



**CITY OF SOUTHPORT
BOARD OF ALDERMEN
SPECIAL MEETING AGENDA
113 W MOORE STREET
June 23, 2025
9:00 AM**

Agenda

Please turn off all cell phones

Meetings are open to the public. If you are not able to attend the Board of Aldermen meetings in person, the meeting will be available for you to watch via live-stream on the City of Southport website (<https://cityofsouthport.com/board-of-aldermen-meetings/>), Facebook page, and YouTube channel.

ETHICS STATEMENT:

"If any members know of any conflict of interest or the appearance of a conflict of interest concerning matters on the agenda, please so state at this time."

A. Call to Order

B. Pledge of Allegiance

C. Approval of Agenda

D. Approval of the Consent Agenda

1. FY25 Budget Amendments (Pgs.2-5)

E. Agenda

1. FY26 Budget (City Manager Noah Saldo, Pgs.6-25)
2. UDO Zoning Text Amendment – Section 2.11 Conditional Rezoning (Planning Services Director Maureen Meehan Pgs.26-40)
3. Development Agreement – Waterway Community (Planning Services Director Maureen Meehan Pgs.41-129)
4. Conditional Zoning Map Amendment – CZ-25-01 Waterway Community (Planning Services Director Maureen Meehan Pgs.130-170)

F. Adjourn



BOARD OF ALDERMEN

AGENDA ITEM SUMMARY

DATE: 6/23/2025

DEPARTMENT: Finance

PRESENTED BY: Joey Kronenwetter, Finance Director

ITEM/TOPIC: Allocation of FEMA Reimbursements

BUDGET LINE ITEMS: FEMA Reimbursement, Appropriated Fund Balance, Personnel Lines

JUSTIFICATION: The City of Southport received FEMA reimbursements for personnel costs associated with TS Debby and PTC#8. This amendment allows for the reallocation of the reimbursements to those line items affected to offset the unexpected costs associated with those storms.

IMPACT IF NOT APPROVED: Departmental budgets could exceed budgeted amounts

ATTACHMENTS: Budget Amendment

REQUESTED ACTION: Approve the Budget Amendment on the Consent Agenda



**Budget Amendment
Fiscal Year 2024-2025
Budget Amendment 13**

WHEREAS, the City of Southport has received federal disaster assistance reimbursements from the Federal Emergency Management Agency (FEMA) for eligible expenditures incurred during declared emergency events; and

WHEREAS, the City received FEMA reimbursement payments related to Hurricane Ian Project Worksheet #48 on received 7/15/2024 and 8/22/2024, and Project Worksheet #49 received on 7/18/2024; and

WHEREAS, the City received a FEMA reimbursement payment on 5/22/2025 for Tropical Storm Debby, and a reimbursement payment on 5/29/2025 for Pre-Tropical Cyclone (PTC) #8; and

WHEREAS, the reimbursements related to Hurricane Ian and Tropical Storm Debby shall be allocated to fund balance; and

WHEREAS, the reimbursement received for PTC #8 shall be directly reallocated to the appropriate departmental personnel expenditure lines associated with the emergency response efforts; and

NOW THEREFORE BE IT ORDAINED, by the Board of Aldermen of the City of Southport, North Carolina that the annual budget ordinance for fiscal year 2024-2025 shall be amended as follows:

Revenue	Increase
FEMA Reimbursement	\$227,701.28
10-10-3838-0000	

Revenue	Increase
Appropriated Fund Balance	\$84,223.07
10-00-3991-0000	

Expense	Increase
General Fund Personnel Expense Lines	\$143,478.21

Adopted by the Southport Board of Aldermen, June 23rd, 2025.

Rich Alt
Mayor, City of Southport

Tori Deviney
Deputy City Clerk



BOARD OF ALDERMEN

AGENDA ITEM SUMMARY

DATE: 6/23/2025

DEPARTMENT: Finance

PRESENTED BY: Joey Kronenwetter, Finance Director

ITEM SPONSORED BY: Fire/Rescue

ITEM/TOPIC: Allocation of Insurance Claims

BUDGET LINE ITEMS: R/M Vehicles

JUSTIFICATION: The City of Southport Fire and Rescue departments have been involved in multiple auto accidents this fiscal year and have accumulated costs with repairing the damages to these vehicles. We have received insurance claims for these accidents and would ask to allocate them to the appropriate lines to offset the unbudgeted expenses incurred

