer extension and reclaimed water utilization, as the boundaries of the area over which a municipality was exercising extraterritorial planning jurisdiction under Article 19 of GS Chapter 160A, or its successor GS Chapter 160D, before the municipality's relinquishment of jurisdiction over the area in accordance with the law.

Repeals any provision in a local act granting a city the power to exercise extraterritorial planning jurisdiction under Article 19 (Planning and Regulation of Development) of GS Chapter 160A, or its successor, GS Chapter 160D.

Specifies that Section 3.1 applies only to extraterritorial jurisdiction territory of a city in a county as follows: (1) for counties with a population of 25,000 or less, effective October 1, 2026; (2) for counties with a population between 25,001 and 50,000, effective October 1, 2027.

Section 3.2

Prohibits cities from expanding their extraterritorial jurisdiction beyond the territory that the city was exercising extraterritorial jurisdiction authority upon as of June 1, 2025. Requires cities continuing to exercise extraterritorial jurisdiction authority to continue to appoint representation on boards according to GS 160D-307.

Section 3.3

Provides that the relinquishment of jurisdiction over an area that a city is regulating under the authority of extraterritorial planning jurisdiction will be determined by the county in which the area lies, not the city which has been exercising extraterritorial jurisdiction over the area, and becomes effective as follows: (1) for counties with a population of 25,000 or less, effective October 1, 2026, and (2) for counties with a population between 25,001 and 50,000, effective October 1, 2027. Specifies that Part does not prohibit a city from relinquishing jurisdiction over an area prior to these effective dates so long as the city complies with the provisions of Article 19 of GS Chapter 160A or its successor, GS Chapter 160D.

Requires that upon relinquishment of jurisdiction over an area a city is regulating under the authority of extraterritorial planning jurisdiction: (1) the city regulations and powers of enforcement remain in effect until the earlier of the effective date of the land use regulations adopted by the county with jurisdiction over the area or 60 days after the effective date set above for that county and allows the county to have hearings and take other measures required to adopt county regulations for the area prior to the relevant effective date and (2) any person who has acquired vested rights under a permit, certificate, or other evidence of compliance issued by the city may exercise those rights as if no change of jurisdiction had occurred, and allows the county acquiring jurisdiction to take any action regarding the permit, certificate, or other evidence of compliance that could have been taken by the city surrendering jurisdiction pursuant to the city ordinances and regulations. Specifies that except as provided in this section, any building, structure, or other land use in a territory over which a county has acquired jurisdiction is subject to the county's ordinances and regulation. Requires the city to notify the county, at least 180 days before the relevant effective date of: (1) the boundaries of the city's extraterritorial jurisdiction in that county; (2) the existing land use regulations applying to that extraterritorial jurisdiction in that county, including zoning and overlay maps; (3) any pending requests for amendments or other changes to the existing land use regulations applying to that extraterritorial jurisdiction in that county; and (4) any vested rights with respect to properties in the county's extraterritorial jurisdiction.

Section 3.4

Specifies that this Part has no effect on the extraterritorial jurisdiction of law enforcement officers.

SB495: Regulation of Accessory Dwelling Units - Accessory dwelling units are currently allowed in all residential zoning districts with the issuance of a special use permit with standards by the Board of Adjustment, which include parking requirements and a condition by the Board that the units cannot be rented separate from the primary house. This change would allow ADUs by right (would not require a special use permit), would not allow additional parking requirements, and would allow the ADU to be rented to a separate household for long-term rentals. Setbacks, height, location, and certain size limits can still be enforced.

The proposed language does not apply to properties with existing covenants such as an HOA, within local historic districts, designated National Historic Landmarks by the Dept. of the Interior, or the unit is not connected to sewer and water.

**HB627: Regulation of Accessory Dwelling Units
Identical to S495**

Enacts new GS 160D-917 requiring local governments to allow at least one accessory dwelling that conforms to the North Carolina Residential Code for One- and Two-Family Dwellings for each single-family detached dwelling in areas zoned for residential use that allow for development of single-family detached dwellings. Defines *accessory dwelling unit* as an attached or detached residential structure that is used in connection with, or that is an accessory to, a primary single-family detached dwelling and that has less total square footage than the primary single-family detached dwelling. Allows the accessory dwelling unit to be built or sited concurrently or after the primary detached dwelling has been constructed or sited.

Prohibits a local government from taking six specified actions when permitting accessory dwelling units including limiting long-term rental requirements, requiring placement in a conditional zoning district, establishing minimum parking requirements or parking restrictions, or setting a maximum unit size of less than 800 square feet. Sets out what a local government can do concerning setbacks, and unit location requirements and size.

Specifies that the statute does not apply to: (1) the validity or enforceability of private covenants or other contractual agreements among property owners related to dwelling type restrictions; (2) properties located in a historic preservation district established pursuant to Part 4 of this Article; (3) properties designated as a National Historic Landmark by the US Department of Interior; or (4) an accessory dwelling unit that is not connected to water and sewer. Applies to applications for accessory dwelling unit permits submitted on or after October 1, 2025.

Specifies that a local government that has enacted an ordinance meeting the requirements of this act and GS 160D-917, is not required to adopt a new ordinance.

Requires local governments to adopt development regulations to implement the provisions in this act by January 1, 2027; if they fail to do so, accessory dwelling units will be allowed in that local government without any limitations.

