



**CITY OF SOUTHPORT  
PLANNING BOARD  
WORKSHOP AGENDA  
113 W MOORE ST  
SOUTHPORT NC 28461**

MAY 2, 2025  
10:00 AM

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 Agenda**
- E. Old Business**
  - 1. ZTA-25-03 – Zoning Amendment Application: Conditional Zoning and Appendix A
  - 2. CZ-25-01 – Conditional Rezoning: Waterway Community
- F. Adjourn**

# STAFF REPORT – ZTA 25-03

## ZONING TEXT AMENDMENT APPLICATION

### CONDITIONAL ZONING & APPENDIX A

| APPLICATION SUMMARY         |                                                                               |
|-----------------------------|-------------------------------------------------------------------------------|
| Presentation Date           | May 2, 2025<br>Planning Board Workshop                                        |
| Applicant                   | East West Partners Management Company, Inc./Bald Head Island Limited, LLC     |
| Relevant Ordinance Sections | UDO Section 2.11 'Conditional Rezoning' & Appendix A: Submission Requirements |

#### 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.

## **2023-4 CONDITIONAL ZONING OUTLINE**

There have been questions since the application for this text amendment has been submitted and reviewed regarding the conditional zoning text amendment to Section 2.11 of the Unified Development Ordinance presented to the Board of Aldermen in February of 2024. Specifically, what are the differences between what was proposed by staff after public input meetings and what the applicant is proposing. A copy of the proposed text dated 1/11/2024 is attached to this report.

Procedures outlined in the existing conditional rezoning ordinance and in the proposed language follow requirements found in GS 160D and/or within Article 2 of the UDO. While the language reinforces the process for all conditional rezonings not including the language does not remove the requirement for all processes to be following for any development.

The main additions in the language proposed in 2024 include:

- Allowing conditional zoning requests from any zoning district except Open Space
- A master development plan outlining the framework for development in the district – dimensional standards and development standards to be incorporated by the applicant. Standards that cannot be deviated from include: traffic impact study thresholds, stormwater requirements, open space, water/wastewater requirements, and height

could not exceed the maximum height of the originating zoning district.

- Increased open space for increased residential units proposed.
- Minimum acreage requirements for any request from a residential or PUD zoning district.
- Requires a pre-application meeting, Planning Board public hearing prior to recommendation to the Board of Aldermen, and Board of Aldermen public hearing prior to approving, conditionally approving, or denying the application.
- Applicants must hold a public input meeting and prepare a report on how the input was incorporated into the application prior to submitting the rezoning application. If there are substantial changes to the application a second input meeting can be requested by the UDO Administrator.

## 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 February 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 SB382, 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 regarding 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.

## 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



**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](http://www.southportnc.org)

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

For Staff Use Only

PERMIT No. ZTA-25-03 FEE: \$ 300- Date Received: 3/12/25

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

3/12/25  
Date

APPROVED BY:

UDO Administrator

4/4/25  
Date

City Of Southport  
1029 N. Howe St  
Southport, NC 28461  
(910) 457-7900

Receipt: 00200990  
Date: 04/17/2025 09:04 AM  
ktooley

BALD HEAD ISLAND LIMITED LLC,

|                              |        |        |
|------------------------------|--------|--------|
| Planning Zoning              |        |        |
| Planning Zoning Fees ZTA-25- |        |        |
| 03                           |        | 300.00 |
| Total                        |        | 300.00 |
| Check                        | 122725 | 300.00 |
| Change                       |        | 0.00   |
| Balance Remaining:           |        |        |
| \$0.00                       |        |        |

Have a nice day!  
Visit us at [cityofsouthport.com](http://cityofsouthport.com)

## 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 9<sup>th</sup> 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

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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.

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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.

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## 2.11 CONDITIONAL REZONING

A. PURPOSE. Conditional zoning districts allow zoning districts to be specifically adapted to a particular site and its context, and to the anticipated impacts of its future development. This 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.

### 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. 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.

### E. 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. Boundaries must be described by bearing and distance where they do not follow existing parcel boundaries.

#### 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 in stories; 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.
- c) All Conditional Rezoning applications may contain development standards that exceed or reduce the requirements of the Unified Development Ordinance, if applicable.

# Conditional Rezoning Considered by the Board of Aldermen February 2024

## 2.11 CONDITIONAL REZONING

### A. PURPOSE

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

### B. APPLICATION AND CONDITIONAL ZONING REVIEW PROCEDURE

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

## Conditional Rezoning Considered by the Board of Aldermen February 2024

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

## Conditional Rezoning Considered by the Board of Aldermen February 2024

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

### C. PUBLIC INPUT MEETING

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



## Conditional Rezoning Considered by the Board of Aldermen February 2024

### D. CONDITIONS TO APPROVAL OF PETITION

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

### E. EFFECT OF APPROVAL

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

## Conditional Rezoning Considered by the Board of Aldermen February 2024

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

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

### F. REVIEW OF APPROVAL OF A CONDITIONAL ZONING DISTRICT

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

**STAFF REPORT  
CASE NUMBER CZ-25-01 - WATERWAY COMMUNITY  
CONDITIONAL REZONING APPLICATION**

| <b>APPLICATION SUMMARY</b>      |                                                                                                 |
|---------------------------------|-------------------------------------------------------------------------------------------------|
| <b>Presentation Date</b>        | May 2, 2025<br>Planning Board Workshop                                                          |
| <b>Applicant</b>                | East West Partners Management Company, Inc.                                                     |
| <b>Property Owner</b>           | Bald Head Limited, LLC                                                                          |
| <b>Parcel ID:</b>               | 19 Separate Parcels in and adjacent to Indigo Plantation Listed in Exhibit A of the Application |
| <b>Property Size</b>            | 47.61 acres                                                                                     |
| <b>Zoning District</b>          | PUD & R-10                                                                                      |
| <b>Proposed Zoning District</b> | CZ-01                                                                                           |

**REZONING OVERVIEW**

The original staff report has been updated to include changes that the applicant has made after March's Planning Board meeting:

- The permitted uses with standards for Veterinary Services with Pens Enclosed in a Building and Fuel and Ice Dealers have been removed.
- Junior and non-junior accessory dwelling units (ADU) have been defined. Non-junior is any ADU over 500SF and a Junior ADU is any ADU less than 500SF.

The following is the order of attachments in this document:

- Updated full staff report with requested dimensional and use standards
- Consistency statements
- Waterway Master Development Plan
- Conditional Rezoning Application
- The most recent draft of the Development Agreement – for context purposes only, not to be used for consideration of a recommendation to the Board of Aldermen

# STAFF REPORT

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

| APPLICATION SUMMARY      |                                                                                                 |
|--------------------------|-------------------------------------------------------------------------------------------------|
| Presentation Date        | May 2, 2025<br>Planning Board Workshop                                                          |
| 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                                                                                           |

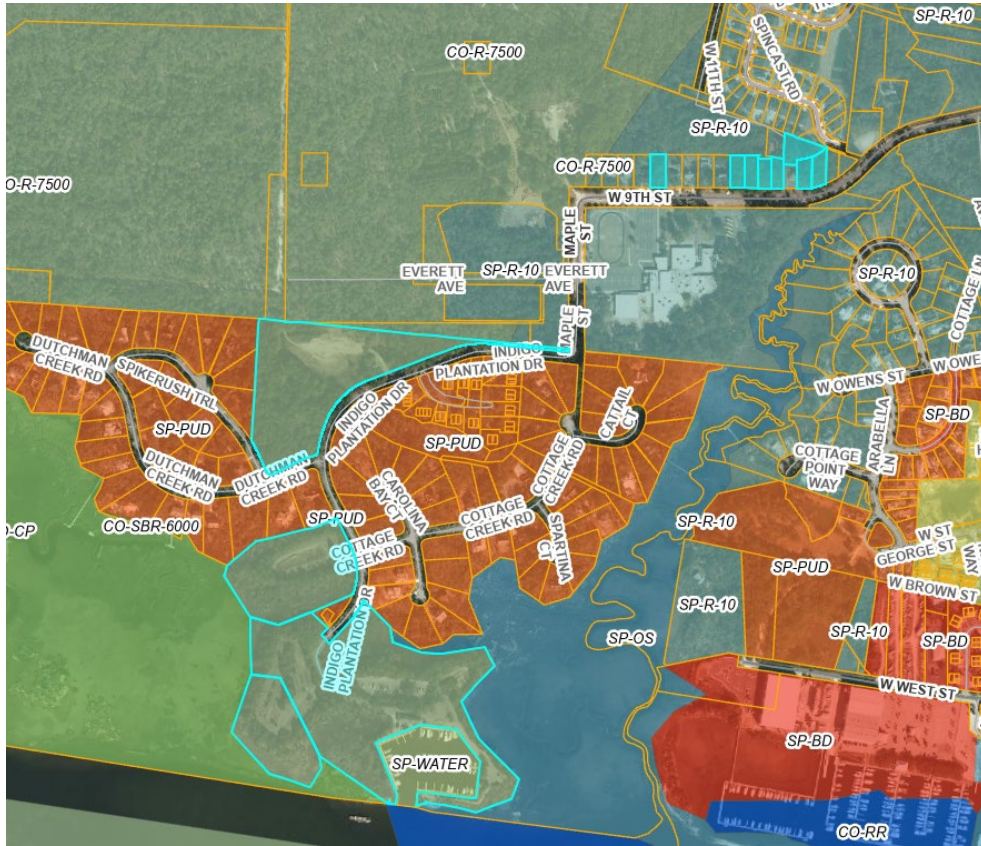
### REZONING OVERVIEW

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 <sup>th</sup> Street County | BALD HEAD ISLAND LTD LLC     | R-10           |

## LOCATION AND SITE CONDITIONS

The subject properties are adjacent to Indigo Plantation Subdivision off 9<sup>th</sup> 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 – Medium 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.

## 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:<br>Table of<br>Uses                         | Districts<br>P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use<br>Standard |      |      |        |    |     |     |     |    |    |    |    |        |      | Use<br>Standard |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|------|------|--------|----|-----|-----|-----|----|----|----|----|--------|------|-----------------|
|                                                        | ICS                                                                                                              | R-10 | R-20 | M<br>F | MH | PUD | O-I | CBD | BD | HC | LI | HI | O<br>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 |    |    |    | 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           |



| Table 3.1:<br>Table of<br>Uses         | Districts<br>P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use<br>Standard |      |      |        |    |     |     |     |    |    |    |    |        |      | Use<br>Standard |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------|------|------|--------|----|-----|-----|-----|----|----|----|----|--------|------|-----------------|
|                                        | ICS                                                                                                              | R-10 | R-20 | M<br>F | MH | PUD | O-I | CBD | BD | HC | LI | HI | O<br>S | CZ-1 | Section #       |
| 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           |
| 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           |



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

| Table 3.1:<br>Table of<br>Uses                                                                            | Districts<br>P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use<br>Standard |     |          |       |        |    |     |     |     |    |    |    |    |        | Use<br>Standard |          |
|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-----|----------|-------|--------|----|-----|-----|-----|----|----|----|----|--------|-----------------|----------|
|                                                                                                           | Uses                                                                                                             | ICS | R-<br>10 | R- 20 | M<br>F | MH | PUD | O-I | CBD | BD | HC | LI | HI | O<br>S |                 | CZ-<br>1 |
| BUSINESS,COMMERCIAL,<br>OR OTHER<br>NON-<br>RESIDENTIAL<br>USE NOT<br>ELSEWHERE<br>CLASSIFIED             | 561                                                                                                              |     |          |       |        |    | SS  | SS  | SS  | SS |    |    |    | SS     |                 | 3.8.D    |
| BUS<br>TERMINALS<br>AND<br>RAILROAD<br>STATIONS                                                           |                                                                                                                  |     |          |       |        |    |     |     | P   | P  |    |    |    |        |                 |          |
| CHURCHES,<br>SYNAGOGUES<br>& OTHER<br>ASSOC.<br>ACTIVITIES,<br>INCL. OFFICES,<br>ACTIVITY<br>CENTER, ETC. | 813110                                                                                                           | SS  | SS       | SS    | SS     | SS | SS  | PS  | PS  | PS |    |    |    | SS     |                 | 3.8.E    |
| CLUBS OR<br>LODGE                                                                                         |                                                                                                                  | SS  | SS       |       |        | SS |     | SS  | PS  | PS |    |    |    | SS     |                 | 3.8.F    |
| COMMERCIAL<br>PARKING<br>LOTS                                                                             | 812930                                                                                                           |     |          |       |        |    | SS  | SS  | SS  | PS | SS |    |    |        |                 | 3.8.G    |
| COMMERCIAL<br>RECREATION,<br>INDOOR                                                                       |                                                                                                                  |     |          |       |        | S  |     | S   | P   | P  |    |    |    | S      |                 |          |
| COMMERCIAL<br>RECREATION,<br>OUTDOOR                                                                      |                                                                                                                  |     |          |       |        |    |     |     |     | P  |    |    |    | S      |                 |          |
| CONTRACTOR<br>S,<br>EQUIPMENT<br>& SUPPLY<br>DEALERS &<br>SERVICE                                         | 811310                                                                                                           |     |          |       |        |    |     |     |     | P  | P  | P  |    |        |                 |          |
| CONTRACTOR<br>S, HEAVY<br>CONSTRUCTIO<br>N; GRADING,<br>PAVING,<br>MARINE, ETC.                           | 234                                                                                                              |     |          |       |        |    |     |     |     |    | P  | P  |    |        |                 |          |