IMPACT IF NOT APPROVED: Departmental budgets could exceed budgeted amounts

ATTACHMENTS: Budget Amendment

REQUESTED ACTION: Approve the Budget Amendment on the Consent Agenda



**Budget Amendment
Fiscal Year 2024-2025
Budget Amendment 14**

WHEREAS, the City of Southport has received insurance proceeds related to vehicle and equipment accidents involving Fire and Rescue Department units; and

WHEREAS, these proceeds are intended to reimburse the City for Increased costs directly resulting from these accidents; and

WHEREAS, it is necessary to amend the Fiscal Year 2025 budget to authorize expenditure of these funds for use in the current Fiscal Year.;

NOW THEREFORE BE IT ORDAINED, by the Board of Aldermen of the City of Southport, North Carolina that the annual budget ordinance for fiscal year 2024-2025 shall be amended as follows:

Revenue	Increase
Rescue Dept/Misc. Receipts	\$30,444.80
10-12-3437-0400	
Revenue	Increase
Fire – Miscellaneous Revenue	\$102,081.53
10-11-3434-0500	
Expense	Increase
R/M Vehicles	\$30,444.80
10-12-4370-3501	
Expense	Increase
R/M Vehicles	\$102,081.53
10-11-4340-3501	

Adopted by the Southport Board of Aldermen, June 23rd, 2025.

Rich Alt
Mayor, City of Southport

Tori Deviney
Deputy City Clerk



BOARD OF ALDERMEN

AGENDA ITEM SUMMARY

DATE: 6-23-2025

DEPARTMENT: Administration

PRESENTED BY: City Manager Noah Saldo

ITEM/TOPIC: FY26 Budget

CITY MANAGER COMMENTS:

The FY26 budget represents a significant step forward in strengthening the City's financial health and long-term stability. It is a balanced budget with no tax increases and no use of General Fund balance.

This year's budget continues to invest in the critical services our community depends on daily, while also prioritizing our City employees—ensuring we remain competitive in attracting and retaining top talent to serve our residents effectively.

In addition, the FY26 budget embraces innovation, incorporating new software and service delivery improvements to enhance efficiency and responsiveness.

Importantly, the budget maintains a robust fund balance, positioning the City not only on a solid financial foundation today, but also ensuring long-term fiscal strength for the years ahead. Staff was able to speak with the local business owner that commented about the new community building fees. We were able to work with her on coming up with a more palatable rate increase, while maximizing our potential revenue.

REQUESTED ACTION: Motion to Approve the FY26 Budget Ordinance and accompanying fee schedule as presented.



**Budget Ordinance
Fiscal Year 2025-2026
City of Southport**

BE IT ORDAINED by the Board of Aldermen for the City of Southport, North Carolina, that, following a duly advertised public hearing, the following annual budget ordinance is adopted to estimate revenues and make appropriations for the financial operations of the City of Southport for the fiscal year beginning July 1, 2025, and ending on June 30, 2026.

SECTION I. GENERAL FUND

A. Anticipated Revenues. The following revenues are estimated to be available in the General Fund for the fiscal year beginning July 1, 2025, and ending June 30, 2026:

Current Year Ad Valorem Taxes	\$4,939,010
Local Option Sales Tax	2,131,403
Fire District Fees	2,127,350
Inspection Permits	648,230
Interest Earned	600,000
Powell Bill	598,000
Rescue Squad Fees	590,000
Southport ABC Distribution	583,291
Other Miscellaneous Revenues	507,574
Utility Franchise Tax	505,177
Solid Waste	378,750
Cost Transfers from Electric	365,842
Federal/State Grant Revenue	335,000
Community Building Rental	313,000
Current Year Motor Vehicles Tax Collections	257,405
Local Occupancy Tax	210,000
	\$15,090,032

B. Expenditures. The following amounts are hereby appropriated in the General Fund for the expenses of the City government and its activities for the fiscal year beginning July 1, 2025, and ending June 30, 2026:

Fire	\$3,213,026
Public Works	2,626,921
Police	2,572,995
Rescue/EMS	1,297,170
Administration	1,114,784
Parks & Recreation	1,032,797
Finance	941,237
Community Relations	542,222
Planning, Zoning, Code Enforcement	511,173
Permitting	402,279
Solid Waste	378,750
Board of Aldermen	296,278
Information Technology	160,400
	\$15,090,032