SB497: Expand Middle Housing – Currently single-family residences are the only by right uses in the R-10 and R-20 zoning districts. Duplexes are allowed with a special use permit. Triplexes and quadraplex units are allowed by right in multi-family zoning and by a special use permit in a PUD or office and institutional zoning district. This change will allow newly defined multi-family units (attached units) as a permitted use in all residential zoning districts. There are several issues that cannot be regulated in a local ordinance: prohibition of long-term rentals, requiring the installation of fire sprinklers, and restricting the ability of the owner to determine the size and location of parking spaces. This shall not apply to areas designated as a local historic district.

Regulations for development can be included so long as they don't discourage the development of middle housing types through unreasonable costs or delay through zoning, development, siting, or design review standards that restrict middle housing types to less than three stories, or a floor area ratio of less than one.

Enacts GS 160D-707 providing as follows:

Defines *middle housing* to mean buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, detached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, and townhouses. Defines eight other terms. Mandates that local governments allow all middle housing types in areas zoned for residential use, including those that allow for the development of detached single-family dwellings. Permits local governments to regulate middle housing pursuant to state law so long as any regulations do not act to discourage development of middle housing types through unreasonable costs or delay through zoning, development, siting, or design review standards that restrict middle housing types to less than three stories, or a floor area ratio of less than one. Requires application of the same permit and review processes applicable to detached single-family dwellings to middle housing. Specifies the statute's scope and impact on single-family dwelling permitting, and private property agreements. Makes regulations enacted thereunder inapplicable to an area designated as a local historic district as described. Limits the scope of the statute to areas that are served, or by extension may be served, by a local government water system, a local government sewer system, a public water system, or a described wastewater collection or treatment works. Lists seven issues that a local government is barred from regulating related with regards to middle housing, including prohibiting the use of any dwelling units on an affected lot as a long-term rental, requiring the installation of fire sprinklers, and restricting

the ability of the owner to determine the size and location of parking spaces. Requires local governments to consider ways to increase middle housing affordability when adopting regulations or amending comprehensive plans under the statute such as waivers or deferrals of system development fees, dedication of recreation areas or open space, or transportation improvements or street construction. Makes the statute applicable and effective 18 months after the date the act becomes law. Provides that all middle housing types described will be allowed in any area or district zoned for residential use, without limitation, if a local government fails to adopt development regulations pursuant to the statute's authority. Deems void any provision of an instrument recorded on or after the date the statute becomes effective affecting real property that allows the development of a single-family dwelling but prohibits the development of middle housing or an accessory dwelling unit.

SB499: Allow Housing Near Jobs – this will allow residential units by right as primary uses in the CBD, BD, and HC zoning districts. Currently, commercial accessory dwelling units are allowed with standards and a special use permit in nonresidential zoning districts or mixed uses in the CBD and BD. This proposed language will allow primary uses as well as the conversion of a portion of an existing building from commercial to residential. This could eliminate the commercial dwelling unit accessory requirements currently in the UDO.

Creates new GS 160D-707 (Residential development allowed in all commercial zones), which allows residential construction by right in any area or district zoned for commercial, office, or retail use, including the conversion of a building or portion of a building from commercial to residential use. Clarifies that the statute does not supersede or diminish any building or fire code or other public health and safety regulations.

SB587: Clarify Nonconforming Uses – proposed language will reverse the down-zoning language requiring consent of all of the property owners prior to zoning regulations being enacted or enforced by a local government. Local governments will have the ability to adopt and enforce regulations as needed.

While the down-zoning language is changed, a proposed new section on nonconformities states that any land use development regulation that creates a nonconformity must have written consent of the property owners. Nonconformities would be able to exist/continue and be maintained or replaced until intentionally and voluntarily discontinued for not less than 24 months. The current UDO language allows nonconformities to exist and be maintained, repaired, and replaced until discontinued or abandoned for 180 consecutive days or 6 months.

Amends GS 160D-102, adding nonconformity to the defined terms for the Chapter, which governs local planning and development regulation. Enacts new GS 160D-108.2 deeming amendments in land development regulations not applicable or enforceable without the written consent of the owner with regard to a nonconformity. Defines *nonconformity* to mean

and of four described categories, including lots, parcels, tracts, structures, uses, dwellings, accessory buildings, accessory structures, outdoor lighting, fences, walls, signs, off-street parking, vehicular surface areas, or private access points, that was lawfully operated, established, or commenced in accordance with applicable development regulations in effect at the time the nonconformity became nonconforming so long as the nonconformity is not extended, expanded, enlarged, increased, or intensified. Lists four provisions that apply to vested rights in a nonconformity under the new statute, including that (1) the establishment of vested rights does not preclude vesting under one or more provisions of law or vesting by application of common law principles; and (2) a nonconformity may continue until intentionally and voluntarily discontinued. Sets the statutory vesting period to expire if the nonconformity is intentionally and voluntarily discontinued for a period of no less than 24 consecutive months, with three specified events that automatically toll the 24-month discontinuance period. Directs that reconstruction, re-establishment, repair, and maintenance of a nonconformity must be allowed by right provided the nonconformity is not extended, expanded, enlarged, increased, or intensified by the reconstruction, re-establishment, repair, or maintenance. Excludes from the scope of the new statute outdoor advertising and on-premises advertising as governed by GS 160D-912 and GS 160D-912.1, respectively.

Eliminates the statutory vesting period for nonconforming uses of property issued a development permit set forth in GS 160D-108. Further amends the statute to add that the 24-month development discontinuance period, which triggers the expiration of the statutorily vested rights under the statute, is automatically tolled for the duration of any emergency declared under specified state law for which the defined emergency area includes the property or any portion thereof. Specifies that the process to claim a statutory or common law vested right described under the statute applies to claiming vested rights in a nonconformity under new GS 160D-108.2.