| Table 3.1:<br>Table of<br>Uses                                                    | Districts<br>P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use<br>Standard |          |       |        |    |     |     |     |        |    |    |    |        |          | Use<br>Standard |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|----------|-------|--------|----|-----|-----|-----|--------|----|----|----|--------|----------|-----------------|
|                                                                                   | ICS                                                                                                              | R-<br>10 | R- 20 | M<br>F | MH | PUD | O-I | CBD | BD     | HC | LI | HI | O<br>S | CZ-<br>1 | Section #       |
| CULTURAL<br>ARTS CENTER,<br>INCL.<br>THEATERS,<br>OFFICES,<br>CLASSROOMS,<br>ETC. |                                                                                                                  |          |       |        |    | P   | P   | P   | P      | P  |    |    |        | P        |                 |
| DANCE<br>STUDIOS                                                                  | 611610                                                                                                           |          |       |        |    | P   | P   | P   | P      | P  |    |    |        | P        |                 |
| DAYCARE,<br>ADULT AND<br>CHILD                                                    | 624120                                                                                                           |          |       |        |    |     | SS  | SS  | PS     | PS |    |    |        | SS       | 3.8.H           |
| DIVERS,<br>COMMERCIAL                                                             |                                                                                                                  |          |       |        |    |     |     | P   | P      | P  | P  | P  |        |          |                 |
| DRY<br>CLEANERS                                                                   | 812320                                                                                                           |          |       |        |    | SS  |     | PS  | PS     | PS |    |    |        | SS       | 3.8.I           |
| DRY STORAGE                                                                       |                                                                                                                  |          |       |        |    |     |     |     |        | PS | PS | PS |        |          | 3.8.J           |
| EDUCATIONAL<br>FACILITY                                                           |                                                                                                                  | S        | S     | S      | S  | S   | P   | P   | P      | P  |    |    |        | S        |                 |
| ELECTRONIC<br>GAMING<br>OPERATIONS                                                |                                                                                                                  |          |       |        |    |     |     |     |        | SS |    |    |        |          | 3.8.K           |
| EXTERMINATI<br>NG SERVICES                                                        | 561710                                                                                                           |          |       |        |    |     |     | PS  | P<br>S | P  | P  | P  |        |          | 3.8.L           |
| FARMERS'S<br>MARKET                                                               | 445230                                                                                                           | SS       |       |        |    | SS  |     | SS  | PS     | PS |    |    | S<br>S | SS       | 3.8.M           |
| FARM<br>MACHINERY<br>SALE AND<br>SERVICE                                          |                                                                                                                  |          |       |        |    |     |     |     | S      | P  | P  |    |        |          |                 |
| FEED, SEED,<br>AND<br>FERTILIZER<br>SALES, RETAIL                                 |                                                                                                                  |          |       |        |    |     |     |     | S      | P  | P  |    |        |          |                 |
| FISHING,<br>COMMERCIAL                                                            | 11411                                                                                                            |          |       |        |    |     |     | P   | P      | P  |    |    |        |          |                 |
| FLEA MARKET                                                                       |                                                                                                                  |          |       |        |    |     |     |     |        | SS |    |    |        |          | 3.8.N           |

| Table 3.1:<br>Table of<br>Uses                                                         | Districts<br>P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use<br>Standard |          |       |        |    |     |     |     |    |    |    |    |        |          | Use<br>Standard |
|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|----------|-------|--------|----|-----|-----|-----|----|----|----|----|--------|----------|-----------------|
|                                                                                        | ICS                                                                                                              | R-<br>10 | R- 20 | M<br>F | MH | PUD | O-I | CBD | BD | HC | LI | HI | O<br>S | CZ-<br>1 | Section #       |
| FRUIT &<br>VEGETABLE<br>MARKET,<br>WHOLESALE<br>WITH<br>INCIDENTAL<br>RETAIL           | 445230                                                                                                           |          |       |        |    |     |     | SS  | SS | PS | PS | SS |        |          | 3.8.O           |
| FUEL & ICE<br>DEALERS                                                                  | 422710                                                                                                           |          |       |        |    |     |     |     | P  | P  | P  | P  |        |          |                 |
| FUNERAL<br>HOMES                                                                       | 812210                                                                                                           |          |       |        |    |     | P   | P   | P  | P  |    |    |        |          |                 |
| FURRIERS<br>AND FUR<br>STORAGE                                                         |                                                                                                                  |          |       |        |    |     |     |     | P  | P  |    |    |        |          |                 |
| GARBAGE<br>COLLECTION,<br>PRIVATE (NO<br>LANDFILLS)                                    | 562111                                                                                                           |          |       |        |    |     |     |     |    |    |    | P  |        |          |                 |
| GAS<br>COMPANIES<br>(LP- BOTTLED<br>& BULK<br>STORAGE)                                 | 324110                                                                                                           |          |       |        |    |     |     |     |    |    | P  | P  |        |          |                 |
| GOLF<br>COURSE,<br>PRIVATE OR<br>PUBLIC,<br>W/RELATED<br>SERVICES<br>INCL. PRO<br>SHOP | 713910                                                                                                           | P        | P     | P      |    | P   |     |     |    |    |    |    |        |          |                 |
| GOVERNMENT<br>USE, CITY OF<br>SOUTHPORT                                                |                                                                                                                  | P        | P     | P      | P  | P   | P   | P   | P  | P  | P  | P  | P      | P        |                 |
| GOVERNMENT<br>USES WITH<br>BUILDINGS,<br>NON-CITY OF<br>SOUTHPORT                      |                                                                                                                  | SS       | SS    | SS     | SS | SS  | SS  | SS  | SS | SS | SS | SS |        | SS       | 3.8.P           |
| GROCERY<br>STORES                                                                      | 445110                                                                                                           |          |       |        |    | P   |     | P   | P  | P  |    |    |        | P        |                 |

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|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|----------|-------|--------|----|-----|-----|-----|----|----|----|----|--------|----------|-----------------|
|                                                                 | ICS                                                                                                              | R-<br>10 | R- 20 | M<br>F | MH | PUD | O-I | CBD | BD | HC | LI | HI | O<br>S | CZ-<br>1 |                 |
| HARDWARE,<br>LAWN, OR<br>GARDEN<br>STORE                        | 444130                                                                                                           |          |       |        |    |     |     | P   | P  | P  | P  | P  |        |          |                 |
| HEALTH<br>SERVICES,                                             |                                                                                                                  |          |       |        |    | P   | P   | P   | P  | P  |    |    |        | P        |                 |
| HELIPAD                                                         |                                                                                                                  |          |       |        |    |     | SS  |     |    |    |    |    |        |          | 3.8.Q           |
| HOSPITALS                                                       | 622110                                                                                                           |          |       |        |    |     | P   | P   | P  | P  |    |    |        | P        |                 |
| HOTEL,<br>MOTEL, OR<br>INN                                      | 721110                                                                                                           |          |       |        |    | SS  | SS  |     | SS | PS |    |    |        |          | 3.8.R           |
| HOTEL,<br>RESIDENTIAL<br>OR BOUTIQUE                            |                                                                                                                  |          |       |        |    | SS  | SS  | PS  | PS | PS |    |    |        |          | 3.8.S           |
| INSTITUTIONA<br>L CARE<br>FACILITY,<br>ADULT                    |                                                                                                                  |          |       |        |    |     |     |     |    | S  |    |    |        | S        |                 |
| INSTITUTIONA<br>L CARE<br>FACILITY,<br>CHILD<br>HANDICAPPE<br>D |                                                                                                                  |          |       |        |    |     |     |     | S  | S  |    |    |        | S        |                 |
| JAIL                                                            | 922140                                                                                                           |          |       |        |    |     |     |     |    | PS | PS | PS |        |          | 3.8.T           |
| KENNEL                                                          | 812910                                                                                                           |          |       |        |    |     |     |     |    | SS | PS | PS |        |          | 3.8.U           |
| LAUNDRY,<br>INDUSTRIAL                                          | 812332                                                                                                           |          |       |        |    |     |     |     |    | P  | P  | P  |        |          |                 |
| LAUNDRY,<br>COIN-<br>OPERATED                                   |                                                                                                                  |          |       |        |    |     |     |     | P  | P  |    |    |        |          |                 |
| LIBRARY                                                         | 514120                                                                                                           |          |       |        |    | P   | P   | P   | P  | P  |    |    |        | P        |                 |
| LIQUOR<br>STORES                                                | 445310                                                                                                           |          |       |        |    |     |     | P   | P  | P  |    |    |        |          |                 |

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|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|----------|-------|--------|----|-----|-----|-----|----|----|----|----|--------|----------|-----------------|
|                                                             | ICS                                                                                                              | R-<br>10 | R- 20 | M<br>F | MH | PUD | O-I | CBD | BD | HC | LI | HI | O<br>S | CZ-<br>1 |                 |
| 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  |        |          |                 |
| 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                        |                                                                                                                  |          |       |        |    |     |     |     |    | P  | P  | P  |        |          |                 |

| Table 3.1:<br>Table of<br>Uses                                                                                                                                                  | Districts<br>P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use<br>Standard |          |       |        |    |     |     |     |    |    |    |    |        |          | Use<br>Standard |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|----------|-------|--------|----|-----|-----|-----|----|----|----|----|--------|----------|-----------------|
|                                                                                                                                                                                 | ICS                                                                                                              | R-<br>10 | R- 20 | M<br>F | MH | PUD | O-I | CBD | BD | HC | LI | HI | O<br>S | CZ-<br>1 |                 |
| LINES, AND<br>STORAGE                                                                                                                                                           |                                                                                                                  |          |       |        |    |     |     |     |    |    |    |    |        |          |                 |
| MUSEUMS,<br>ART<br>GALLERIES                                                                                                                                                    | 712110                                                                                                           |          |       |        |    |     | P   | P   | P  | P  |    |    |        |          |                 |
| NIGHTCLUB                                                                                                                                                                       | 722410                                                                                                           |          |       |        |    |     |     | SS  | SS | SS |    |    |        |          | 3.8.Z           |
| NURSING &<br>PERSONAL<br>CARE FACILITY                                                                                                                                          | 623110                                                                                                           |          |       |        |    | SS  | SS  |     | SS | PS |    |    |        | PS       | 3.8.AA          |
| OFFICE,<br>GENERAL                                                                                                                                                              |                                                                                                                  |          |       |        |    | P   | P   | P   | P  | P  |    |    |        | P        |                 |
| PACKAGE<br>DELIVERY<br>SERVICES,<br>COMMERCIAL                                                                                                                                  | 492210                                                                                                           |          |       |        |    |     | SS  | SS  | SS | PS | PS | PS |        |          | 3.8.BB          |
| PARKS &<br>RECREATION<br>AREAS,<br>MUNICIPAL                                                                                                                                    | 924120                                                                                                           | P        | P     | P      | P  | P   | P   | P   | P  | P  |    |    | P      | P        |                 |
| PERSONAL<br>SERVICE<br>ESTABLISHME<br>NT                                                                                                                                        |                                                                                                                  |          |       |        |    | P   | P   | P   | P  | P  |    |    |        | P        |                 |
| RADIO &<br>TELEVISION<br>STATIONS,<br>STUDIOS, AND<br>OFFICES                                                                                                                   |                                                                                                                  |          |       |        |    |     | SS  |     | PS | PS |    |    |        |          | 3.8.CC          |
| RECREATION<br>FACILITY<br>PRIVATE,<br>INCL. CLUBS &<br>RECREATION<br>FACILITIES<br>ASSOC. WITH<br>MULTIPLE<br>FAMILY<br>COMPLEXES,<br>GOLF<br>COURSES,<br>TENNIS<br>FACILITIES, |                                                                                                                  | SS       | SS    | SS     | SS | SS  | SS  | SS  | SS | SS |    |    |        | SS       | 3.8.F           |

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|----------------------------------|------------------------------------------------------------------------------------------------------------------|----------|-------|--------|----|-----|-----|-----|----|----|----|----|--------|----------|-----------------|
|                                  | ICS                                                                                                              | R-<br>10 | R- 20 | M<br>F | MH | PUD | O-I | CBD | BD | HC | LI | HI | O<br>S | CZ-<br>1 | Section #       |
| COUNTRY CLUBS, ETC.              |                                                                                                                  |          |       |        |    |     |     |     |    |    |    |    |        |          |                 |
| 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          |



| Table 3.1:<br>Table of<br>Uses                                                                              | Districts<br>P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use<br>Standard |          |       |        |    |     |     |     |    |    |    |    |        |          | Use<br>Standard |
|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|----------|-------|--------|----|-----|-----|-----|----|----|----|----|--------|----------|-----------------|
|                                                                                                             | ICS                                                                                                              | R-<br>10 | R- 20 | M<br>F | MH | PUD | O-I | CBD | BD | HC | LI | HI | O<br>S | CZ-<br>1 | Section #       |
| STORAGE,<br>SELF-SERVICE                                                                                    |                                                                                                                  |          |       |        |    |     |     |     |    | PS | PS | PS |        |          | 3.8.KK          |
| TATTOO AND<br>PIERCING<br>ESTABLISHME<br>NT                                                                 |                                                                                                                  |          |       |        |    |     |     |     |    |    |    | S  |        |          |                 |
| TAXICAB<br>STANDS                                                                                           |                                                                                                                  |          |       |        |    |     |     | SS  | PS | PS |    |    |        |          | 3.8.LL          |
| TELEPHONE<br>COMMUNICA<br>TION<br>FACILITY,<br>UNATTENDED                                                   | 513340                                                                                                           | SS       | SS    | SS     | SS | SS  | SS  | SS  | SS | SS | PS | PS |        | SS       | 3.8.M M         |
| TRANSITIONA<br>L HOUSING<br>FACILITIES                                                                      |                                                                                                                  |          |       |        |    |     | S   |     |    |    |    |    |        |          | 3.8.NN          |
| US POSTAL<br>SERVICE                                                                                        | 491110                                                                                                           |          |       |        |    | P   | P   | P   | P  | P  | P  | P  |        | P        |                 |
| UTILITY<br>STATIONS &<br>PLANTS<br>(PUBLIC &<br>PRIVATE)<br>INCL. LIFT<br>STATIONS,<br>SUBSTATIONS,<br>ETC. |                                                                                                                  | P        | P     | P      | P  | P   | P   | P   | P  | P  | P  | P  | P      | P        |                 |
| VETERINARY<br>SERVICES<br>WITH OPEN<br>PENS                                                                 | 541940                                                                                                           |          |       |        |    |     |     |     |    | P  | P  | P  |        |          |                 |
| VETERINARY<br>SERVICES<br>WITH PENS<br>ENCLOSED IN<br>A BUILDING                                            | 541940                                                                                                           |          |       |        |    |     |     |     | S  | P  | P  | P  |        |          |                 |
| WAREHOUSIN<br>G, GENERAL                                                                                    | 493110                                                                                                           |          |       |        |    |     |     |     |    | PS | PS | PS |        |          | 3.8.OO          |
| WATER<br>TRANSPORTA<br>TION INCL.<br>DOCKS,<br>TUGBOATS,                                                    |                                                                                                                  |          |       |        |    |     |     |     | P  | P  | P  | P  |        | P        |                 |

| Table 3.1:<br>Table of<br>Uses                                                                                            | Districts<br>P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use<br>Standard |          |       |        |    |     |     |     |    |    |    |    |        |          | Use<br>Standard |
|---------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|----------|-------|--------|----|-----|-----|-----|----|----|----|----|--------|----------|-----------------|
|                                                                                                                           | ICS                                                                                                              | R-<br>10 | R- 20 | M<br>F | MH | PUD | O-I | CBD | BD | HC | LI | HI | O<br>S | CZ-<br>1 |                 |
| BARGES, AND<br>EXCURSIONS                                                                                                 |                                                                                                                  |          |       |        |    |     |     |     |    |    |    |    |        |          |                 |
| WELDING,<br>REPAIR                                                                                                        | 811310                                                                                                           |          |       |        |    |     |     |     | P  | P  | P  | P  |        |          |                 |
| WIRELESS<br>TELECOMMU<br>NICATION<br>FACILITY OR<br>COMPLEX,<br>FREESTANDIN<br>G AND<br>SUBSTANTIAL<br>MODIFICATIO<br>NS  |                                                                                                                  |          |       |        |    |     |     |     |    | SS | SS | SS |        | SS       | See Article 7   |
| WIRELESS<br>TELECOMMU<br>NICATION<br>FACILITY,<br>COLLOCATION<br>OR<br>COLLOCATED<br>SMALL/MICR<br>O-WIRELESS<br>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        |                 |