SECTION II. ELECTRIC FUND

A. Anticipated Revenues. The following revenues are estimated to be available in the Electric Fund for the fiscal year beginning July 1, 2025, and ending June 30, 2026:

Sale Of Electricity	\$8,202,331
Utility Sales Tax	600,000
Service Charges	27,453
Interest Earned	210,683
Appropriated Fund Balance	<u>607,236</u>
	\$9,647,703

B. Expenditures. The following amounts are hereby appropriated in the Electric Fund for expenses for the fiscal year beginning July 1, 2025, and ending June 30, 2026:

Power Purchase	\$6,133,029
Utility Sales Tax	600,000
Contracted Maintenance	949,105
City Management Costs	482,736
Load Management Switches	31,533
Other Expenses	156,300
Contingency	145,000
Underground Workplan	1,000,000
Pole Replacement	50,000
Sectionalization/Mitigation	<u>100,000</u>
	\$9,647,703

SECTION III. CAPITAL PROJECT FUND

A. Anticipated Revenues. The following revenues are anticipated in the Capital Project Fund for the fiscal year beginning July 1, 2025, and ending June 30, 2026:

Fund Balance Carryover from FY2025	\$302,477
\$0.01 of Tax Revenue	\$159,600
Appropriated Capital Fund Balance	\$942,923
	\$1,405,000

B. Expenditures. The following amounts are hereby appropriated in the Capital Project Fund for expenses for the fiscal year beginning July 1, 2025, and ending June 30, 2026:

Lowe White Bridge Improvements	\$170,000
Street Resurfacing	150,000
Sidewalk Improvements	150,000
Stormwater Improvements	125,000
City Building Repairs	100,000
Community Building Deck Replacement	95,000
Franklin Square Park	50,000
Capital Reserve Fund	565,000
	\$1,405,000

SECTION IV. WATERFRONT STABILIZATION FUND

A. Anticipated Revenues. The following revenues are anticipated in the Waterfront Stabilization Fund for the fiscal year beginning July 1, 2025, and ending June 30, 2026:

2025 Budget Carryover	\$5,000,044
-----------------------	--------------------

B. Expenditures. The following amounts are hereby appropriated in the Waterfront Stabilization Fund for expenses for the fiscal year beginning July 1, 2025, and ending June 30, 2026:

Expenditures	\$5,000,044
--------------	--------------------

SECTION V. TAX RATE

There is hereby levied, for Fiscal Year 2025-2026, a tax at the rate of thirty-one cents (\$0.31) on each one-hundred dollars (\$100) of assessed valuation of property located within the City of Southport for the purpose of raising revenue in the General Fund and the Capital Fund. The rate of \$0.31 consists of \$0.30 going to the General Fund Revenue and \$0.01 going to the Capital Fund Revenue. This rate is based on an estimated assessed value of property being \$1,595,998,652.

SECTION VI. BUDGET OFFICER AUTHORITY

The City Manager (Budget Officer) is hereby authorized to transfer appropriations within a fund and between funds under the following terms:

A. They may transfer amounts between appropriations within the same fund, provided that a report of such transfers shall be made no later than the next Regular Financial report to the Board of Aldermen.

B. They may authorize temporary transfers of cash among funds as necessary to meet cash flow needs.

All other transfers of funds between appropriations or budget funds shall be accomplished by Board amendment of this ordinance.

SECTION VII. BUDGET IMPLMENTATION

This ordinance and the supporting budget document shall be the basis of the financial plan for the City of Southport municipal government for the 2025-2026 fiscal year. The budget officer shall administer the budget and shall ensure the Finance Officer and Department Heads of the City are provided with sufficient guidance to properly implement this plan. Copies of the Budget Ordinance shall be furnished to the City Manager, and the Finance Officer for their use and direction in the disbursement of funds and to the City Clerk for the official records of the City.

SECTION VIII. ADOPTION

This ordinance has been adopted by the City of Southport Board of Aldermen in Special session on June 23, 2025, upon the motion of Alderman _____, and the second of Alderman _____, with a vote of _____ ayes and _____ noes and shall be effective July 1, 2025.