Amends GS 63-36 to define nonconformity by statutory cross-reference to GS 160D-102, as amended.

Amends GS 160A-31 and GS 160A-58.1 to include whether there are vested rights under GS 160D-108.2 in the signed statements cities may require of petitions for annexation of corporate limits or noncontiguous areas with regards to properties subject to the petition. Regarding the duration of development approvals under GS 160D-403, specifies that the statute does not limit any vested rights secured under new GS 160D-108.2.

Makes conforming changes to GS 106D-108.1; GS 63-31; and GS 63-36.

Replaces GS 136-131.5(c) to specify that a nonconforming sign cannot be relocated unless the nonconforming sign is brought into conformity with State law, rules, and regulations (previously contained a substantively similar requirement but referred to nonconformity). Amends GS 136-131, providing that trees existing at the time the outdoor advertising sign was erected can only be removed within the zone established under the statute if (1) the

applicant reimburses the Department of Transportation (DOT), or (2) trees that existed at the time of the erection of the outdoor advertising sign (was, sign) can be removed if the applicant agrees to remove two nonconforming signs (was, outdoor advertising signs) for each outdoor advertising sign (was, sign) at which removal of existing trees is requested. Amends GS 106D-912, clarifying that the term "off-premises outdoor advertising" includes off-premises outdoor advertising sign (was, outdoor advertising) visible from the main-traveled way of any road. Makes changes to consistently refer to "off-premises outdoor advertising". Authorizes local governments to require removal of an off-premises outdoor advertising that is not in compliance with a development regulation (was, an off-premises outdoor advertising sign that is nonconforming under a local ordinance). Makes conforming changes throughout to refer to off-premises outdoor advertising that are not in compliance with a development regulation rather than nonconforming. Specifies that the statute does not diminish the rights given to owners or operators of nonconformities or outdoor advertising signs under specified state law, including new GS 160D-108.2. Makes technical changes.

Similarly, amends GS 160D-912.1 to refer to on-premises advertising signs that are not in compliance with a development regulation rather than nonconforming. Specifies that the statute does not diminish the rights given to owners or operators of nonconformities as set forth in state law, including new GS 160D-108.2. Makes technical changes.

Amends GS 106D-601, as amended by SL 2024-57, Section 3K.1, to require written consent of property owners whose property is subject to a down-zoning amendment before an amendment to a zoning regulation (was, zoning regulations or zoning map) can be initiated, enacted, or enforced, unless the amendment is initiated by the local government (previously provided no exception). Amends the definition of "down-zoning" to include reducing the substantive permitted uses (previously, permitted uses) of the land specified in the zoning regulation (previously, or included land development regulation) to fewer uses than were allowed under its previous usage, and deletes the qualification for regulations creating any type of nonconformity on land that is not in a residential zoning district. Applies retroactively to December 11, 2024. Requires any development ordinance affected by Section 3K of SL 2024-57 to be treated as if it remained in effect from June 14, 2024, to December 11, 2024. Applies to nonconformity existing on or after December 11, 2024.

SB688: Local Government Land Use Reform – many of the same proposed changes found in HB765.

The limitation of local governments to exercise planning, zoning, and development regulation except as authorized by the statute. – limits local gov'ts to only do what the law says is allowable in relation to planning and zoning. This gives the state more authority over development regulations and less flexibility to local governments.

This proposal removes the ability to applying building design elements to projects even if the property owner/applicant agrees during a zoning or development approval process.

Residential zoning shall allow by right no less than 4 units/acre. Parking requirements will be removed both in establishing spaces for different uses and regulating size, except for handicap, parallel, or diagonal space. Driveway standards are prohibited, unless abutting a public road. Further, it removes the ability to require sidewalks, unless it is connecting to an existing or planned sidewalk plan. The current UDO has specific driveway standards and sidewalk requirements for residential and nonresidential subdivisions or developments.

There are new additions that dictate that a local official may be held personally liable for injury and damages, and attorneys' fees are to be awarded to the other party. Further there are new provisions that allow a person to bring civil action for certain decisions and to recover fees.

Limits the authority of local governments to exercise planning, zoning, and development regulation to the authority expressly authorized in statute by repealing GS 160D-101 subsection (d), and adopting new subsection (e). Effective and applicable to ordinances in effect on or adopted after January 1, 2026, making any ordinances inconsistent with the law void and unenforceable.

Amends GS 160D-702 (Grant of power) to clarify that except as expressly provided, local governments may not apply regulations prohibited by the section to any zoning or conditional district. Prohibits development regulations from setting a minimum width or length of structures regulated under the North Carolina Residential Code, making parking space requirements except as required by the ADA, specifying the minimum width, length, or square footage of driveways in a development unless they abut a public road, and requiring design standards for roads within a development in excess of Department of Transportation standards unless the city is accepting ownership and maintenance responsibility for the road in subsection (c). Requires that zoning regulations in a city of 150,000 or more allow five dwellings or more per acre in areas zoned for residential use; for cities 149,999 or less, requires no fewer than four dwellings per acre, and makes bona fide farm use an exemption to these requirements. Specifies that a local government must use quasi-judicial procedures to adopt a zoning or development regulation authorized by the statute. Effective and applicable to ordinances in effect on or adopted after July 1, 2025, making any ordinances inconsistent with the law void and unenforceable.