## 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.

## 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 ratio, 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<br>Side: 5<br>Rear: 10                                                                                                  |
| Dwelling, Single-Family (alley loaded)         | 1,800                              | 30                  | 75%                     | N/A                                 | 40*                                | Front: 10<br>Side: 5<br>Rear: 0                                                                                                   |
| Dwelling, Two-Family (Duplex)                  | 5,000 minimum overall project size | 18                  | 80% for overall project | 8                                   | 40                                 | Front: 10<br><br>Side: 5 (on end of buildings); 0 (if attached to another unit on the side)<br><br>Rear: 5<br>Rear (Garage): None |
| Dwelling, Multi-Family                         | 10,000                             | 50                  | 85%                     | 30 max units is 250                 | 45**                               | Front: 10<br>Side: 10<br>Rear: 10                                                                                                 |
| Non-Residential Uses and Mixed Use             | None                               | None                | 75%                     | N/A                                 | 45                                 | Front: 1<br>Side: 10<br>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/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<br>Side: 5<br>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

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

**Table 3 Minimum Parking Requirements**

| Use                                          | Minimum Parking Spaces                                           |
|----------------------------------------------|------------------------------------------------------------------|
| Dwelling, Single-Family                      | 2 spaces                                                         |
| Dwelling, Two-Family (Duplex)                | 1 space per 1 bedroom<br>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;<br>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. |
|------------|---------------------|

For purposes of the parking requirements set forth in this Section VI(A), the following definitions shall apply:

1. Accessory Dwelling, Residential (junior): An Accessory Dwelling, Residential having an interior floor area of 500 square feet or less.
  2. Accessory Dwelling, Residential (non-junior): An Accessory Dwelling, Residential having an interior floor area exceeding 500 square feet.
- 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.
- C. 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 - Master Development Plan - 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 Hodgins, Chairman





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

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

**AMENDMENT:**      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

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Sue Hodgkin, Chairman

CITY REZONING

WATERWAY

CITY REZONING

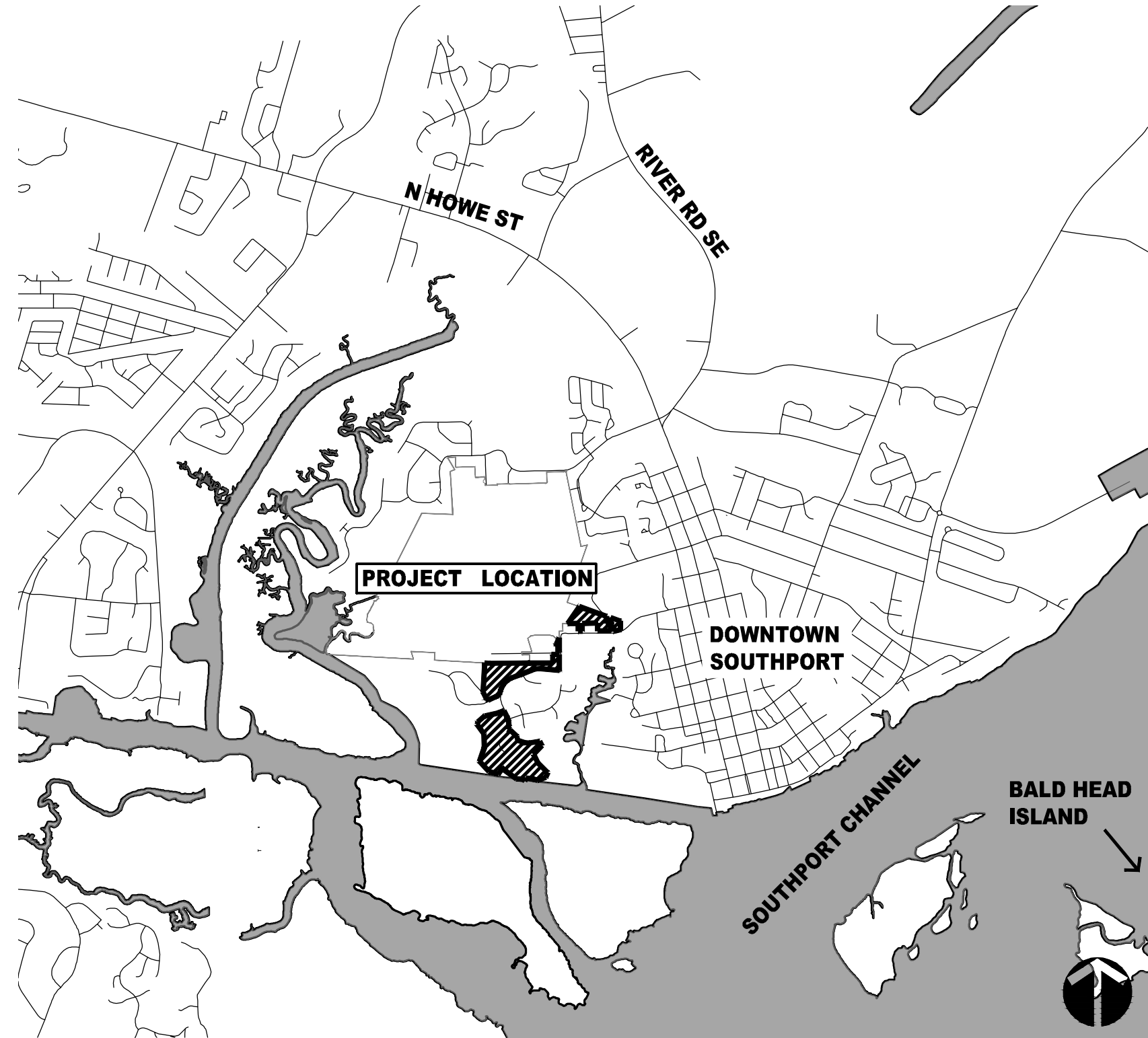
SOUTHPORT, NC

DATE: 04.14.2025

SHEET INDEX

| Sheet List Table |                     |
|------------------|---------------------|
| Sheet Number     | Sheet Title         |
| RZ-0             | COVER               |
| RZ-1             | SURVEY              |
| RZ-2             | EXISTING CONDITIONS |
| RZ-3             | REZONING SUBMITTAL  |

VICINITY MAP



PROJECT TEAM

OWNER/DEVELOPER

INDIGO  
EAST WEST PARTNERS  
226 N FRONT ST  
WILMINGTON, NC 28401  
910.386.8683

LANDSCAPE ARCHITECT

LANDDESIGN  
223 NORTH GRAHAM STREET  
CHARLOTTE, NC 28202  
704.333.0325  
CONTACT NAME: ERIC POHLMANN

SURVEYOR

MICHAEL UNDERWOOD & ASSOCIATES, P.A.  
102 CINEMA DR, SUITE A  
WILMINGTON, NC 28403  
910.815.0650

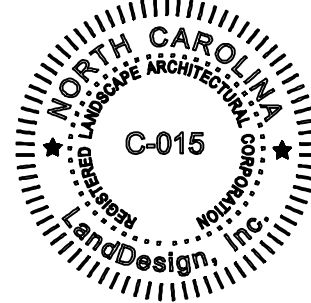
CIVIL ENGINEER

NORRIS & TUNSTALL CONSULTING ENGINEERS, P.C.  
2602 IRON GATE DR. SUITE 102  
WILMINGTON, NC 28412  
910.343.9653



KEY MAP

SEAL



PROJECT

WATERWAY

BALD HEAD ISLAND, LLC.  
SOUTHPORT, NC  
28461

LANDDESIGN PROJ# 1021180

REVISION / ISSUANCE

| NO. | DESCRIPTION        | DATE       |
|-----|--------------------|------------|
| 1   | REZONING SUBMITTAL | 04.14.2025 |
|     |                    |            |
|     |                    |            |
|     |                    |            |
|     |                    |            |
|     |                    |            |
|     |                    |            |
|     |                    |            |
|     |                    |            |
|     |                    |            |

DESIGNED BY: XX  
DRAWN BY: XX  
CHECKED BY: XX

SCALE

VERT: N/A  
HORZ: 1" = 200'



SHEET TITLE

SURVEY

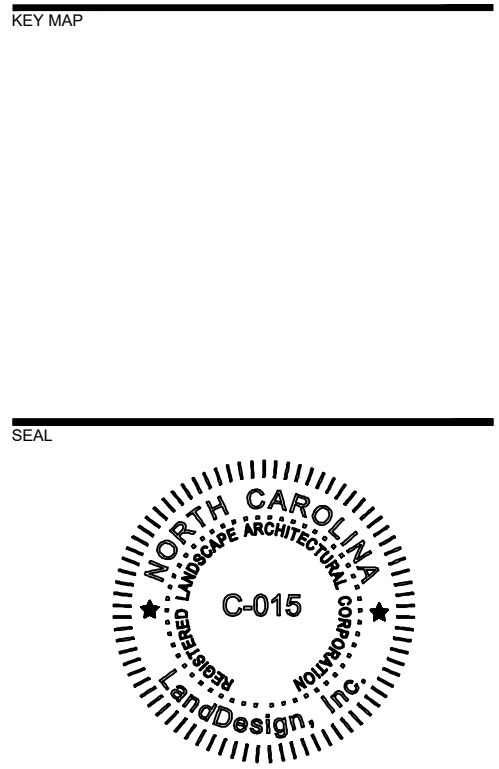
SHEET NUMBER

RZ-1





- LEGEND:
- EXISTING WETLAND
  - 100 YEAR FLOODPLAIN
  - FLOODWAY
  - PROPERTY LINE



PROJECT

**WATERWAY**

BALD HEAD ISLAND, LLC.  
SOUTHPORT, NC  
28461

| LANDDESIGN PROJ.# 1021180 |                    |            |
|---------------------------|--------------------|------------|
| REVISION / ISSUANCE       |                    |            |
| NO.                       | DESCRIPTION        | DATE       |
| 1                         | REZONING SUBMITTAL | 04.14.2025 |
|                           |                    |            |
|                           |                    |            |
|                           |                    |            |
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DESIGNED BY: XX  
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CHECKED BY: XX

SCALE

VERT: N/A  
HORZ: 1" = 200'

SHEET TITLE

EXISTING CONDITIONS

SHEET NUMBER



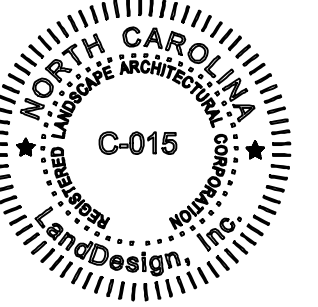
**AREA A: MARINA: 4.2 TOTAL ACRES**  
**NON-RESIDENTIAL DENSITY: MAXIMUM OF 10,000 GROSS SQUARE FEET**

**AREA C: RESIDENTIAL VILLAGE: 21.1 TOTAL ACRES  
MAXIMUM 39 UNITS**

TOTAL ACREAGE: 47.61  
OPEN SPACE REQUIREMENT: 20%  
(47.61 ACRES x 0.20 = 9.43 REQ. ACRES OPEN SPACE)  
OPEN SPACE PROVIDED: 13.1 ACRES INC. WETLAND

## KEY MAP

SEAL



PROJECT

BALD HEAD ISLAND, LLC.  
SOUTHPORT, NC  
28461

REVISION / ISSUANCE

DESIGNED BY: XX  
DRAWN BY: XX  
CHECKED BY: XX

SCALE

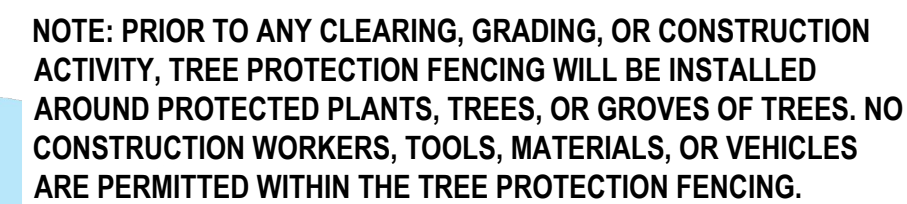
RT: N/A  
RZ: 1" = 200'

SHEET TITLE

REZONING SUBMITTAL

SHEET NUMBER

Page 65 of 190





## 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](mailto: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



City Of Southport  
1029 N. Howe St  
Southport, NC 28461  
(910) 457-7900

Receipt: 00200991  
date: 4/17/2025 09:04 AM  
ktooley

BALD HEAD ISLAND LIMITED LLC,

|                    |        |          |
|--------------------|--------|----------|
| Planning Zoning    |        |          |
| Planning Zoning    |        |          |
| g Fees cz-25-0     |        |          |
| 1                  |        | 5,761.00 |
| Total              |        | 5,761.00 |
| Check              | 122704 | 5,761.00 |
| Change             |        | 0.00     |
| Balance Remaining: |        |          |
| \$0.00             |        |          |

Have a nice day!  
Visit us at [city6fsouthport.com](http://city6fsouthport.com)

# 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<br>Side: 5<br>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<br>Side: 5<br>Rear: 0                                                                                                   |
| Dwelling, Two-Family (Duplex)          | 5,000 minimum overall project size | 18                  | 80% for overall project | 8                                   | 40                                 | Front: 10<br><br>Side: 5 (on end of buildings); 0 (if attached to another unit on the side)<br><br>Rear: 5<br>Rear (Garage): None |
| Dwelling, Multi-Family                 | 10,000                             | 50                  | 85%                     | 30 max units is 250                 | 45**                               | Front: 10<br>Side: 10<br>Rear: 10                                                                                                 |
| Non-Residential Uses and Mixed Use     | None                               | None                | 75%                     | N/A                                 | 45                                 | Front: 1<br>Side: 10<br>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<br>Side: 5<br>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**

| <b>Use</b>                                   | <b>Minimum Parking Spaces</b>                                    |
|----------------------------------------------|------------------------------------------------------------------|
| Dwelling, Single-Family                      | 2 spaces                                                         |
| Dwelling, Two-Family (Duplex)                | 1 space per 1 bedroom<br>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;<br>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**

| <b>Tax ID</b>                       | <b>Address</b>                       | <b>Owner</b>                 | <b>Current Zoning</b> |
|-------------------------------------|--------------------------------------|------------------------------|-----------------------|
| <b>Marina and Parking Lots Land</b> |                                      |                              |                       |
| 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                   |
| <b>City Land – South</b>            |                                      |                              |                       |
| 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                   |
| <b>City Land – North</b>            |                                      |                              |                       |
| 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 <sup>th</sup> 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

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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.