Richard Alt, Mayor
City of Southport

Tori Deviney
Deputy City Clerk



FY 2025-2026 BUDGET FEE SCHEDULE

SOUTHPORT COMMUNITY BUILDING

WEDDINGS-LIVE OAK

(Interior and Exterior-this package gives you access to the great hall, our tables and chairs, the catering kitchen, the bridal room, deck and outdoor area, and interior restrooms. This package is recommended if you plan to have both the ceremony and reception at the Community Building)

Non-Taxpayers

Friday-Sunday \$ 5,500 Per Day

Monday-Thursday \$ 2,750 Per Day

Taxpayers

Friday-Sunday \$ 2,750 Per Day

Monday-Thursday \$ 1,500 Per Day

WEDDINGS-INTRACOASTAL

(Exterior, Restrooms, and Bridal Room-this package gives you access to the bridal room, deck and outdoor area, and interior restrooms.)

Non-Taxpayers

Friday-Sunday \$ 4,000 Per Day

Monday-Thursday \$ 2,000 Per Day

Taxpayers

Friday-Sunday \$ 2,000 Per Day

Monday-Thursday \$ 1,000 Per Day

CELEBRATIONS OF LIFE

\$200 Per Hour Regardless of Residency
(If reserved less than (30) days prior to the event)

ALL OTHER EVENTS: (2 hours minimum)

Non-Taxpayers

Friday-Sunday \$ 500 Per Hour

Monday-Thursday \$ 350 Per Hour

Taxpayers/Non-profits/City Employees

Friday-Sunday \$ 250 Per Hour

Monday-Thursday \$ 150 Per Hour

INDIAN TRAIL MEETING HALL

Non-Profit Organizations:

Yearly Fee: \$300
Per Use Fee: \$30
Hours over (2): \$15/hour

Local Businesses: (City limits)

Yearly Fee: \$300
Per Use Fee: \$30
Hours over (2): \$15/hour

Others:

Yearly Fee: \$1000
Per Use Fee: \$100
Hours over (2): \$50/hour

All yearly usage fees are for a maximum of (12) reservations/uses.

Each reservation is for a period of (2) hours.

Additional hours will be charged on an hourly basis.

**ANIMAL PROTECTIVE SERVICES
CITY OF SOUTHPORT CODE OF ORDINANCES:
CHAPTER 3-ANIMAL WELFARE**

PERMITS

	<u>TYPE</u>	<u>COST</u>	<u>FREQUENCY</u>
Dog/Cat License:	Spayed/Neutered	\$15.00	Annually
	Unaltered	\$25.00	Annually
	Boarding Fee	\$10.00	Daily
	Dangerous Dog Permit	\$500.00	Annually

PENALTIES & ADMINISTRATIVE FEES

At-Large Dogs	\$100.00	Each Offense
Redemption Fee	\$50.00	1st Offense
	\$75.00	2nd Offense
	\$100.00	3rd Offense
	\$150.00	4th and Subsequent
Prohibited Acts	\$100.00	Each Offense
Public Nuisance	\$100.00	Each Offense
Abandonment	\$500.00	Each Offense
Cruelty to Animals	\$500.00	Each Offense
Dog Park Violations	\$100.00	Each Offense

Violations of any provision of Chapter 3, for which no specific penalty is set, shall subject the offender to a civil penalty in the amount of \$100.00 for each violation which shall be paid within (14) days of receipt of citation.

Each day's continuing violation shall be a distinct and separate offense.

OTHER UTILITY FEES:

Credit Card Convenience Fee	2.5% of total
Returned Check Fee	\$35.00
Recycling/Yard Debris Collection	\$12.75/month

Recycling/Yard Debris will be billed
and collected by Brunswick County

ELECTRIC FEES

PREPAY	RESIDENTIAL	COMMERCIAL	Charge/kWh
SPRE0	SR0	SC0	\$0.131
SPRE1	SR1	SC1	\$0.121
SPRE2	SR2	SC2	\$0.111
SPRE3	SR3	SC3	\$0.100
SPRE4	SR4	SC4	\$0.087

Base charge Residential	\$23.00
Base charge Commercial	\$25.50
Base charge Prepay	\$26.00

Security Lights		
Rate	Type	Cost
S01	100 W	\$11.75
S05	150 W	\$14.21
S04	250 W	\$24.10
S02	400 W	\$32.41
S03	1000 W	\$45.20
S99	100 W	Contract Light

Rate	Description
SP4	Security Light Only Account
SP15	Small Renewable Generation
SP33	Construction Account