Amends GS 160D-703(b), prohibiting a local government from mandating as a condition for approval of a conditional district (1) any requirement not specifically authorized by law, or any requirement that the courts have held to be unenforceable if imposed directly by the local government, or (2) any offer from the petitioner to consent to requirements not authorized by law. Requires a local government to use quasi-judicial procedures to adopt a zoning or development regulation authorized by the statute. Adds "conditional use permits" to the list of appeals requiring quasi-judicial procedures in GS 160D-406(a).

Expands the scope of actions where a party may obtain attorneys' fees under GS 6-21.7 to include where a court finds that a city or county's actions were arbitrary and capricious. Adds

new subsection (b), specifying that when a local elected official is a party, if a court finds that the official's act was "fraudulent, unlawful, arbitrary and capricious, beyond the scope of his or her statutory authority, or malicious or corrupt," the official may be held personally liable for injury and damages, and attorneys' fees are to be awarded to the other party. Specifically waives public official immunity, legislative immunity and judicial immunity. Does not hold local elected officials responsible for unlawful acts by officers and employees, unless the acts were by the authority of the local elected official or the official had knowledge of the act or should have known of the act under reasonable circumstances.

Amends GS 160A-307 (Curb cut regulations) to specify that a city may only regulate to the extent authorized by GS Chapter 160D, and to require the city to show through substantial evidence the need for any required improvements is directly related to the traffic using the driveway in question.

Allows a civil action for declaratory relief under GS 160D-1403.1 when a person claims a decision of a local government under GS 160D-702 or GS 160D-703 is an abuse of discretion, unlawful, arbitrary and capricious, or otherwise in excess of legal authority. Amends subsection (b) to grant standing to an association or organization of persons who otherwise qualify for standing under the statute.

Creates new GS 160D-1403.3 (Private remedies), that allows a person to bring a civil action to recover damages, costs, and attorneys' fees and obtain equitable relief for a violation of the Chapter, in addition to the other remedies available.

Except for the amendments to GS 160D-702, effective January 1, 2026.

NCAPA Priority Bills – in numerical order

HB369: Parking Lot Reform and Modernization Act – removes dimensional requirements for parking spots except for handicap, parallel, or diagonal parking and removes the ability to require a minimum number of parking spaces.

Proposed language for stormwater systems provides the ability of local governments to provide incentives for stormwater capture ordinances – the Planning Board is currently reviewing a draft revision to the UDOs stormwater ordinance. The language would not change the UDO draft, other than the ability to consider incentives for full capture of stormwater.

Amends GS 160D-702 by prohibiting a zoning or development regulation from requiring off-street vehicular parking to: (1) have a minimum width or length, unless the parking space is designed for handicap, parallel, or diagonal parking or (2) require a minimum number of parking spaces per development or structure, regardless of occupancy or use (was, must require a parking space to be larger than nine feet wide by 20 feet long, unless designated for handicap, parallel, or diagonal parking). Effective July 1, 2025.

Part II.

Enacts new GS 143-215.77B, prohibiting a person from purchasing or importing a high PAH (polycyclic aromatic hydrocarbons) sealant product (as defined) for use or application in the construction or maintenance of any parking or vehicular access area. Effective January 1, 2026.

Part III.

Amends GS 143-214.7 by no longer prohibiting stormwater runoff rules and programs from requiring private property owners to install new or increased stormwater controls for redevelopment activities that do not remove or decrease existing stormwater controls. Instead, prohibits local stormwater programs from requiring owners who are redeveloping a property to install new stormwater controls for preexisting built-upon areas if the redevelopment site is a small scale residential development. Allows, when a preexisting development that is not a small scale residential development is redeveloped, for local stormwater programs to implement mandatory stormwater capture ordinances requiring owners undertaking the redevelopment to install new stormwater controls for preexisting built-upon area to capture up to 50% of the final stormwater runoff calculation for the entire property. Also allows applicable local stormwater programs to implement incentive stormwater capture ordinances that waive building, zoning, connection, or other fees; provide additional tax and financial benefits; or institute other incentives for redevelopments that capture additional stormwater over the local stormwater programs' mandatory percentages. Allows applicable local stormwater programs to elect to forego mandating stormwater capture controls and provide incentives to capture up to 100% of the final stormwater runoff calculation for the entire property.

SB314: Eliminate ETJ Overlap – [Not applicable to Southport – although it will affect all other municipalities with an ETJ in Brunswick County and will expand the planning and zoning authority of the county.](#)

Amends GS 160D-202 (Municipal extraterritorial jurisdiction) by creating new subsection (a1) that prevents cities from exercising extraterritorial authority in counties that have adopted a zoning or unified development ordinance. Repeals subsection (c), which allows a city to extend its extraterritorial jurisdiction when a county is not enforcing zoning and subdivision regulations in an area or when the county has approved of the city's extension of extraterritorial powers.

SB325: Create Dept of Housing and Comm Development – [the creation of this department may provide resources and training for staff and citizens.](#)

Establishes the Department of Housing and Community Development (Department) as a cabinet-level department containing the Division of Operations, the Division of Community Development, the Division of Housing and the Policy and Legislative Office.

Amends GS 143B-2 making the Department subject to the Executive Organization Act of 1973. Amends GS 143B-6 making the Department a principal department.

Amends GS 126-5 listing the Department among those which the Governor may designate positions that are exempt from the NC Human Resources Act.

Enacts new Article 18, Department of Housing and Community Development in GS Chapter 143B, providing as follows. Establishes the Department and sets out its structure. States the Department's mission as: (1) partner with communities in this State to develop economic potential of communities and residents; (2) provide training and certification for building officials; and (3) invest in housing and community development projects in this State to assist low- to moderate-income residents. Establishes the Secretary of the Department of Housing and Community Development as the head of the Department. Establishes the 9-member North Carolina Board of Housing and Community Development to advise the Secretary and to assist in the mission of the Department. Sets out membership appointment power, sets terms at two years and provides for filling vacancies.