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## 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. 9<sup>th</sup> 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. 9<sup>th</sup> Street (R/W width varies); thence along and with the northern R/W line of W. 9<sup>th</sup> 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 9<sup>th</sup> Street Subdivision as shown on Book ii Page 126-127 Brunswick County Registry; thence along and with the northern line of the 9<sup>th</sup> 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

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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. 9<sup>th</sup> Street (R/W width varies); thence along the northern R/W line of W. 9<sup>th</sup> 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 9<sup>th</sup> Street Subdivision as show on Book ii Page 126-127 Brunswick County Registry; thence along and with the northern line of the 9<sup>th</sup> 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.

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**Exhibit B**  
**Permitted Primary and Accessory Uses**

| Table 3.1: Table of Uses                                  | Districts<br>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<br>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<br>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<br>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<br>S | P  | P  | P  |        |      | 3.8.L        |
| FARMERS'S MARKET                                                  | 445230                                                                                                        | SS   |      |     |    | SS  |     | SS  | PS     | PS |    |    | S<br>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  |        |      |              |

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|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|------|------|-----|----|-----|-----|-----|----|----|----|----|-----|------|--------------|
|                                                             | 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  |     |      |              |

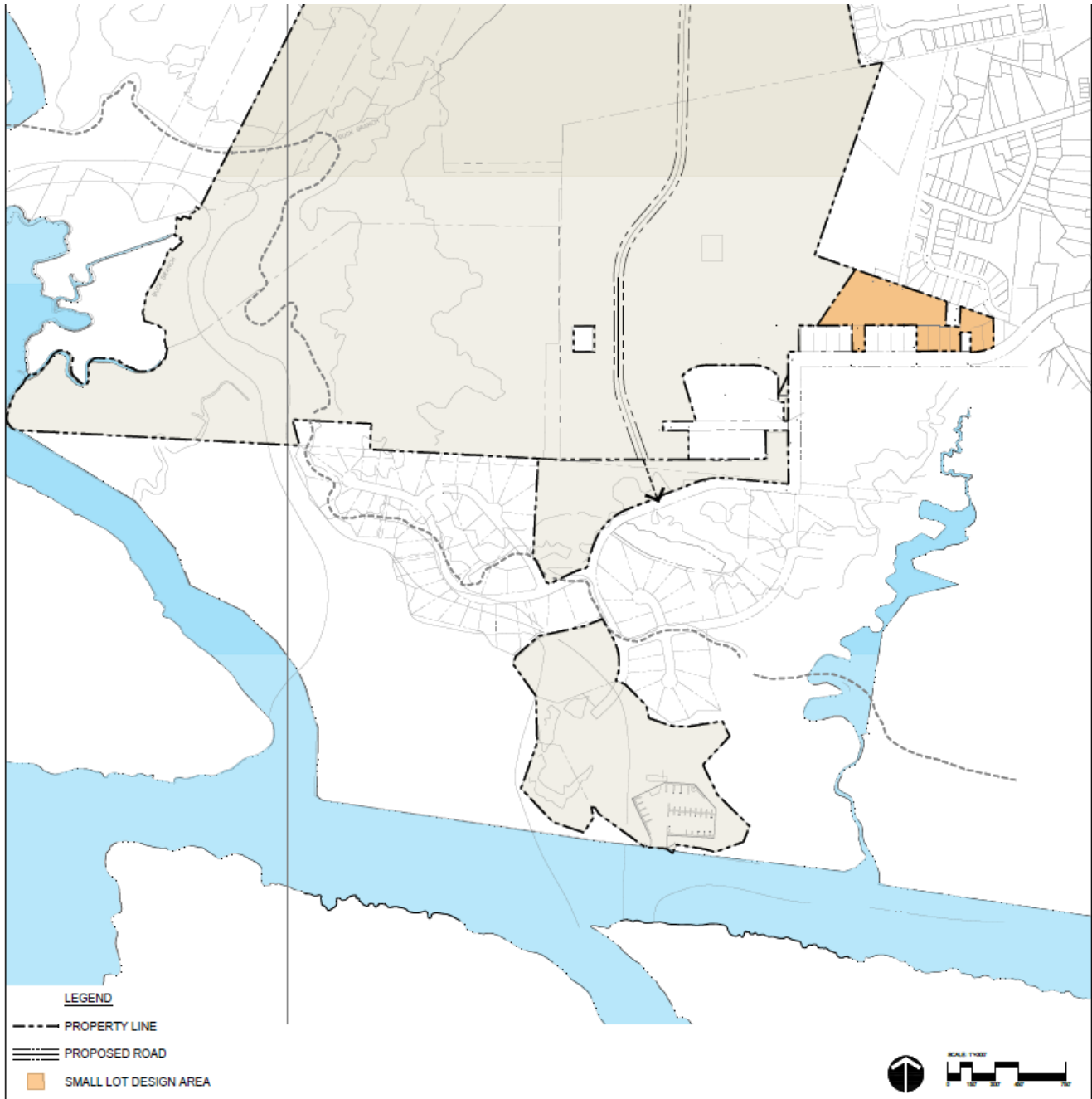
| Table 3.1: Table of Uses                                                                                                                                     | Districts<br>P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard |      |      |     |    |     |     |     |    |    |    |    |     |      | 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<br>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<br>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 11<sup>th</sup> Street/W 8<sup>th</sup> 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 8<sup>th</sup> 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 11<sup>th</sup> Street
3. NC 211 (N. Howe Street) at Fodale Avenue
4. NC 211 (N. Howe Street) at 8<sup>th</sup> 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 12<sup>th</sup> 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 9<sup>th</sup> 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 12<sup>th</sup> 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 11<sup>th</sup> 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**



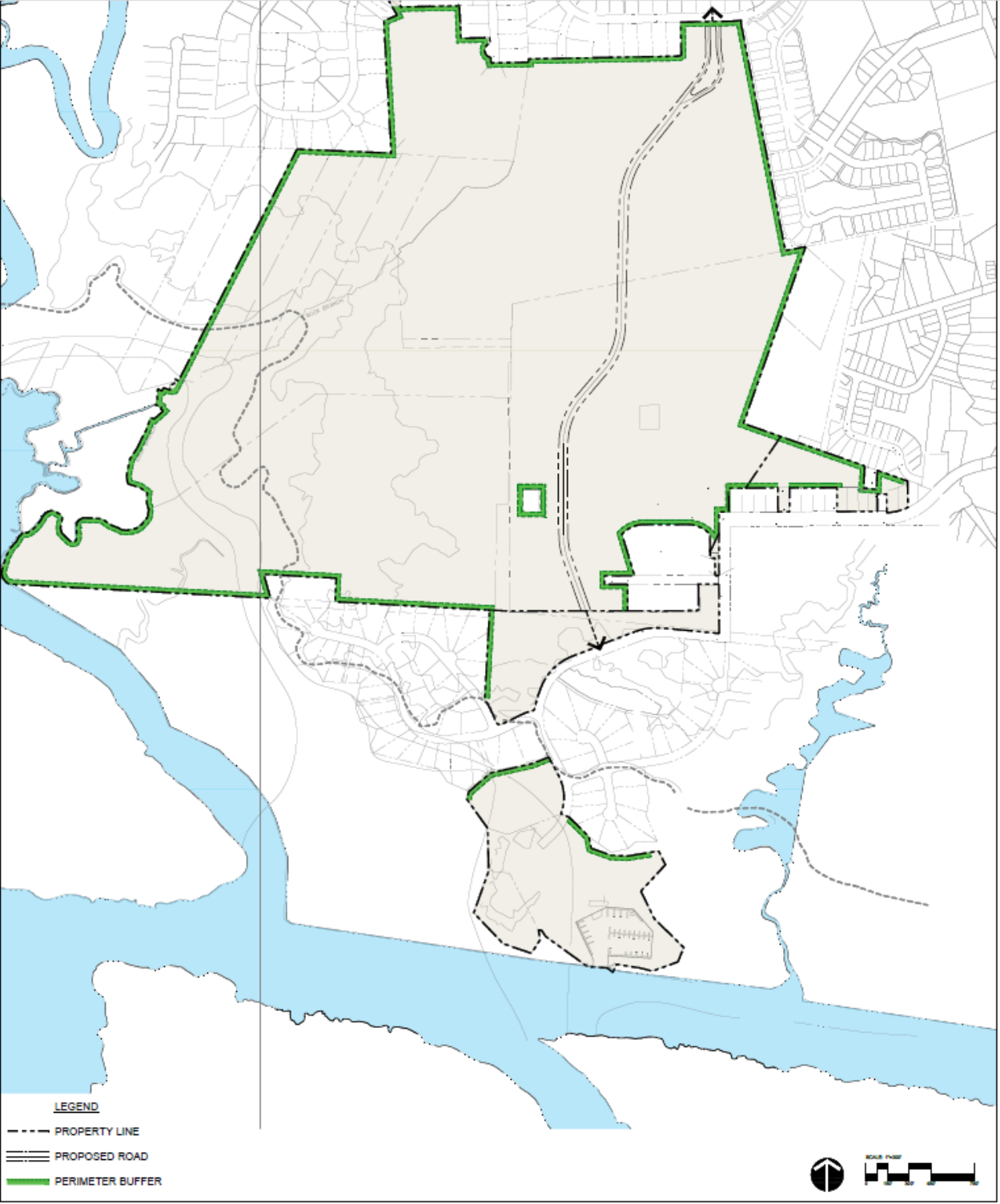
.....PROPERTY

PN 1021180 | 02.14.2025 | BALD HEAD ISLAND LLC

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.....LandDesign.....

**Exhibit F**  
**Bufferyard Locations**



# east west partners

East West Partners, in conjunction with Bald Head Island, Ltd., is proud to present this plan for the Waterway Community to the City of Southport for consideration. This is the result not only of five years on this project, but fifty years in the business. We invite any and all to evaluate us on the merits of what we have produced in the past, and as always are open and eager to begin a constructive dialogue.

The purpose of this letter is to directly address the five key values identified in the city's CAMA Core Land Use Plan.

Sincerely,

Roger Perry and McKay Siegel, East West Partners

[rperry@ewpnc.com](mailto:rperry@ewpnc.com) [msiegel@ewpnc.com](mailto:msiegel@ewpnc.com)



Charles A. Paul, III, Chief Executive Officer & Manager

[cpaul@bhisland.com](mailto:cpaul@bhisland.com)

1460 environ way  
chapel hill, nc 27517  
919-929-0660 919-967-0959 (fax)  
[www.ewpnc.com](http://www.ewpnc.com)



# east west partners

## **Preserve the city's historic character.**

Founded in 1792, the City of Southport's built environment represents hundreds of years of architectural realities and preferences; a tree canopy which has had time and curation to mature, and; features of organic community growth such as winding sidewalks, a front porch culture, and a charming, useful, and accessible downtown.

As it is currently written, municipalities are given extremely limited input or control over the architectural character of future projects. The result of this is development which does not pay homage to history but the present, utilizing building materials and styles that are en vogue, cheaper, or both.

The Waterway Community will submit itself to an Architectural Review Board, the guidelines for which are attached to our Development Agreement. The context of the architecture for Waterway is defined in the appendix of that document, using exclusively the styles which are prominent in the cozy and historic streets surrounding downtown. We earnestly invite the reader of this application to review and make suggestions to that document.

Both East West Partners and Bald Head Island, Ltd. have a successful track record of implementing architectural guidelines which are evident in our communities, however please be assured that this is not the norm for new development today.

# east west partners

**Protect the city's shoreline vista.**



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The above photos are of Southport's shoreline – most notably, there are buildings on it. It is visually interesting from the waterway, and provides a lifestyle not only for people travelling along the adjacent waterways but from people walking along, dining on, and relaxing on the waterfront.

What makes Southport's waterfront unique in this region is its extreme *tranquility*. Other waterfront communities – from Holden Beach to, say, Surf City, are subject to wave action. Similarly, Downtown Wilmington has the Cape Fear River, which is constantly in motion and visibly a threat (it is not relaxing so much as awe-inspiringly powerful). Southport is on a sound. The tides are calm, and the waves are not in motion. The water is often calm, and, therefore, peaceful.

Southport's unique local charm is directly a result of its proximity to this natural feature, and we as the developers of Waterway understand that to the full.

1460 environ way  
chapel hill, nc 27517  
919-929-0660 919-967-0959 (fax)  
[www.ewpnc.com](http://www.ewpnc.com)



## Continue to support a vibrant Central Business District.

Southport's Central Business District is sorely in need of two things:

- 1) Infrastructure improvements. As it concerns roadway infrastructure, sewer and water improvements have been handed over to the county and are in progress, but the city is still responsible for stormwater and road maintenance. The CBD also needs sidewalks, bike lanes, parks, maintenance, and FREE public amenities. To build public amenities requires public funding, and for that there are two options: raise taxes on the existing tax base or increase the tax base (allow new development).