	Base Rate Mo.	Usage (kwh)	CP Demand KW	Excess kw (NCP_CP)
Commercial Demand				
30kW to 100kW	75.00	0.05710	32.72	2.50
Large Commercial Demand				
100kw to 300kw	75.00	0.05980	26.00	4.00

BUILDING INSPECTIONS

Building Valuation-Residential Construction (Schedule A):

(All fees based on the International Code Council Valuations)

Finished and Unfinished Space (per sf)	ICC Building Valuation Data
Decks (per sf)	Valuated at \$65.00 per sf
Porches (per sf)	Valuated at \$65.00 per sf
Enclosed storage (per sf)	Valuated at \$100.00 per sf
Fences (per linear foot)	Valuated at \$25.00 per linear foot

Other Residential Construction:

From \$200.01 to \$1,000.00	\$95.00
From \$1,000.01 to \$3,000.00	\$105.00
From \$3,000.01 to \$6,000.00	\$115.00
From \$6,000.01 to \$10,000.00	\$135.00
From \$10,000.01 to \$15,000.00	\$145.00
From \$15,000.01 to \$25,000.00	\$155.00
From \$25,000.02 to \$50,000.00	\$215.00
\$55,000.01 and up	\$335 plus \$8 per thousand over \$50,000.00
Accessory Structures	\$95.00 for up to 400 square feet
	General Construction Value for over 400 square feet

Fee Schedule B: Non-Residential Construction

From \$100.00 to \$1,000.00	\$95.00
From \$1,000.01 to \$50,000.00	\$95.00 plus \$6.50 per thousand over \$1,000.01
From \$50,000.01 to \$100,000.00	\$415.00 plus \$5.50 per thousand over \$50,000.01
\$100,000.01 and above	\$755.00 plus \$3.50 per thousand over \$100,000.01

Plumbing Permit Fees

Fixtures, Sewer & Water Connections with other work	\$17.00
Sewer Connection only (Each Building)	\$85.00
Water Service Only (Each Pipe or Water Tap)	\$85.00
Minimum Fee for any Plumbing Permit	\$85.00

Electrical Permit Fees

Residential New Construction (Per Unit)	
Temporary Service Connection	\$85.00
Rough-in	\$85.00
Conditional Power	\$85.00
Final	\$85.00
Commercial, Industrial, Institutional	\$215.00 Base Fee Up to 50 Circuits + \$5 for each additional
Service Upgrade Residential	\$135.00
Service Upgrade Commercial	\$190.00
Wiring up to 20 Outlets with no service	\$130.00
Wiring over 20 Outlets with no service	\$155.00
Electrical Miscellaneous/Other	\$85.00

Mechanical Permit Fees

Residential Heating and Cooling Fee	\$85.00 per unit
Commercial Heating and Cooling Fee	\$115.00 per unit
Gas Appliances	\$85.00
Fuel Heater Equipment	\$85.00
Permit Fees for Installation of Blower or Fan	\$85.00
Installation of Tank of Flammable/Combustible Liquids	\$180.00 + \$0.35 cents per barrel
Hoods (commercial)(includes duct and ventilation test)	\$140.00 all sizes
Hoods (residential)(includes duct and ventilation test)	\$85.00
Bathroom Vents	\$85.00
Solar Panels	\$130.00

Gas Permit Fees

Gas Piping Systems	\$85.00
Gas Piping and Up to (3) Appliances	\$85.00 + \$28.00 for each appliance over (3)

Other Fees

Homeowners Recovery Fee	\$10.00
Mobile Home Set Up (all trades included)	\$265.00
House Moving (not including trades)	\$265.00
Demolition Fee	\$265.00
Swimming Pools	Based on Schedule for General Construction (Valuation)
Extra/Reinspection's	\$85.00
Starting Work Without a Permit Fee	2 x Basic permit fee, minimum of \$200.00
Failure to Obtain Final Inspection	\$300.00
Habitual Working Without Permit Fee:	\$400.00 second violation \$1500 fee for subsequent violations
Occupying without CO	\$100.00/day
Refunds on Building Permit	80% Refund on Unexpired; at Dept Heads Discretion
Commercial Shell Permit Fee	Based on Schedule for General Construction (Valuation)
Commercial Up-Fit Permit	Based on Schedule for General Construction (Valuation)
Commercial Pre-Final Stocking Fee	\$100.00
ABC Inspection (Building and Zoning)	\$100.00
Temporary Certificate of Occupancy	\$50.00 Residential; \$100.00 Commercial