Appropriates \$30 million in recurring funds for 2025-26 from the General Fund to the Department. Effective July 1, 2025.

HB765: Local Government Development Omnibus – The language of this bill has been reviewed by land use attorneys, planners, and other policymakers throughout the state. The bill's effects have the potential to change the landscape of local planning in NC. Further information will be distributed as it is made available.

The following narrative is in the NCLM April 4, 2025, Legislative Bulletin:

Legislation that would largely undo local land-use planning and regulation was filed in the House this week, with the bill mandating a range of specific actions removing local decision-making. [HB 765 Local Gov. Development Regulations Omnibus](#) represents a radical approach that would remove local regulatory standards, allowing unregulated development in some instances or establishing statewide rules in others.

The 22-page bill is comprehensive in its scope, but know that it would have the effect of undoing local land-use authority by:

- *Creating a mix of state mandates and bans of certain local land-use activities that would lead to unregulated development or incompatible development, damaging existing property values.*
 - *Section 9 eliminates the ability for local governments and developers to negotiate voluntary conditions in the Conditional Zoning process.*
 - *Section 9 also bans municipalities from regulating parking or adopting street design standards that exceed NCDOT requirements.*

- *Eliminating local elected officials' decision-making powers granted to them by local voters, subjecting those officials to legal penalties during regular land-use planning decisions, and creating unprecedented conflict-of-interest rules.*
 - *Section 4. (a) introduces vague conflict-of-interest rules, barring officials from voting on land-use matters if they have a fixed opinion— an undefined and subjective standard.*
 - *Section 17. (b) imposes new civil penalties on local officials who violate existing or newly imposed rules, increasing legal exposure for routine planning decisions.*
- *Removing the ability of residents and local officials to pursue their unique visions for their communities that are critical to attracting new residents, new businesses and maintaining their quality of life.*
 - *Section 10. (b) mandates new minimum density requirements based solely on population size, allowing development by right, without approval from elected officials or public input.*

*These provisions, and numerous others in the bill, would significantly restrict local communities' ability to shape their future, attract economic development, and maintain their quality of life. **NCLM urges city leaders to review HB 765 carefully and share concerns with legislators.***

Section 1 – This adds an extra layer of review and analysis for any ordinance change that would cause a net increase or decrease in the cost of constructing, purchasing, owning, or selling a single-family home.

Amends GS 120-36.7, enacting a new subsection to require a fiscal note be prepared by the Fiscal Research Division and attached to every bill and resolution introduced in the NCGA that proposes a change that could cause a net increase or decrease in the cost of constructing, purchasing, owning, or selling a single-family residence. Requires the fiscal note to identify and estimate all anticipated effects on costs for the first five years that the proposed change would be in effect. Details required bases for the estimates. Provides for instances where the Fiscal Research Division determines no estimate is possible. Prohibits including comments on the merits but allows for noting technical and mechanical defects. Describes the procedure for requesting a fiscal note, the timeline within which the note must be prepared and transmitted, and its attachment to the bill. Makes the requirements applicable to bills which are reported favorably by a committee with an amendment that proposes a change covered by the subsection.

Enacts GS 159-42.2, establishing a similar requirement applicable to governing bodies of local governments. Requires governing bodies of cities and counties to have a fiscal note

prepared by their planning department (or another department designated by the body) and submitted to the body at least five days prior to a meeting where an ordinance is to be introduced that would cause a net increase or decrease in the cost of constructing, purchasing, owning, or selling a single-family residence. Requires the fiscal note be made available to the public at the meeting. Defines "introduced". Allows the department preparing the fiscal note to consult with relevant specified trade organizations. Requires the fiscal note to identify and estimate all anticipated effects on costs for the first five years that the proposed change would be in effect. Details required bases for the estimates. Provides for instances where the department determines no estimate is possible. Prohibits including comments on the merits but allows for noting technical and mechanical defects. Creates a cause of action for residents against a governing body for noncompliance. Authorizes a court to order that a fiscal note be prepared and prohibits a court from determining the sufficiency of a fiscal note.

Applies to legislation and ordinances introduced for consideration on or after July 1, 2025.

Section 2

Amends GS 160D-101, repealing the provision specifying that GS Chapter 160D (Planning and Zoning) does not impact local governments' scope of authority for planning and development regulation authorized by state law in other GS Chapters. Instead, enacts a new subsection barring local governments from exercising planning, zoning, subdivision, or development regulation authority beyond that expressly authorized by GS Chapter 160D. Prohibits local governments from enacting or enforcing more restrictive planning, zoning, subdivision or development regulations standards, limitations, or requirements than those expressly provided by State law or rule governing a particular subject matter, if any, except for regulations pertaining to floodplain management. Effective January 1, 2026. Deems void any noncompliant ordinance in effect or subsequently adopted on or after that date.

Section 3

Amends GS 160D-108.1 regarding site-specific vesting plans based on an approval required by a local government regulation. Now deems that a duration of the underlying approval less than five years (was two years) does not affect the duration of the site-specific vesting plan. Extends the duration of vested rights for site-specific vesting plans from two to five years. Now allows a local government to provide for rights to be vested for a period exceeding five years and up to eight years (was two years and up to five years). Changes language to refer to land development regulation rather than zoning action. Makes further clarifying and technical changes.