There is plenty of new development happening within Brunswick County, to include St. James and Oak Island as only the closest municipal neighbors. These communities will continue to utilize Southport's urban core as welcomed visitors in increasing numbers. However, it should be fully understood that new development which is not within Southport City Limits **does not pay taxes** to Southport.

It should also be understood that 327 of Waterway's 375 acres (87%) are currently outside of Southport City Limits. By agreeing to annex the bulk of the property into the City, we are voluntarily subjecting that property to nearly double the amount of taxes, which can be used to restore, improve, and maintain public infrastructure and quality of life for this and future generations of Southport residents.

- 2) Southport's CBD needs off-season visitors. During the summer, as is typical in coastal towns, restaurants are full and business is booming. In the off-season, the opposite is true, and businesses struggle. This, of course, is due to an influx of tourism. Waterway Community will not allow for short-term rentals, therefore residents of the community will be either primary or second home owners, spending more time and money to provide much-needed year round revenue for CBD restaurants, retailers, and services, and allow for a stabilized vibrance in that small and charming part of the City.

# east west partners

## **Preserve the city's residential areas.**

Within the context of Waterway, we take preservation of residential areas to mean our immediate neighbors, namely: Indigo Plantation, Cade's Cove, and Smithville Woods.

To accomplish this, we are including a minimum 30' buffer with an increased opacity, and beyond that have committed to having backyards facing those neighborhoods.

Waterway will also for the first time connect Robert Ruark to 9<sup>th</sup> Street, wherein people from the northern communities might not have to exit Ruark to go down Howe to get to the hospital, school, or CBD, but instead could ride a bike or golf cart to those places. Likewise, residents of Indigo Plantation can bypass Howe to get out to the grocery stores and beyond.

More than that, Waterway will have extensive parks and recreational amenities, which will be paid for and maintained by the HOA but accessible to all residents of the surrounding community – Waterway will not be gated. Similarly, Waterway will include a clubhouse and pool amenity offering memberships to the community and build a lap pool large enough to hold swim meets.

# east west partners

## **Protect the city's Areas of Environmental Concern consistent with 15A NCAC 7H**

It is our belief, as is evidenced in a long history of both East West Partners and Bald Head Island, Ltd. communities, that a deep respect for the environment is what will set this community apart from others. We have committed to a twenty-foot average wetland buffer and over 100 acres of open space, which includes +/-63 acres of undisturbed wetland and a 16-acre nature park which will be curated and revitalized.

Additionally, our architectural guidelines and HOA restrictions will allow us to require coastal North-Carolina appropriate native and well-heeled plantings and restrict the use of invasive non-native plantings.

Finally, Waterway has always committed to not clear-cutting the land. Roads will be cut and laid intentionally, with each lot and future owner having to submit a tree removal plan directly to the City of Southport and the Architectural Review Board for approval. We recognize that this is not the same as preserving the land as it is, but we believe strongly that this is the best form of environmentally sensitive community development.

**OWNER'S AFFIDAVIT**

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

Bald Head Island Limited LLC, a Texas limited liability company ("Owner"), the Owner of the premises listed on Exhibits A and B (the "Property"), hereby authorizes East West Partners Management Company, Inc., a North Carolina corporation, as represented by Morningstar Law Group, to negotiate a Development Agreement with the City of Southport, North Carolina for the Property listed on Exhibit A, and rezone the City Property listed on Exhibit B and to offer zoning conditions to restrict the City Property.

AFFIANT:

**Bald Head Island Limited LLC**, a Texas limited liability company



Name: Charles A. Paul, III

Title: Chief Executive Officer & Manager

State of North Carolina  
County of Brunswick

I, Kariann Groome, a \_\_\_\_\_ certify that **CHARLES A. PAUL, III** personally came before me this day and acknowledged that he/she is **CHIEF EXECUTIVE OFFICER & MANAGER** of **Bald Head Island Limited LLC**, a Texas limited liability company, and that he/she, as **CHIEF EXECUTIVE OFFICER & MANAGER**, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal this 6 day of March, 2025.

(Official Seal)



  
(Notary Public)

February 16<sup>th</sup>, 2028  
Commission Expires



# 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 <sup>th</sup> Street County | BALD HEAD ISLAND LIMITED LLC |
| County Land                  |                                      |                              |
| 22100027                     | No address listed                    | BALD HEAD ISLAND LIMITED LLC |

CAP  
3/6/25



| Tax ID     | Address                 | Owner                        |
|------------|-------------------------|------------------------------|
| 2210002901 | No address listed       | BALD HEAD ISLAND LIMITED LLC |
| 2210A001   | 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 |

*CHP*  
3/6/25

## Exhibit B

### City 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 <sup>th</sup> Street County | BALD HEAD ISLAND LTD LLC     | R-10           |

*CHP*  
*3/6/25*

**DEVELOPMENT AGREEMENT**  
  
BETWEEN  
THE CITY OF SOUTHPORT  
AND  
WATERWAY OF SOUTHPORT, 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 Waterway of Southport, LLC (“Waterway Developer”) (collectively, the “Parties”) 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 378.79 acres, comprised of 331.18 acres currently within the Brunswick County jurisdiction (the “County Land”), and 47.61 acres in the City (the “City Land”). The City Land is comprised of 28.51 acres that includes the existing marina and the and an additional 19.1 acres 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 Platted Area 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 Platted Area, 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 Platted Area at the time such Platted Area 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 Platted Area, 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 9<sup>th</sup> 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](mailto:sturille@cityofsouthport.com)

With a copies to:

Thomas E. Terrell, Jr.

Fox Rothschild LLP  
230 N. Elm St. Suite 230  
Greensboro, NC 27401  
[terrell@foxrothschild.com](mailto:terrell@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](mailto: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



**Waterway of Southport, LLC**

By: East West Partners Management Company, Inc., Authorized Signatory

By: \_\_\_\_\_

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]

**Waterway of Southport, LLC**

By: Bald Head Island Limited LLC, Authorized Signatory

By: \_\_\_\_\_  
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**

| <b>Tax ID</b>                       | <b>Address</b>                       | <b>Owner</b>                 |
|-------------------------------------|--------------------------------------|------------------------------|
| <b>Marina and Parking Lots Land</b> |                                      |                              |
| 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 |
| <b>City Land</b>                    |                                      |                              |
| 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 <sup>th</sup> Street County | BALD HEAD ISLAND LIMITED LLC |
| <b>County Land</b>                  |                                      |                              |
| 22100027                            | No address listed                    | BALD HEAD ISLAND LIMITED LLC |
| 2210002901                          | No address listed                    | BALD HEAD ISLAND LIMITED LLC |
| 2210A001                            | 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<br>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<br>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 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        |

| Table 3.1: Table of Uses                                                             | Districts<br>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 |              |
| BOTTLE SHOP AND WINE BAR                                                             |                                                                                                               |      |      |     |    | P   |     | P   | P  | P  |    |    |     | P    |              |
| 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        |

| Table 3.1: Table of Uses                                          | Districts<br>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 |              |
| 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        |
| 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        |

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|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|------|------|-----|----|-----|-----|-----|----|----|----|----|-----|------|--------------|
|                                                             | ICS                                                                                                           | R-10 | R-20 | M F | MH | PUD | O-I | CBD | BD | HC | LI | HI | O S | CZ-1 |              |
| 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  |     |      |              |
| 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  |     |      |              |

| Table 3.1: Table of Uses                                | Districts<br>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 |              |
| MANUFACTURING, INTENSIVE                                |                                                                                                               |      |      |     |    |     |     |     |    |    |    | CS |     |      | 3.8.V        |
| MANUFACTURING, 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    |              |
| 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       |

| Table 3.1: Table of Uses                                                                                                                                     | Districts<br>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        |
| 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       |



| Table 3.1: Table of Uses                                                                     | Districts<br>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 |               |
| 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    |               |
| 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.OO        |
| 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**

# Waterway

Architectural Design Guidelines  
and Architectural Committee Review Procedures

March 2025

Prepared By



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# Waterway

## INTRODUCTION AND MISSION STATEMENT

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

Maintaining high standards of design excellence at Waterway requires attention to many details. These Architectural Design Guidelines (Guidelines) reflect much thought and experience. Extensive research defining the Southport architectural vernacular has found prominent architectural styles, including Colonial Revival, Craftsman, Cottage, and Neoclassical. Although many other less prominent architectural styles are present in Southport, these have been defined and agreed upon as the primary architectural styles in historic 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. Examples of historic Southport architecture are included within this document.

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

Implementation of the Guidelines will materially enhance the community. The WARC intends to apply the rules in all cases. Variances are to be granted only when the WARC is convinced that they are justified, necessary, and 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 house's architectural style. Natural exterior features and materials are desired.

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

Property owners are invited to review these guidelines and make comments and recommendations to the WARC. Comments and recommendations shall be made in writing so that they may be fully addressed.



## ARCHITECTURAL REVIEW COMMITTEE PURPOSE AND PROCEDURES

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

### Applicant Responsibilities

The WARC 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 making all improvements in compliance with the Waterway Architectural Design Guidelines (Guidelines), Waterway Architectural Review Committee (WARC) Guidelines and Procedures, and Waterway Covenants and Restrictions.
2. Performance or quality of work of any architect/ designer, contractor, or subcontractor by the plans prepared and sealed by a North Carolina licensed Architect, Landscape Architect, and/or designer and as approved by the WARC.

## Waterway

3. Compliance with all laws, codes, and ordinances of all governmental agencies or bodies, Waterway Covenants, etc.
4. Determination of environmental restrictions, drainage, grading requirements, and all surface and subsurface soil conditions.
5. Competent architects, engineers, contractors, and similar professionals can only determine the structural, mechanical, electrical, and all other technical aspects of a proposed design.
6. Accuracy and completeness of all plans, applications, certificates, stakeouts, and surveys.

### General

The following sections outline 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 must submit such proposals to the Waterway Community Association and WARC per the "Alterations and Additions Review" procedures and requirements. Please note that the participating architect, designer, and/or landscape architect who prepares the design documents for each home proposal should participate in each design review phase unless otherwise approved by the WARC.

### Preliminary Design Review

1. The Preliminary Design Review provides the Architect / Designer and Property Owner an opportunity to review proposed plans with the WARC and take advantage of input from the WARC early in the design process. This step is crucial 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, 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, which consists of the Preliminary Design Review Application (filled out completely) and preliminary construction drawings in PDF format. The Preliminary Design Review Package will be transmitted electronically to McKay Siegel at msiegel@ewpnc.com.
3. The Applicant must submit the completed Preliminary Design Review Application package before 5 PM on the Monday before the regularly scheduled WARC meeting. The WARC will review the Application for completeness. The Property Owner will be notified of any missing required information. The Property Owner must provide all the necessary information before scheduling a time to present the proposal to the WARC. The Architect / Designer and/or Property Owner must personally present the package to the WARC.
4. The Application will be reviewed per the following: Approved (Proceed with Final Design Review Application), Approved with exceptions (Re-submit for WARC review and approval before 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 without approval of the Preliminary Design Review Application Phase.
5. The WARC will respond in writing within fourteen (14) days of the presentation of a completed application.

## Final Design Review

1. The Final Design Review allows the Architect / Designer and Property Owner to review the final plans with the WARC and verify that the proposal is based on the previously approved Preliminary Design Review Application. This step is also crucial 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](mailto:msiegel@ewpnc.com).
3. The Applicant must submit the completed Final Design Review Application package before 5:00 PM on the Monday before the regularly scheduled WARC meeting. The WARC will review the Application for completeness. The Property Owner will be notified of any missing required information. The Property Owner must provide all the necessary information before scheduling a time to present the proposal to the WARC. The Architect / Designer and/or Property Owner must personally present the Application package to the WARC.
4. The Application will be reviewed per the following: Approved (Proceed with Construction and Pre-Construction Review Application), Approved with exceptions (Re-submit for WARC review and approval before proceeding with Construction), or Not Approved Re-submit. The Owner shall not proceed with construction without approval of the Final Design Review Application Phase.
5. The WARC 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 according to the approved Site Plan (including silt fencing, tree fencing, etc.). Tree protection fencing shall be used to protect all significant remaining trees. A designated WARC member must approve this stakeout before beginning house construction. All erosion control and other plans shall be strictly followed. Flagging or tree fencing shall be used as needed to prevent damage to trees, including 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 the Owner / Builder is responsible for verifying all utility locations before construction and taking 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 always be kept neat and clean. All debris must be removed by 3:00 PM each Friday. If Waterway must 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 WARC to schedule an onsite review and approval meeting. The Builder and/or Property Owner must closely supervise landscape installation. It is essential that the landscaping do what it is intended to do. Features of particular importance include the complete screening of mechanical equipment and the underside of decks, the proper initial size of plant material, and careful placement of 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 to supervise the installation properly.

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4. The WARC may conduct a detailed field inspection, comparing the installation with the approved plans. If a particular species or variety of plants specified on the plan is unavailable, the WARC may authorize the substitution of another species or variety of the same size if the WARC is confident that the substitute will accomplish the intended objective. Changes in the field that address topography and maintain the effect of mature plants that 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 WARC, and revised drawings submitted for the record.
5. The Applicant must notify and obtain approval from the WARC in writing before 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 an adequately labeled sample and any additional information that may assist the WARC in determining the suitability of the request. Applicants requesting design change approvals should submit revised plans prepared and sealed by their respective Architects/Designers or Landscape Architects for approval.
6. In the event the Applicant desires to substitute a material different from one already approved by the WARC, it is the responsibility of the Applicant to provide the documentation necessary for the WARC to determine whether 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 WARC 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 WARC to set up an on-site meeting to conduct a Final Construction Inspection Review. If the improvements have been completed by the plans approved by the WARC, Guidelines, criteria requirements, and Covenants, then immediately upon concluding the Final Construction Inspection Review, the WARC will issue a Certificate of Compliance. If the improvements deviate from the approved plans and specifications, all incomplete items shall be completed prior to issuing a Certificate of Compliance and occupancy of the building.
2. In cases where the WARC has approved a delayed planting schedule to allow cool season planting for larger trees and fescue grass, the WARC 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. Waterway requires an as-built impervious surface survey before the Certificate of Compliance is issued. 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 WARC acceptance is delayed more than thirty (30) days after the Final Construction Inspection Review, then the WARC will not approve the Builder for another project until the deficiencies are corrected. The WARC may record a Certificate of Non-Compliance or take other actions as the Guidelines and Covenants provide.