DEVELOPMENT FEES

Rezoning: Less than 6 Acres	\$750.00
Rezoning: 6.01 + Acres	\$1000.00 + \$100/acre
Minor Subdivision: 1-7 lots	\$500.00 + \$50/lot
Creation of lots (heirs)	\$100.00
Subdivision Exception	\$200.00
Major Subdivision	\$1,000.00 + \$100/lot
Master Plan Approval (PUD)	\$1,000.00 + \$100/acre
PUD Modification (Minor)	\$500.00
PUD Modification (Major)	\$1,000.00

Minor Site Plan Review	\$500.00
Minor Site Plan Modification	\$250.00
Major Site Plan Modification	\$1000.00
Major Site Plan Review	\$1500.00
Conditional Rezoning	\$1000.00 +\$100/acre
Special Use Permit	\$750.00
Special Use Permit Modification	\$250.00
Home Occupation or Accessory Dwelling Unit SUP	\$250.00
Variance	\$750.00
Variance Modification	\$250.00
Appeal	\$250.00
Interpretation	\$250.00
Certificate of Appropriateness	
Zoning Text Change/Code of Ordinance Amendment	\$300.00
Zoning Verification Letter	\$100.00
Zoning Compliance Permit	\$100.00
Zoning Compliance Change of Use (existing structure)	\$100.00
Floodplain Development Permit	\$100.00
Flood-zone Determination Letter	\$100.00
Tree Removal Permit	No charge
Sign Permit 0-20 SF	\$75.00
Sign Permit > 20 SF	\$100.00
Billboard	\$1,000.00
Mobile Food Vendor	\$100/year
Tree Removal Penalty (per the UDO)	\$1.00 for every square foot of the parcel/s
Residential Stormwater Plan Review	\$100.00/per plan (single lot) \$200.00/per plan (2-3 lots) (<u>up to</u> two acres; and more than three lots) \$300.00/per plan (<u>over</u> two acres; and more than three lots) \$500.00/per plan
Commercial Stormwater Plan Review	(up to two acres) \$300.00/per plan (over two acres) \$500.00/per plan
Soil Import Fee	\$100.00
Soil Export Fee	\$100.00

ENGINEERING OR CONSULTING Up to \$75,000 or up to 100% of the costs
 (If the City has to contract with an engineering firm or consultant for the review or planning of any project with the City limits or the Extra-territorial jurisdiction)

FIRE INSPECTION FEES AND SCHEDULE FOR EXISTING BUILDINGS

Inspection schedules of existing buildings shall be in accordance with Section 106 of the N.C. Fire Prevention Code, and shall be conducted no less frequently than described in the schedule below:

<u>OCCUPANCY CLASSIFICATION</u>	<u>INSPECTION FREQUENCY</u>
Public Schools	Every Six Months
Hazardous	Inspectors Discretion
Institutional	Every Year
High Rise	Every Year
Assembly	Every Year
Residential (Other than one- and two-family dwellings)	Every Year
Industrial	Every Year
Educational (Except Public Schools)	Every Year
Foster Care Home (GS 131-D)	Every Year
Group Care Home	Every Year
Business	Every Year
Mercantile	Every Year
Storage	Every Year
Churches and Synagogues	Every Year

<u>SCHEDULED INSPECTION FEE</u>	
Under 1,500 square feet	\$75.00
1,500 – 5,000 square feet	\$150.00
5,000 to 10,000 square feet	\$350.00
Over 10,000 square feet	\$500.00 + \$10.00/1,000 square feet
Special Situations (i.e., Outside storage, LP Bulk Storage, No Building)	\$150.00
Foster Care Inspection	n/a
Residential	
Footprint of building less than 10,000 square feet	\$95.00
Tents under 200 square feet (Cooking & Concession)	\$75.00
Tents over 200 square feet	\$150.00

This inspection schedule is intended to meet the requirements of GS 153A-364 and GS 160A-424. Political subdivisions assuming inspection duties as set out in GS 153A-351 and GS 160A-411, shall have a periodic inspection schedule for the purpose of identifying activities and conditions in buildings, structures and premises that pose dangers of fire, explosion, or related hazards. Frequency of inspections of occupancies as mandated by the NC General Statutes shall supersede the above inspection schedule.