Section 4 – This will not allow governing or appointed boards to participate or vote in any legislative decision or recommendation where there is a conflict of interest. The language also expands conflict of interest for legislative review to members that have a fixed opinion that is not susceptible to change or if the member has had ex parte communication about

the matter. These conflicts of interest are similar to those used by quasi-judicial board disclosures or recusal.

Amends GS 160D-109 to bar members of local government governing boards and appointed boards from participating in or voting on any legislative decision (or, for appointed board members, any advisory decision) regarding a development regulation adopted under the Chapter where the member has a fixed opinion prior to the hearing on the matter that is not susceptible to change, or the member has undisclosed ex parte communication about the matter. Makes organizational and clarifying changes.

Amends GS 160D-605 regarding the required statement governing boards must approve when adopting or rejecting any zoning text or map amendment describing whether its action is consistent or inconsistent with an adopted comprehensive or land-use plan. Makes the plan consistency statement subject to judicial review (currently exempt from judicial review).

Section 5 – where split jurisdictions in former ETJ areas of the city, if the property is vacant and the county provides water and sewer, then the county will have planning jurisdiction for the property. This only applies to zoning/land use.

Makes organizational changes to GS 160D-203 regarding split jurisdiction. Adds a new subsection to direct planning and development regulation jurisdiction over parcels that lie within the jurisdiction of more than one local government as follows. Specifies that:

- if only one local government has the ability to provide water and sewer services to the parcel at the time a site plan is submitted, that local government has jurisdiction over the entire parcel;
- if all of the local governments have the ability to provide either water or sewer services, but not both, at the time the site plan is submitted, the owner can designate which local government's regulations will apply to the parcel; and
- if all or none of the local governments have the ability to provide water and sewer services at the time the site plan is submitted, the local government where the majority of the parcel is located has jurisdiction over the entire parcel.

Section 6

Amends GS 160D-402, authorizing governing boards to set fees for the support, administration, and implementation of programs authorized by GS Chapter 60, to specify that such fees cannot exceed the amount reasonably required for those purposes (previously, authorized boards to fix reasonable fees).

Section 7

Amends GS 160D-403 to require that approvals concerning an application for a development project that is a permitted use in the zoning district where the project is

located be made by the city's administrative staff if the city has a population of at least 125,000 people.

Section 8 – creates a timeframe to determine complete applications for zoning map and zoning ordinance updates and development approval (minor or major site plan) and within a 90 day window must provide approval or denial of the proposal.

Enacts GS 160D-707 (concerning applications for amendment of a zoning map or zoning regulations) and amends GS 160D-403 (concerning applications for development approval), establishing a 14-day period within which a local government or their designated staff must determine whether an application for amendment of a zoning map or zoning regulations, or development approval, is complete and notify the applicant of the application's completeness or deficiencies. Establishes a second 14-day period within which a determination of completeness must be made for amended applications or supplemental information submitted to cure identified deficiencies. Requires the local government or their designated staff to issue a receipt letter or electronic response upon the date the application is deemed complete, starting a 90-calendar day review period within which the application must be approved or denied. Tolls the review period at an applicant's request of a continuance. Permits extension of the review period up to six months only by agreement with the applicant and due to circumstances beyond the control of local government. Deems failure to act within the review period to constitute approval of the application, requiring written approval be issued upon demand by the applicant.

Section 9 – removes the ability to applying building design elements to projects even if the property owner/applicant agrees during a zoning or development approval process and removes the ability to allow more restrictive regulations in any zoning or conditional zoning district – nothing prohibited can be added even with property owner consent.

Parking requirements will be removed both in establishing spaces and regulating size, except for handicap, parallel, or diagonal space. Driveway standards are prohibited, unless abutting a public road. Removes the ability to require sidewalks, unless it is connecting to an existing or planned sidewalk plan.

Amends GS 160D-702 regarding local government authority to adopt zoning regulations. Regarding the general prohibition against applying any regulations relating to the building design elements adopted under the Chapter to any structures subject to regulation under the Residential Code, now prohibits applying these prohibited regulations to any zoning district or conditional district, without exception (current law allows property owners to voluntarily consent to application in the course of seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval). Modifies and adds to the prohibited scope of zoning and development regulations (regulations) as follows. Prohibits regulations from setting a minimum width, length, or square footage (was square footage only) of any structures subject to the Residential Code. Prohibits establishing or requiring parking or parking space requirements or allocations except pursuant to the Americans with

Disabilities Act (ADA) (replacing the prohibition against requiring a parking space to be larger than 9 feet wide by 20 feet long, with exceptions for handicap, parallel, or diagonal parking spaces). Specifies that the parking space prohibition applies to parking space sizes, parking spaces required for a particular development and their location and configuration within a particular development. Adds a new prohibition against setting a minimum width, length, or square footage for driveways within a development, unless the driveway abuts a public road, as defined, or pursuant to specified state law. Specifies that the prohibition does not impact the Department of Transportation's (DOT) authority to regulate driveways adjacent to State roads. Adds a new prohibition against setting design standards for roads with a development in excess of those required by DOT, with an exception for a city that accepts ownership and maintenance responsibility for the road prior to or in conjunction with site plan approval, subject to confirmation of conformity requirements. Adds a new prohibition against requiring the installation of sidewalks or improvement of existing sidewalks for any commercial or school property, with two described exceptions, including that the sidewalk is connected to an existing sidewalk. Adds a new prohibition against establishing a setback or buffer yards requirements for a multifamily development that exceeds 15 units per acre, limited to cities with a population of at least 125,000.

Section 10 – establishes minimum residential densities based on population size. Takes away the ability to incorporate regulations within a conditional use district that are not otherwise enforceable by the local government and are not authorized by law.