# Waterway

## Alterations and Additions Review

1. One of the features that attracted the Property Owners to Waterway is the architectural character and quality controls planned for this community. Certain restrictions have been established to assist and preserve the integrity of the community, including a review of any alterations and additions to any existing structure and/or site after occupancy.
2. All alterations, additions, or modifications to the Waterway property must be reviewed and approved by the WARC, as with 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 Alterations and Additions Review Package is to be transmitted electronically to [msiegel@ewpnc.com](mailto:msiegel@ewpnc.com).
4. Please note that only one form exists for the Alterations and Additions Review. This form will be used for both the Preliminary Design Review and the Final Design Review Application.
5. The Applicant must submit the completed Alterations and Additions Review Application package one week before the WARC meeting. The Waterway 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 the necessary information before scheduling a time to present the proposal to the WARC. The Waterway Community Association (Architect / Designer and/or Property Owner should also personally be present) will schedule and present the Application package to the WARC.
6. The Application will be reviewed according to the following: Approved (Proceed with Final Design Review Application), Approved with exceptions (Re-submit for WARC review and approval before 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 without approval of the Preliminary Design Review Application Phase.
7. The WARC will respond in writing within seven (7) days of the presentation of a completed application in each review phase.

## Miscellaneous Inspections

1. The WARC 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 WARC.

## SITE DESIGN GUIDELINES

### Setbacks

1. Waterway has established setbacks that protect adjacent land uses and maintain a strong architectural edge along the street, helping to define the community's urban character.
2. Additionally, various tree protection buffers established along the rear of each lot will affect how homes can be sited.
3. The setbacks established for single-family detached lots are included in the Appendix and will be reviewed and approved by the WARC on a site-by-site basis.

### Impervious Areas

1. A portion of the Waterway development abuts High-Quality Waters and requires water quality protection measures as critical development components. To protect the environment, the developer restricts Impervious Areas, which contribute to stormwater runoff.
2. Impervious surfaces include buildings, pavement, gravel drives, recreation facilities, etc., or any surface composed of any material that impedes or prevents the natural filtration of water into the soil. Wooden slatted decks and the water area of a swimming pool are considered impervious surfaces.
3. Alternative driveway treatments are encouraged (see Driveways) to reduce impervious areas.
4. Allocations of impervious areas are established for single-family lots within Waterway as a deed restriction for each lot on the recorded site plans. Impervious areas must be measured and submitted with each application to WARC and updated in the event of construction modifications.

### Driveways

1. Driveways are an essential unifying element in defining the streetscape in an urban setting. Although a moderate range of surfacing materials (brick, concrete pavers, etc.) may be considered, concrete will serve as the predominant driveway paving material. The maximum width of any single driveway shall be 12 feet. Shared driveways are encouraged where appropriate.
2. Impervious area constraints encourage using "Carolina Driveways," which typically include a turf strip along straight sections of driveways and give visual relief to longer drives. This serves to reduce impervious areas and break up large expanses of concrete. The dimensions for a "Carolina Drive" shall be 2' 6" wide concrete on each side of a 3' 0" wide sod strip for a total width of 8' 0". The drive should allow the required turning radius to avoid driving on the center sod strip. Brick pavers and/or textured concrete are also encouraged as an alternative infill in the sod strip area.
3. The siting and construction of driveways must not concentrate stormwater runoff onto adjacent properties.



# Waterway

## Walkways

1. Walkways welcome neighbors, providing an essential feature of a "neighborly" streetscape next to front porches.
2. All homes within Waterway must include a walkway that 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 adjoining entry sidewalks and steps. They 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 welcoming, friendly pedestrian access to the house. There are also very few fences in the rear yards. Therefore, it is strongly recommended that similar enclosures be provided in Waterway. Fencing, if needed, should be used only when necessary to protect 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 alternative to fencing.
3. Fencing between the residence and the street shall be a maximum of 30" in height and similar in style to the examples provided in the Appendix. Fences must be painted and finished to complement the home.
4. Solid fencing is not recommended in front yards. Provide a minimum of 1" spacing between pickets.
5. 6' 0" high fences are permitted but may not be located closer to the street than the rear corner of the house. Corner lot fences shall not be closer than the adjacent house's front face to maintain clear visibility from the adjoining house to the street. Landscape screening of fencing is encouraged.
6. Chain-link and horizontal rail fencing are not permitted.
7. PVC Fencing is not permitted.
8. Fences with only one side finished shall always have the finished surface facing out.
9. Fences shall be located wherever possible, so trees do not have to be removed.
10. All requests for the installation of fencing must be submitted to WARC.

## Retaining Walls

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

# Waterway

## Lighting

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

## Flags & Flagpoles

1. Wall-mounted flags no larger than 4' x 6' are permitted. Flagpoles are not allowed.

## Outdoor Living Areas & Outbuildings

1. Waterway encourages all outdoor living areas (patios, pools, cabanas, gazebos, etc.) but requires them to be included in the impervious area computation for each lot.
2. All outdoor living structures shall be finished (detailing, color, etc.) to match or coordinate with the house's architectural style.
3. Dog houses shall be located to avoid being obtrusive and visible from the street or adjacent houses. They shall be painted and finished to blend with the immediate surroundings and match the house finishes, details, and colors. Prefab chain link fence dog runs will generally not be allowed unless painted black, screened by wood fencing, and/or located within a heavily planted area.
4. Play equipment shall be placed in rear yards and not visible from the street or adjacent houses. Natural wood equipment is encouraged. Painted metal equipment shall be painted dark green or brown to blend with natural areas.
5. Playhouses shall be placed in rear yards. They must be scaled to fit the size of the house, yard, and other outbuildings and finished to match the house's architectural style.
6. Skateboard and bike ramps and other similar structures shall be placed in the rear of the property and not visible from the street.
7. Tree houses are prohibited due to their visibility from neighboring property and streets.
8. Above-ground swimming pools are not allowed. In-ground swimming pools are permitted and will be reviewed case-by-case before beginning construction. Pools shall comply with all local, state, and safety codes and requirements. All swimming pool concrete decks are considered impervious.
9. Basketball goals and similar play equipment are not allowed to be mounted on the front facade of the house, in the yard, or on driveways visible from the street.
10. Every request for the development of outdoor living areas is subject to the established setbacks and must be submitted to WARC for approval.

## Waterway

### Grading, Drainage and Clearing

1. Grading, stormwater drainage, and clearing of existing landscaping and soils are environmentally sensitive. The developer intends the lots to remain wooded to the greatest extent possible, so minimal lot clearing and tree removal are encouraged.
2. The final design review application requires identification of cleared limits and identification of all trees to be removed exceeding a 4" in caliper. Tree protection fencing should be identified on the site plan. Erosion control measures should be clearly shown. Silt fencing is required around the entire lot perimeter. Installation of a 10' x 30' washed gravel construction entrance is required. Ingress and egress must be limited to the construction entrance to prevent dragging or run-off mud and other debris into the street.
3. The WARC requires an inspection immediately following the completion of lot clearing to ensure that all protective measures are in place and constructed by the design review application.

### Landscaping and Sod

1. Guidelines for landscaping single-family homes have been approved as part of the overall Waterway Master Plan.
2. Interior lots require sod in front yards, extended 8' -0" back into side yards, and between sidewalk and curb. Corner lots require sod in front yards, extended into side yards to the rear corner of the house and between the sidewalk and curb entire front and side yard of the property. Corner lots require sod from the rear of the house and rear yards back to the property line due to the high visibility of the corner lot. Irrigation of sodded areas is required. Permitted grass types include zoysia, centipede, and bermuda.

### Street Trees

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

### Signage

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

### Service Areas

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

## Waterway

### Utilities

1. Each lot is responsible for the location/verification of all utilities before any clearing, excavation, or grading activity commences. 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 WARC before any clearing begins.

### Port-A-Johns

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

### Garbage Containment and Recycles

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

### Materials Storage

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

## 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 proximity to one another. Similar designs or design duplications are discouraged and subject to disapproval by the WARC if sufficient variations in exterior colors, materials, finishes, trim, and detailing are absent.
2. Elevations that are similar in appearance and have the same/similar exterior colors are prohibited on any adjacent sites and any sites immediately across the street.
3. Approving plans, materials, or colors for a specific site does not imply approval for another building site.
4. Architectural diversity is crucial to Waterway. Colonial Revival, Craftsman (including Bungalows, Prairies, etc.), Cottage, and Neoclassical style detailing are encouraged. This detailing and more traditional style architecture help achieve the diversity and classic older Southport neighborhood features offered at Waterway.
5. Examples of various existing Southport Historic District homes are also included for reference in the Appendix.
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, materials, and aesthetic appearance regarding the overall dwelling and its relationship to other homes.
2. Design should be site-specific and take advantage of the natural setting. For example, most houses within historic Southport are situated below an existing tree canopy. Efforts to save existing significant trees and maintain a tree canopy for development are encouraged. Any home with a three-story elevation will be closely scrutinized to ensure 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 house's architectural style.
4. The 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.
6. The WARC may bar any proposed new construction or changes to existing homes on purely aesthetic grounds, where in its sole judgment, such action is required to maintain the Waterway standard of architectural excellence in exterior materials and design.



## Waterway

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 are not allowed.
9. Framed chimneys with stucco or brick panel finishes are permitted. Direct vents are allowed; however, they must be integrated into the architecture (e.g., 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 harm 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 WARC for review and approval before painting the house. In the case of a similar color scheme on adjacent existing homes, another color choice may be required for WARC review and approval. Colors should be submitted with the original house submittal to ensure your first-choice selection. Note: Color selection approval is 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. The WARC intends to minimize the impact of the garage doors on the streetscape.
5. Fences visible from the street will be painted to match the house's trim color. Other non-visible wood fencing may be left natural as approved by the WARC. 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. Natural materials are preferred over synthetic materials. 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.

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

Masonry: Brick.

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

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



## Waterway

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 the chimney top must 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. The WARC will consider other high-quality simulated materials (e.g., stone and brick) on their merit.
8. The WARC shall have final approval of all exterior colors and materials. In the opinion of the WARC, exterior colors that would be inharmonious, discordant, or incongruous with the intent of Waterway and adjacent existing homes will not be permitted.

### Roofs

1. Generally, rooflines should follow the appropriate architectural style slopes 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 the architectural correctness of the proposed style. Wide overhangs are encouraged.
2. Recommended roof surfacing materials include asphalt, cedar shingles, natural slate, tile, and standing seam metal roofing. The WARC may approve other roofing materials on an individual case-by-case basis.
3. The WARC has the right to disapprove any roofing material or color choice that it deems inharmonious or discordant with the house design, surroundings, or overall development.
4. Gutters and downspouts should be copper or metal with a factory-applied paint finish. They are to match the trim. Any proposed leaf guards must 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. Copper or anodized aluminum is recommended for flashing. Roof stacks and plumbing vents shall be placed on the roofs' rear slopes.
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 significant design element of the house.
7. Antennas and DSS dishes are permitted only if they are designed and located in rear yards so as not to be visible from front yard streets, common property, or common areas. Prior written approval of the WARC is required, and the WARC 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 the house or roof color.

### Awnings

1. Awnings, canopies, and shutters shall not be permitted or affixed to the residence's exterior without prior approval of the WARC and unless they are compatible with the proposed architectural style and detailing. Awnings may, in some cases, be appropriate for rear or side-yard patios, decks, or exposed entrances.

## Waterway

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 permitted on "craftsman" style architecture and certain other architectural styles as determined by the WARC.

### Porches, Decks, and Patios

1. Porches are encouraged on all lots and required on specific lots. Lots requiring porches will have those requirements contained within the property deed. Wrapped porches are recommended on all corner lots. Porches shall be functional with the central 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 is to provide ample space for furnishings (swing, glider, chairs, etc.) and circulation. Porch space used for circulation only may be smaller and will be reviewed case-by-case.
2. Houses on corner lots shall be designed to address the corner and both street frontages architecturally. 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 are 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. The lattice under the front porch must be horizontal (not diagonal). Diagonal lattice may be used under rear porches and decks. The 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 columns and handrail detailing are encouraged (e.g., brick piers with a concrete cap and tapered wood columns, tapered round columns, triple and double square columns at corners, and major elements such as steps).
7. Where grades and impervious surface requirements allow, patios are encouraged instead of decks.
8. Brick pavers, textured concrete, etc. surfaces are encouraged on all sidewalks and patios.
9. Decks and patios should be located at the house's rear or within a fully enclosed area.
10. The 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.

### Carports, 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 WARC and the Town of Southport. Front-load garages shall have single-width garage doors only with a maximum of two doors. Front-load projecting garages are not allowed. Front-load garages shall be set back a minimum of 2' 0" from the front face of the house or 4'-0" from a front porch. Side-load garages are encouraged, and glass in upper garage door panels is required on Craftsman-style houses and encouraged on all others.
2. Detached and rear-load garages are encouraged.