(North Carolina State Building Code Volume V, Fire Prevention, Section 106)

PLAN REVIEW AND INSPECTION FEE SCHEDULE

Small plan review < 2,500 square feet	\$100.00 (includes inspection)
Basic plan review 2,500<10,000 square feet	\$250.00 (includes inspection)
Intermediate plan review 10,001–25,000 square feet	\$500.00 (includes 1 inspection)

Complex plan review 25,000 –100,000 square feet	\$750.00 (includes 2 inspections)
Special plan review >100,001 square feet	\$1000.00 + \$10.00 per 1,000 square feet (includes 2 inspections)
Small and Basic re-inspection (each trip)	\$50.00
Intermediate re-inspection (each trip)	\$100.00
Complex re-inspection (each trip)	\$100.00
Special re-inspection (each trip)	\$100.00

(North Carolina State Building Code Volume V, Fire Prevention, Section 104.2)

CONSTRUCTION PERMITS

A construction permit must be obtained from the Office of the City of Southport Fire Marshal in the following situations:

3.2.2 – Construction Permits

(Applies to installation of new systems and renovations to existing systems)

Code Section	Description	Permitting Fee
105.7.1	Automatic fire-extinguishing systems	\$150.00 + 5.00 per Nozzle/Head
105.7.2	Battery Systems	\$175.00
105.7.2	Compressed Gases	\$100.00
105.7.3	Cryogenic Fluids	\$200.00
105.7.5	Emergency Responder Radio Coverage System	\$200.00
105.7.3	Fire Alarm and Detection Sys./Related equipment	\$150.00 + 5.00 per initiating Device
105.7.4	Fire Pumps and Related Equipment	\$175.00
105.7.5	Flammable and Combustible liquids	\$100.00
105.7.9	Gates/Barricades Across Fire Apparatus Roads	\$100.00
105.7.6	Hazardous Materials	\$250.00
105.7.7	Industrial Ovens	\$225.00
105.7.8	L.P./Natural Gas Installation and Mod.	\$100.00
(Applies only to occupancies covered by the N.C. Fire Prevention Code)		
105.7.9	Private Fire Hydrants	\$75.00 per hydrant
105.7.14	Smoke Control and/or Smoke Exhaust Systems	\$225.00
105.7.15	Solar Photovoltaic Power System	\$225.00
105.7.10	Spraying and Dipping	\$50.00
105.7.11	Standpipe Systems	\$150.00 with Sprinkler System \$100.00 W/O Sprinkler System
105.7.12	Temporary Membrane structures, tents, and canopies	\$175.00

The code official is authorized to issue construction permits for work as set forth in sections 105.7.1 through 105.7.118.

(North Carolina State Building Code Volume V, Fire Prevention, Section 105.7)

Operational Permits 3.2.1

<u>Code Section</u>	<u>Description</u>	<u>Permitting Fee</u>
105.6.1	Aerosol products	\$100.00

105.6.2	Amusement Buildings	\$150.00
105.6.3	Aviation Facilities	\$100.00
105.6.4	Carbon Dioxide Systems (beverage dispensing machines)	\$75.00
105.6.4	Carnivals and Fairs	\$475.00
105.6.6	Cellulose Nitrate Film	\$115.00
105.6.7	Combustible Dust-Producing Operations	\$175.00
105.6.8	Combustible Fibers (Except Agriculture)	\$125.00
105.6.9	Compressed Gases	\$250.00
105.6.10	Covered Mall Buildings	\$275.00
105.6.11	Cryogenic Fluids	\$325.00
105.6.12	Cutting and Welding	\$175.00
105.6.13	Dry Cleaning Plants	\$195.00
105.6.14	Exhibits and Trade Shows	\$275.00
105.6.15	Explosives	\$275.00
105.6.16	Fire Hydrants and Valves	\$75.00/unit
105.6.17 (1)	Flammable & Combustible Liquids Pipeline	\$275.00
105.6.17 (2)	Flammable & Combustible Liquids Class I Storage	\$275.00
105.6.17 (3)	Flammable & Combustible Liquids Class II Storage	\$275.00
105.6.17 (4)	Flammable & Combustible Liquids Removal	\$275.00
105.6.17 (5)	Flammable & Combustible Liquids production, processing, transportation storage, dispensed, used	\$275.00
105.6.17 (6)	Install, alter, remove, or abandon flammable or combustible liquid tanks	\$275.00
105.6.17 (7)	Change the contents of a flammable or combustible liquid tank	\$275.00
105.6.17 (8)	Manufacture, process, blend, or refine flammable or combustible liquids	\$275.00
105.6.17 (9)	To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental, or manufacturing establishments	\$275.00
105.6.17 (10)	To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles at commercial, industrial, governmental, or manufacturing establishments	\$100.00
105.6.18	Floor Finishing using Class I or II Liquids	\$175.00
105.6.19	Fruit and Crop Ripening	\$125.00
105.6.20	Fumigation and Thermal insecticidal fogging	\$275.00
105.6.21	Hazardous Materials Storage, Transport, Dispense, Use and Handling	\$275.00
105.6.22	Hazardous Materials Facilities	\$175.00
105.6.23	High-Piled Storage	\$125.00
105.6.24	Hot Work	\$175.00
105.6.25	Industrial Ovens	\$125.00
105.6.26	Lumber Yards and Woodworking Plants	\$475.00
105.6.27	Liquid or Gas fueled vehicles or equipment in assembly buildings	\$125.00
105.6.28	L.P. Gas Bulk Storage	\$100.00
105.6.29	Magnesium	\$125.00
105.6.30	Miscellaneous Combustible Storage	\$125.00
105.6.31	Motor Fuel Dispensing Facilities	\$275.00
105.6.32	Open Burning	\$350.00
105.6.33	Open Flames and Torches	\$225.00
105.6.34	Open Flames and Candles	\$125.00
105.6.33	Organic Coatings	\$175.00