Amends GS 160D-102 to define *dwelling unit* to mean a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Amends GS 160D-703, adding a new requirement for local governments to classify residential zoning districts based on the number of dwelling units allowed per acre and prohibits classification based on the minimum lot size allowed. Enacted as new subsection (a2), establishes siting uses statutorily permitted by right in areas zoned for residential use in a county, based on county population, ranging from no fewer than four dwelling units per acre for counties with a population of 49,999 or less, and no fewer than six dwelling units per acre for counties with a population of 275,000 or more. Enacted as new subsection (a3), establishes siting uses statutorily permitted by right in areas zoned for residential use in a city, based on city population, with no fewer than four dwelling units per acre for cities with a population of 19,999 or less, and no fewer than six dwelling units (which may be met by duplexes, triplexes, and quadruplexes permitted by right) per acre for cities with population of 125,000 or more. Adds statutory uses of right for areas zoned for non-agricultural commercial, business, or industrial use in a city with a population of 125,000 or more for duplexes, triplexes, quadruplexes, and multifamily structure with more than four residential dwelling units, with a maximum height restriction as specified. Deems the statutory uses and structure of right for described for cities with a population of 125,000 or more exempt from local design standards (unless adopted as a condition of participation in the National Flood Insurance Program) or landscape buffering regulations. Deems new subsections (a2)

and (a3) applicable to all structure subject to the Residential Code regardless of whether the structures are located on multiple lots or a single lot; excludes land used for a bona fide farm purpose or open space land purpose from the scope of new subsections (a2) and (a3). Regarding conditional districts, prohibits local governments from: (1) requiring, enforcing, or incorporating into the zoning regulations, or requiring as a condition of approval of any site plan, development agreement, conditional zoning permit, or any other instrument any condition, requirement, or deed restriction not specifically authorized by law, or any condition or requirement that courts have held to be unenforceable if imposed directly by the local government; or (2) accepting any offer by the petitioner to consent to any condition not specifically authorized by law, including listed conditions and standards (current law prohibited conditions or requirements not authorized by otherwise applicable law unless the petitioner consented in writing). Defines "acre". Effective January 1, 2026. Deems void any inconsistent local government ordinance in effect on or after that date.

Section 11- [all new subdivision applications will be reviewed and approved administratively by staff. Currently, the Board of Aldermen have the final decision on subdivisions with a recommendation from the Planning Board.](#)

Amends GS 160D-803 to require (was permit) subdivision regulations to provide that final decisions on preliminary plats and final plats are administrative and made by a staff person or committee comprised entirely of staff persons (current law permits the decisions to be made by the governing board, the governing board on recommendation of a designated body, or a designated planning board, technical review committee of local government staff, or other designated body or staff person). Eliminates language referencing quasi-judicial decisions. Makes conforming changes.

Section 12

Applicable to cities with a population of at least 125,000 people, enacts GS 160D-974 to mandate cities to allow small housing (appears to intend "tiny houses") in areas zoned for residential or mixed-use residential, including those that allow for the development of detached single-family dwellings. Provides a savings clause for private covenants or other contractual agreements among property owners. Excludes areas designated as a local historic district unless approved by the local historic preservation authority. Authorizes a city to require a new septic system or upgrade an existing system if determined that the existing system is incapable of handling extra capacity. Defines "tiny house".

Applicable to cities with a population of at least 125,000 or more, enacts GS 160D-975 to mandate cities to allow the development of at least one accessory dwelling unit, conforming to the Residential Code, for each detached single-family dwelling that is greater than 600 square feet, in areas zoned for residential use that allow for development of detached single-family dwellings. Allows the accessory building to be built or sited concurrently with or after the primary dwelling. Specifies that the statute does not prohibit permitting accessory dwelling units in any area not otherwise required by the statute. Defines

"accessory dwelling unit". Lists three requirements from which development and permitting of an accessory dwelling unit are excepted from, including owner-occupancy requirements. Lists prohibitions for cities in connection with permitting accessory dwelling units, including prohibiting connection of the accessory dwelling unit to existing utilities serving the primary dwelling unit and charging fees that exceed the amount charged for single-family dwelling units similar in nature (other than building permit fees). Authorizes cities to regulate accessory dwelling units so long as the regulations do not act to discourage their development or siting through unreasonable costs or delay. Provides a savings clause for private covenants or other contractual agreements among property owners. Authorizes cities to impose a minimum setback for accessory dwelling units of the lesser of five feet or the setback minimum imposes generally upon lots in the same zoning classification.

Section 13 – will require 75% of property owners to sign a petition requesting designation of a historic district. Currently, the approval is a zoning map amendment that requires a recommendation by the Planning Board, a public hearing, and final decision by the Board of Aldermen. The approved local district is approved with Design Standards to be used for decision making.

Amends GS 160D-944, adding new criteria for the designation of a historic district. Now requires that 75% of the property owners in the proposed district sign a petition requesting designation of the district. Adds a new requirement for the governing board of the local government to unanimously approve the adoption of the district.

Section 14

Amends GS 160D-1110 to prohibit local governments from requiring more than a shell permit, defined as a permit that allows for the structural construction of a building but does not result in the issuance of a certificate of occupancy, for the construction of a multifamily development project. Directs local governments to issue certificates of occupancy for individual units in a multifamily development project permitted under a shell permit as units meet the criteria for issuance, upon request of the permittee.

Section 15 – anyone with standing may challenge the decision of staff, governing board, or local government official, which is defined as an elected official or appointed member of a decision-making board or governing board or a local government's administrative staff in violation of the new rules.