## Waterway

3. Utility apartments may be allowed subject to Town of Southport requirements.

### Duplexes

1. Duplexes are allowed on certain lots but must appear architecturally to be a single-family home.

### Minimum Square Footage Requirements

1. Minimum square footage requirements have been established for the development, as noted below.  
Note: All heated and cooled floor areas are counted towards minimum square footage requirements, except basements, third-floor walk-up attics, and garages.

| House/Lot Type                           | Minimum SF |
|------------------------------------------|------------|
| Townhome                                 | 1,300 SF   |
| Duplex                                   | 1,500 SF   |
| Single Family 35' width lot              | 1,200 SF   |
| Single Family 50' width lots             | 1,500 SF   |
| Single Family lots larger than 50' width |            |
| One Story                                | 1,700 SF   |
| Two Story                                | 2,000 SF   |



## ARCHITECTURAL STYLE REFERENCE

### Colonial Revival



Houses built as Colonial Revivals have a wide range of history to draw from, and many sub-forms and important characteristics denote 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 usually has overhead fanlights and or sidelights. The facade is typically symmetrical concerning 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 further to 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

# Waterway

## ARCHITECTURAL STYLE EXAMPLES

### Colonial Revival





## ARCHITECTURAL STYLE EXAMPLES

### Craftsman



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

The porch is supported on piers that extend from the ground past the floor plane. They are constructed from brick, concrete masonry, 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 essential 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 frequently accentuates the porch. Two-story side gables incorporate a full-width porch and a shed or gable dormers. Crossed-gabled roofs are also popular. A partial-width, front-gabled porch forms the cross-gable on many of these houses, although other porch styles can be used. The fourth form, hipped roofs, is 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 typical details used in craftsman architecture, so the home often resembles a prairie style. From these basic forms, a builder can incorporate details and variations of the forms to create an interesting



## Waterway

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 at a minimum. Large "bungalow" style dormers (i.e., shed, gable, hipped, etc.) are encouraged. They may be required on some 1 and 1 ½-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 siding of different widths are emphasized at the 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 upper and lower sashes, 2 over 1, 4 over 1, 6 over 1, prairie-style muntin, etc.). Various-shaped windows are encouraged (i.e., cottage-style and unique-shaped windows such as rounds, ovals, etc.). Various unique 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 sidelights contribute to the architectural correctness of the Craftsman and Bungalow style houses.

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

# Waterway

## ARCHITECTURAL STYLE EXAMPLES

### Craftsman



## ARCHITECTURAL STYLE EXAMPLES

### 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 sites and 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 for highly affordable cottages. The building boom that occurred then was a product of the American economy and the availability of technologically sound, easy-to-build, inexpensive, comfortable dwellings.

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



# Waterway

## ARCHITECTURAL STYLE EXAMPLES

### Cottage



# Waterway

## ARCHITECTURAL STYLE EXAMPLES

### Neoclassical



Neoclassical architecture follows a few rules of style. The windows and doors on the front facade are symmetrical. The building is set behind a dominating full-height porch supported by classical columns, 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 an entry porch that is less than full width and is 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 extending the roof on a front-gabled house or a flat roof on a side gable. The neoclassical style can also be incorporated into 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.

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. However, almost every other window type has been incorporated in later designs. Roof-line balustrades are another common feature of the Neoclassical style.

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



# Waterway

## ARCHITECTURAL STYLE EXAMPLES

### Neoclassical





## APPENDIX

Southport Historic District

Existing Property Boundaries and Details:

Southport Examples: Sidewalks and Front Entries

Southport Examples: Entry Drives

Southport Examples: Low Walls

Southport Examples: Fences

General Landscape Requirements

Dimensional Requirements

Construction Signage

## Waterway

### SOUTHPORT HISTORIC DISTRICT

Southport's Historic District is primarily defined by the expansive tree canopy preserved and incorporated into the town's planning and individual building placement. Individual dwellings are broadly traced to vernacular building types, where a front porch is emphasized to take advantage of the region's climate.

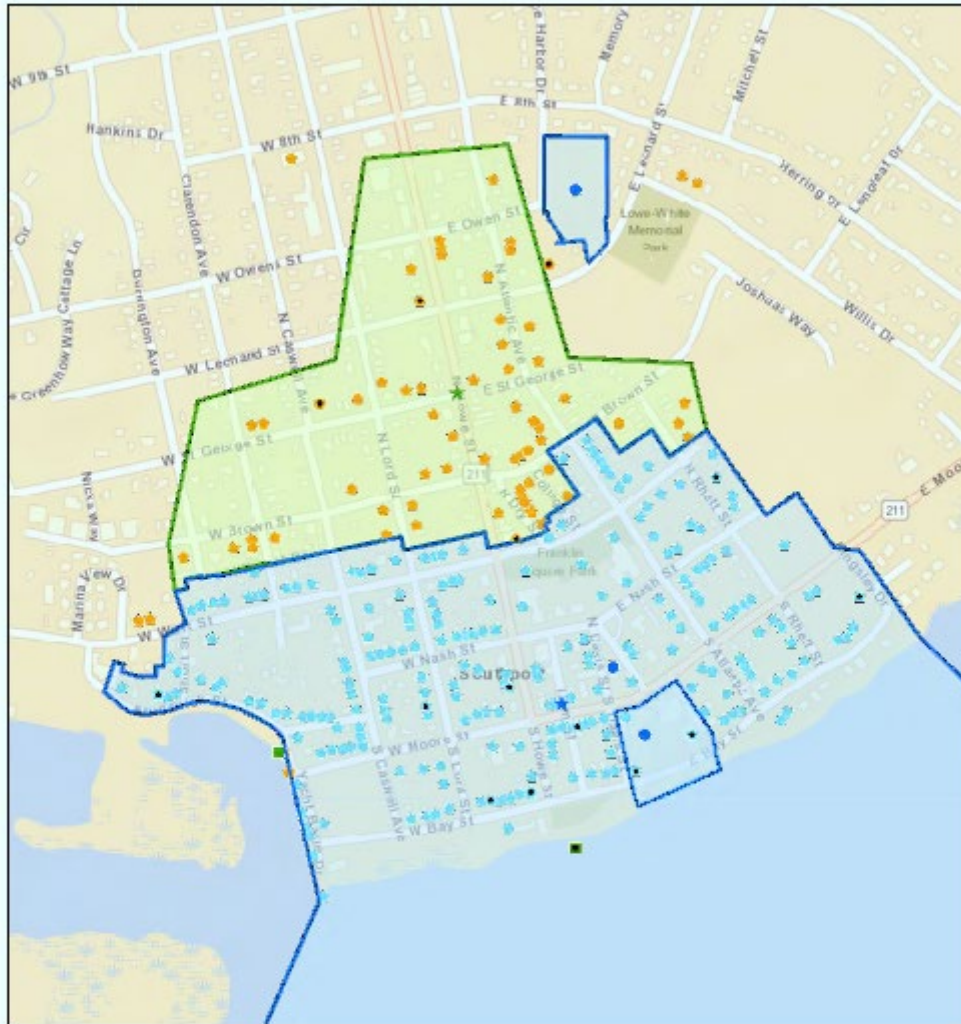
Below is an excerpt from the 1979 Southport Historic District's Nomination Form for the National Register of Historic Places, which highlights the integration of built structures and nature:

*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 that 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.*

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

# Waterway

## 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.

## Waterway

### SOUTHPORT EXAMPLES:

Sidewalks And Front Entries





## Waterway

### SOUTHPORT EXAMPLES:

Sidewalks And Front Entries





## Waterway

### SOUTHPORT EXAMPLES: Sidewalks And Front Entries



## Waterway

### SOUTHPORT EXAMPLES: Sidewalks And Front Entries



32



## Waterway

### SOUTHPORT EXAMPLES: Entry Drives



## Waterway

### SOUTHPORT EXAMPLES:

#### Low Walls





## Waterway

### SOUTHPORT EXAMPLES: Fences





## General Landscape Guidelines

### General

The landscape aesthetic of Coastal North Carolina should embody the region's natural character by incorporating native plant communities, durable materials, and a thoughtful balance between formal and informal outdoor spaces. A well-designed landscape is essential to the overall identity of Waterway, ensuring the community harmonizes with its coastal surroundings. The design should emphasize low-maintenance, regionally appropriate plantings that blend seamlessly with the natural environment. Existing vegetation should be preserved on each home site wherever possible to maintain ecological integrity and reinforce the area's coastal character.

### Planting Design and Requirements

1. All plant selections should be native or well-adapted to Coastal North Carolina, with a preference for salt-tolerant species, drought-resistant species, and suited to sandy soils. Non-native, invasive, or high-maintenance species should be avoided – a list of not-approved species is listed below. The City of Southport's approved tree list, Brunswick County's approved landscaping species list, and the North Carolina Native Plant Society's approved list are all good resources to find recommended species.
2. Existing trees and other vegetation are to be incorporated into the designs and dictate the placement of buildings and related improvements.
3. Utilize plant materials and existing vegetation to anchor buildings to the site and provide screening. "Next generation": oaks and/or magnolias will be included in landscape designs.
4. The landscape is to be pervasive and intertwined with built elements. Plantings are to spill over onto, climb up, or otherwise soften surrounding site walls, foundations, steps, and fences to blend the built environment with the natural.
5. Landscape designs are to minimize the use of expansive lawn areas to reduce irrigation, fertilization, and maintenance requirements.
6. Planting materials should be placed to obscure views of the garage, driveway, and service areas as much as possible.
7. Foundation planting at the front of the house should be layered from the ground plane using smaller plants and transitioning to larger plants near the foundation. Foundation shrubs are to be of sufficient size to soften and reduce the apparent height of the home. Utilizing plant materials of different sizes, colors, and textures in natural groupings is encouraged.
8. Edible vegetables, fruits, and/or herbs may be allowed on homesites, provided the garden area is always maintained.
9. Integrate flowering vines and perennials in garden structures and entry designs.
10. Landscape designs generally prefer to be relaxed and casual, reflecting the natural coastal setting rather than highly controlled or manicured.

## Waterway

11. Minimum lot planting numbers are for the entire lot; applicable yards are indicated per category.
12. Consider seasonality and year-round interest in plantings
13. Place trees and shrubs with consideration of their anticipated mature sizes
14. Foundation planting should be used to enhance the street frontage of each lot and give seasonal interest. Select evergreen shrubs adjacent to the building to provide an aesthetically pleasing appearance during all seasons.
15. Homeowners are encouraged to design their landscapes according to recognized North Carolina-specific certifications prioritizing native planting, habitat creation, and water conservation.

### a. Certification & Sustainability Goals

To enhance biodiversity and resilience, the community encourages homeowners to design their landscapes to meet the following certifications:

- **North Carolina Native Plant Habitat Certification (NC Native Plant Society)** – Encourages the use of native species that support pollinators and local ecosystems.
- **Certified Wildlife Habitat (NC Wildlife Federation & National Wildlife Federation)** – Promotes landscapes that provide food, water, and shelter for birds, butterflies, and beneficial wildlife.
- **Xeriscape & Water-Wise Landscaping** – Emphasizes drought-tolerant and low-water-use plantings to reduce irrigation needs and stormwater runoff.

## Minimum Lot Planting Standards

| Lot Width              | Shade Tree<br>(3" DBH min.<br>caliper)<br>front yard | Ornamental<br>Tree<br>(10-12' tall)<br>front/side yard | Evergreen<br>Tree<br>(8-10' tall)<br>front/side<br>yard | Evergreen<br>Shrub<br>(Min. 24" tall)<br>front/side yard | Deciduous/<br>Evergreen Shrub<br>(3 gal.)<br>front/side yard | Ornamental<br>Grasses (1<br>gal.)<br>front/side<br>yard | Perennials<br>(1 gal.)<br>front/side<br>yard | Groundcover<br>(SP4)<br>front/side<br>yard | Bermuda<br>Sod<br>(max 2%<br>front yard) |
|------------------------|------------------------------------------------------|--------------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------|--------------------------------------------------------------|---------------------------------------------------------|----------------------------------------------|--------------------------------------------|------------------------------------------|
| Townhome<br>(per unit) | 0                                                    | 1                                                      | 1                                                       | 10                                                       | 0                                                            | 0                                                       | 0                                            | 00 sf                                      | 10%                                      |
| Duplex<br>(per unit)   | 0                                                    | 1                                                      | 1                                                       | 10                                                       | 6                                                            | 6                                                       | 6                                            | 80 sf                                      | 10%                                      |
| 35'                    | 0                                                    | 1                                                      | 2                                                       | 14                                                       | 14                                                           | 6                                                       | 6                                            | 100 sf                                     | 15%                                      |
| 50'                    | 0                                                    | 2                                                      | 2                                                       | 18                                                       | 18                                                           | 10                                                      | 10                                           | 100 sf                                     | 15%                                      |
| 75'                    | 1                                                    | 2                                                      | 3                                                       | 20                                                       | 20                                                           | 12                                                      | 12                                           | 100 sf                                     | 20%                                      |
| 80'                    | 1                                                    | 2                                                      | 3                                                       | 24                                                       | 24                                                           | 14                                                      | 14                                           | 200 sf                                     | 20%                                      |
| 90'                    | 1                                                    | 3                                                      | 4                                                       | 32                                                       | 32                                                           | 22                                                      | 22                                           | 300 sf                                     | 25%                                      |

## Irrigation

1. Utilize indigenous or naturalized plant materials, grouped according to water consumption needs, to reduce irrigation needs.

## Waterway

2. All permanent irrigation systems must be below ground, fully automatic, and include a backflow preventer. Water-conserving systems, such as drip irrigation and rain/moisture sensors, are also required.
3. Mulch at least 4" deep is encouraged in planting areas to retain moisture and reduce erosion.

### Maintenance

When developing the landscape design, long-term growth and maintenance should be considered. Landscape materials should present an attractive presence when initial planting and all landscape areas should be adequately maintained to preserve their health and appearance. Proper maintenance includes watering, mowing, weeding, edging, pruning, removal and/or replacement of dead or diseased plant materials, and maintenance of drainage patterns and facilities.

### Not-Approved Species

#### Trees, Palms, and Shrubs

- Bradford Pear (*Pyrus calleryana*)
- Tree of Heaven (*Ailanthus altissima*)
- Mimosa (*Albizia julibrissin*)
- Chinaberry (*Melia azedarach*)
- Golden Bamboo (*Phyllostachys aurea*)
- Japanese Privet (*Ligustrum japonicum*)
- Chinese Tallow (*Triadica sebifera*)
- Saltcedar (*Tamarix* spp.)
- Sabal Palmetto (*Sabal palmetto*)
- Windmill Palm (*Trachycarpus fortunei*)
- Pindo Palm (*Butia capitata*)
- Canary Island Date Palm (*Phoenix canariensis*)
- Mediterranean Fan Palm (*Chamaerops humilis*)

#### Vines

- Kudzu (*Pueraria montana*)
- Japanese Honeysuckle (*Lonicera japonica*)
- English Ivy (*Hedera helix*)
- Wisteria (*Wisteria sinensis*, *Wisteria floribunda*)
- Air Potato (*Dioscorea bulbifera*)

#### Groundcovers & Perennials

- Nandina (*Nandina domestica*)
- Chinese Silvergrass (*Miscanthus sinensis*)
- Liriope (*Liriope spicata*)
- Elephant Ear (*Colocasia esculenta*) (in wetland areas)
- Periwinkle (*Vinca major*, *Vinca minor*)

# Waterway

## Dimensional Requirements

| 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<br>Side: 5<br>Rear: 10                                                                                                  |
| Dwelling, Single-Family (alley loaded)         | 1,800                              | 30                  | 75%                     | N/A                                 | 40*                                | Front: 10<br>Side: 5<br>Rear: 0                                                                                                   |
| Dwelling, Two-Family (Duplex)                  | 5,000 minimum overall project size | 18                  | 80% for overall project | 8                                   | 40                                 | Front: 10<br><br>Side: 5 (on end of buildings); 0 (if attached to another unit on the side)<br><br>Rear: 5<br>Rear (Garage): None |
| Dwelling, Multi-Family                         | 10,000                             | 50                  | 85%                     | 30 max units is 250                 | 45**                               | Front: 10<br>Side: 10<br>Rear: 10                                                                                                 |
| Non-Residential Uses and Mixed Use             | None                               | None                | 75%                     | N/A                                 | 45                                 | Front: 1<br>Side: 10<br>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.