Amends GS 160D-1403.1, allowing for persons with standing to bring a claim to challenge the enforceability, validity, or effect of a local land development regulation or decision (limited to local land development regulation under existing law). Expands the possible claims to include that the ordinance is arbitrary or capricious, or that the decision of an administrative staff member, local government decision-making board or governing board, or local government official made pursuant to the authority of GS 160D-702 or GS 160D-703 (regarding zoning regulations and zoning districts), is ultra vires, preempted, in excess of its statutory authority, made upon unlawful procedure, made in error of law, arbitrary and

capricious, or an abuse of discretion. Adds to the criteria for standing to bring a claim to allow a claim be brought by an association, organization, society, or entity whose membership is comprised of any individual or entity identified in two existing criteria for standing relating to development permit applicants. Defines "local government official".

Section 16 – [anyone can bring civil action to enforce the proposed law to recover damage](#)

Enacts GS 160D-1403.3, creating a cause of action for any person, organization, society, or entity for enforcement of the Chapter's provisions and recovery of damages, costs, and disbursements, and receipt of other equitable relief.

Section 17 – [allows anyone with standing to bring civil action to remedy development decisions and requires the award of attorney fees](#)

[Removes the ability of a local government to adopt or enforce development ordinances requiring a higher standards than state or federal law](#)

Amends GS 160D-110, excluding the Chapter from the scope of GS 153A-4 and GS 160A-4 (directing for the broad construction of the Chapters and local acts).

Enacts GS 160D-1406 to allow recovery of actual damages resulting from any development decision, or lack thereof, in a civil action instituted by any person with standing under GS 160D-1402(c) (standing for appeals of quasi-judicial decisions of decision-making boards when the appeal is in the nature of certiorari). Makes recovery available for decision from any member of the decision-making body who (1) engaged in impermissible violations of due process; (2) considered evidence or other material gained outside of an evidentiary hearing when making a quasi-judicial decision; or (3) acted maliciously, arbitrarily, and capriciously, or unlawfully. Permits the award of punitive damages. Authorizes the court to compel disclosure of information necessary to a proper administration of justice, subject to the common law of legislative privilege and immunity. Provides for the award of attorneys' fees and costs.

Amends GS 6-21.7 to require courts to award reasonable attorneys' fees and costs to a party who successfully challenged acts of the member of a decision-making board under new GS 160D-1406. Makes organizational and clarifying changes.

Amends GS 153A-121 (concerning counties) and GS 160A-174 (concerning cities), specifying that the statutes, which grant counties' and cities' general ordinance-making power, do not apply to the adoption or enforcement of development regulations under GS Chapter 160D.

Section 18

Amends GS 136-102.6, adding a new subsection to mandate that the Division of Highways of DOT accept a performance guarantee as provided under GS 160D-804.1 to ensure completion of streets that are required by a municipal or county subdivision control

ordinance. Requires issuance of the certificate of approval to the municipality or county upon receipt of the performance guarantee. Makes clarifying changes.

Section 19

Amends GS 160A-37 to generally prohibit cities from regulating the size, location, direction of traffic flow, and manner of construction of driveway connections into any street or alley unless expressly permitted by GS Chapter 160D (current law grants cities the express authority to regulate these matters by ordinance). For permitted ordinances under GS Chapter 160D, requires that the city have shown through substantial evidence (1) the need for the improvements is reasonably attributable to the traffic using the driveway and (2) the improvements serve the traffic of the driveway. Defines "substantial evidence".

Section 20

Enacts GS 162A-901 to require public water systems, public sewer systems, or public water and sewer systems (systems) serving the site for a proposed development to respond within 30 days of receiving a completed application for service commitment as to whether the system has capacity to serve the proposed development. Defines "proposed development". Limits reservation of capacity to applicants with an active application for development approval. Mandates reservation of capacity for the proposed development for 24 months from the date of the completed application for service commitment unless the system does not have capacity or is under a moratorium precluding expansion, as specified. Requires systems to prepare a plan for expansion of capacity within 90 days of denial of a reservation application that includes required specified components. Prohibits denial of access to the system by the system or a local government upon the applicant incurring costs associated with the proposed development in reliance on the reservation. Provides for extension of the reservation of capacity until construction is completed so long as the development application remains active or the work has commenced and continued under a valid development permit. Directs systems to notify the applicant that the reservation will expire within 90 days of the initial 24-month period.

Requires that, for applicants that, on or after July 1, 2020, received a service commitment from a system confirming availability of capacity for the applicant's development project, but whose capacity needs have not been provided, systems reserve, allocate, and provide those applicants with the capacity assured in the service commitment in the chronological order that the service commitment was issued before the system reserves, allocates, or provides capacity to another applicant.

Section 21

Enacts GS 130A-343.5 allowing property owners to: (1) install a wastewater system to serve any undeveloped or unimproved property located so as to be served by a public or community wastewater system; and (2) install a wastewater system on developed or unimproved property located so as to be served by a public or community wastewater system, if the public or community wastewater system has not yet installed sewer lines directly available to the property or otherwise cannot provide wastewater service to the

property at the time the owner desires wastewater service. Prohibits requiring the property owner to connect to the public or community wastewater system so long as the wastewater system installed pursuant to Article 11 (Wastewater Systems) remains compliant and in use. Permits owners to opt-in to connection. Provides for construction of the section and lists three instances in which the section does not apply and a public or community wastewater system can mandate connection, including when the public authority or unit of government operating the system is being assisted by the Local Government Commission.

Section 22

Includes a severability clause.