## PAINT COLOR SELECTION

March 2025

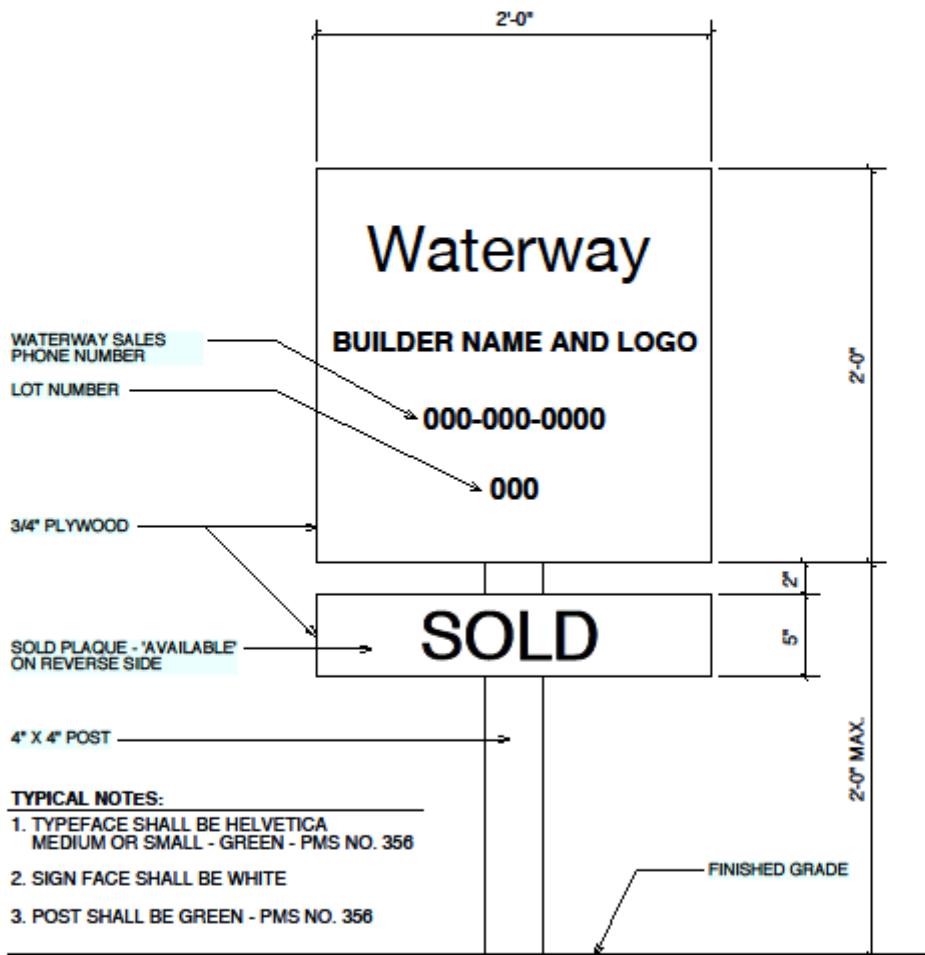
Paint Color Selection Procedures and General Notes

1. Before painting the house, one color scheme must be selected and submitted to the Waterway Architectural Review Committee (WARC) for review and approval. In case of conflict with existing homes, another color choice may be required for WARC review and approval.
2. Review the Waterway files and adjacent house colors for color coordination and prevention of color duplication before 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 WARC review and approval.
4. Colors should be submitted with the Preliminary Design Review submittal to best assure your first-choice selection. Color selection approval is based on a first-come-first-served basis.
5. Various exterior colors are encouraged on the same house (e.g., siding, siding in gable ends, dormers, doors, shutters, window sashes, etc.). The WARC suggests accent colors in gable ends (e.g., 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. The WARC will decide to minimize the impact of the garage doors on the streetscape.
7. Fences in the side and rear yards may remain unfinished. However, fences in front yards and locations visible from the street (e.g., side yard fences facing the street, corner lot fences facing and visible from streets, etc.) shall be painted to match the house trim color.
8. A darker siding color is recommended for at least every fourth house (or 25% of all houses).
9. No duplicate or similar color will be approved within 3 houses on each side of the street.
10. Houses of the same exterior design shall not match the same color scheme.
11. Gutters and downspouts shall match the trim color.



# Waterway

## 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

## Waterway

### PRELIMINARY DESIGN REVIEW APPLICATION AND CHECKLIST

NO SUBMITTAL WILL BE REVIEWED UNLESS ALL REQUIRED INFORMATION IS INCLUDED

BUILDER/ OWNER NAME \_\_\_\_\_ LOT NO \_\_\_\_\_

PLAN NAME \_\_\_\_\_ DATE SUBMITTED \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_ TELEPHONE NUMBER \_\_\_\_\_

#### 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 unique materials) and finished elevation at street
- ☐ Walkways (include minimum 3'-0" wide walkway to the street sidewalk)
- ☐ Decks and patios
- ☐ Fencing and retaining walls (including fence detail if proposed)
- ☐ Service areas (include a method of screening)
- ☐ Outbuildings (if any)
- ☐ Impervious area square footage (house, covered porches, drives, walkways, patios, etc.)

#### ARCHITECTURAL FLOOR PLANS AND ELEVATIONS

*One copy 8-1/2" x 11" or a copy of the Approved Builder Cut-Sheet*

*Floor plans and elevations may be freehand for this submittal*

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

#### COLORS AND MATERIALS

*Color samples are not required for this submittal*

- ☐ Color Selection Form must be attached

The WARC has reviewed the Application with the following decisions and comments and is only for conformance with the Waterway 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 WARC review and approval before proceeding with the Final Design Review Application.)

WARC REPRESENTATIVE \_\_\_\_\_ DATE \_\_\_\_\_

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

# Waterway

## Waterway

### FINAL DESIGN REVIEW APPLICATION AND CHECKLIST

NO SUBMITTAL WILL BE REVIEWED UNLESS ALL REQUIRED INFORMATION IS INCLUDED

BUILDER / OWNER NAME \_\_\_\_\_ LOT NO \_\_\_\_\_

PLAN NAME \_\_\_\_\_ DATE SUBMITTED \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_ TELEPHONE NUMBER \_\_\_\_\_

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 unique materials) and finished elevation at street

Walkways (include minimum 3'-0" wide walkway to the street sidewalk)

Decks and patios

Fencing and retaining walls (including fence detail if proposed)

Service areas (include a method of screening)

Outbuildings (if any)

Impervious area square footage (house, covered porches, drives, walkways, patios, etc.)

Landscaping Plan (One copy 8-1/2" x 11" including existing plantings)

Tree protection fencing

All trees 4" caliper or greater to be removed must be labeled by species.

Stormwater control and silt fencing for the entire lot perimeter.

Construction entry with a gravel base

#### ARCHITECTURAL FLOOR PLANS AND ELEVATIONS (

One copy 8-1/2" x 11" or a copy of the Approved Builder Cut-Sheet

Floor plans and elevations may be freehand 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

- ☐ The Color Selection Form must be attached

#### ENERGY PROGRAM CERTIFICATION

- ☐ Plan Review and Certification Letter

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

- ☐ Approved (Proceed with clearing the 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 WARC review and approval before proceeding with clearing the lot and the Pre-Construction Review Application.)

WARC REPRESENTATIVE \_\_\_\_\_ DATE \_\_\_\_\_

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

# Waterway

## Waterway

### PRE-CONSTRUCTION REVIEW APPLICATION AND CHECKLIST

NO SUBMITTAL WILL BE REVIEWED UNLESS ALL REQUIRED INFORMATION IS INCLUDED

BUILDER/ OWNER NAME \_\_\_\_\_ LOT NO. \_\_\_\_\_

PLAN NAME \_\_\_\_\_ DATE SUBMITTED \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_ TELEPHONE NUMBER \_\_\_\_\_

Clear the lot and stake out the following before scheduling the WARC Review: Provide the Final Design Review Site Plan for reference and attach it 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 the street sidewalk)
- ☐ Decks and patios
- ☐ Fencing and retaining walls
- ☐ Service areas (include a method of screening)
- ☐ Outbuildings (if any)
- ☐ Impervious area square footage (house, covered porches, drives, walkways, patios, etc.)
- ☐ Landscaping Plan (One copy 8-1/2" x 11" including existing plantings)
- ☐ Tree protection fencing
- ☐ All trees 4" caliper or greater to be removed
- ☐ Stormwater control and silt fencing for the entire lot perimeter
- ☐ Construction entry with a gravel base

The WARC has reviewed the application and made the following decisions and comments. This review is only for conformance with the Waterway 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 at least two weeks before construction completion.)
- ☐ Approved as Noted (See attached comments for completion before Final Construction Inspection Review.)
- ☐ Not Approved / Re-Submit (See attached comments for WARC review and approval before proceeding with construction and landscaping.)

WARC REPRESENTATIVE \_\_\_\_\_ DATE \_\_\_\_\_

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



# Waterway

## Waterway

### FINAL CONSTRUCTION INSPECTION REVIEW APPLICATION AND CHECKLIST

No submittal will be reviewed unless all required information is completed.

BUILDER /OWNER NAME \_\_\_\_\_ LOT NO. \_\_\_\_\_  
PLAN NAME \_\_\_\_\_ DATE SUBMITTED \_\_\_\_\_  
STREET ADDRESS \_\_\_\_\_ TELEPHONE NUMBER \_\_\_\_\_

Schedule the Final Construction Inspection Review at least two weeks before construction completion for proper WARC scheduling and confirmation that all construction and requirements noted below have been completed.

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

- ☐ The proposed structure(s) are 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.
- ☐ The proposed landscaping is finally completed (or a bond will be provided for completion later).
- ☐ Proposed utilities completed, including meters.
- ☐ 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) are complete and submitted for the WARC Final Construction Inspection Review. I agree to all conditions as outlined in the Architectural Guidelines.

SIGNATURE OF PROPERTY OWNER \_\_\_\_\_ DATE \_\_\_\_\_

The WARC has reviewed the Application with the following decisions and comments and is only for conformance with the Waterway 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 WARC review and approval before occupying.)
- ☐ Not Approved / Re-Submit (See attached comments for completion and WARC review and approval before occupying the property and receiving the Certificate of Compliance.)

WARC REPRESENTATIVE \_\_\_\_\_ DATE \_\_\_\_\_

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

## Waterway

### CERTIFICATE OF COMPLIANCE

BUILDER/ OWNER NAME \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_

TELEPHONE NUMBER \_\_\_\_\_

The Waterway Architectural Review Committee, Owner, and Builder have completed the Final Construction Inspection Review and hereby certifies that the building and site improvements, as noted, follow the Waterway Architectural Guidelines and are by the Waterway Covenants and all other governing agencies, codes, and requirements.

#### OWNER CERTIFICATION

I have reviewed and verified that the Final Inspection Review and all construction are complete and submitted for the WARC Certificate of Compliance certification. I agree to all conditions as outlined in the Architectural Guidelines.

SIGNATURE OF PROPERTY OWNER \_\_\_\_\_ DATE \_\_\_\_\_

The WARC has reviewed the Application with the following decisions and comments and is only for conformance with the Waterway 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 WARC review and approval before occupying the property and receiving the Certificate of Compliance.)

WARC REPRESENTATIVE \_\_\_\_\_ DATE \_\_\_\_\_

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

# Waterway

## Waterway

### ALTERATIONS AND ADDITIONS REVIEW APPLICATION AND CHECKLIST

NO SUBMITTAL WILL BE REVIEWED UNLESS ALL REQUIRED INFORMATION IS INCLUDED

OWNER NAME \_\_\_\_\_ LOT NO. \_\_\_\_\_

PLAN NAME \_\_\_\_\_ DATE SUBMITTED \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_ TELEPHONE NUMBER \_\_\_\_\_

#### 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 a short description below.
- ☐ finished floor elevations, square footage, details, etc.
- ☐ Impervious area square footage (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

- ☐ The Color Selection Form must be attached.

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

The WARC has reviewed the Application with the following decisions and comments. This review is only for conformance with the Waterway 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 WARC review and approval before proceeding with construction.)

WARC REPRESENTATIVE \_\_\_\_\_ DATE \_\_\_\_\_

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

# Waterway

## Waterway

### COLOR SELECTION FORM

OWNER NAME \_\_\_\_\_ LOT NO. \_\_\_\_\_  
PLAN NAME \_\_\_\_\_ DATE SUBMITTED \_\_\_\_\_  
STREET ADDRESS \_\_\_\_\_ TELEPHONE NUMBER \_\_\_\_\_

Complete and submit one copy of the Color Selection Form for the Waterway Architectural Review Committee (WARC) review and approval before proceeding with exterior finishing and painting. Attach this form to the specific design phase application. All color selections and this form are 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 WARC will automatically reject your application, and the application will be returned and completed before scheduling a final color review and approval. Include all applicable colors, material samples, etc., as required to communicate most efficiently with the WARC. 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 Waterway 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 WARC has reviewed the Application with the following decisions and comments. This review is only for conformance with the Waterway 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 WARC review and approval before proceeding with exterior finishing and painting.)

WARC REPRESENTATIVE \_\_\_\_\_ DATE \_\_\_\_\_

*This Application is valid for six (6) months from the WARC 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**