105.6.34 Operation of Places of Assembly	\$375.00
105.6.35 Private fire hydrants removal from service, use or operation	\$110.00/hydrant
105.6.36 Pyrotechnic special effects materials	\$450.00
105.6.37 Pyroxylin Plastics	\$125.00
105.6.38 Regulated Refrigeration Equipment	\$125.00
105.6.39 Repair Garages and Service Stations	\$175.00
105.6.40 Rooftop Heliports	\$375.00
105.6.41 Spraying or dipping operations	\$125.00
105.6.42 Storage of Scrap Tires and Tire Byproducts	\$250.00
105.6.43 Temporary membrane structures, tents, and canopies	\$225.00
105.6.44 Tire-Rebuilding Plants	\$225.00
105.6.45 Waste Handling	\$225.00
105.6.46 Wood Products	\$175.00

**Churches and synagogues shall be exempt from Operational permitting fees*

These permits will only be issued during a new construction situation. The permit will be valid for the same period as the inspection schedule in section 106 and the renewal will be the payment of the inspection fee for existing buildings.

An existing building may be issued an operational permit for the above situations, the permit will be included in the fee for the inspection of an existing building in accordance with section 106.

The code official is authorized to issue operational permits for the operations set forth in sections 105.6.1 through 105.6.46.

(North Carolina State Building Code Volume V, Fire Prevention, Section 105.6)

Collection of Fees

Plan Review Fees-Plan review fees shall be collected, or arrangements make for collection prior to issuance of any building or fire permits.

Inspection Fees (New Construction)-In the event additional fees are required to be assessed during a construction project, and all fees must be paid in full prior to the issuance of the building's Code of Occupancy. Occupying a building that has not been issued a Certificate of Occupancy will constitute a civil penalty for each day's continued offense.

Inspection Fees (Existing Buildings)-The fee for an inspection of an existing building shall be assessed and an invoice will be supplied to the owner, occupant, or designee. Subjects will have thirty (30) days to remit payment. After (30) days, the bill will be placed in a past due status and a second invoice will be sent to the subject. After a period of sixty (60) days of non-payment, the account will be subject to a 10% late fee and the account will be placed on hold and no additional inspections or permits will be issued. Civil action will be taken through the court system after a period of (90) days.

Civil Penalty Schedule

Any person who shall violate any of the provisions of the N.C. Fire Prevention Code, or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under or any certificate or permit issued there under, shall be subject to penalties as specified below as approved by the City of Southport Board of Alderman. These penalties shall be recovered by the City in a Civil Action in the nature of debt if the offender does not pay the penalties within a period of 30 days after the issuance of the notice of violation. The notice of violation shall be in writing, signed by the Fire Marshal and/or the Fire Official charged with the enforcement of the N.C. Fire Prevention Code and shall be delivered or mailed to the offender either at his/her residence or place of business or at the location where the violation occurred. Each day's continuing violation shall be a separate and distinct offense. Any action to recover such penalties may be joined in an action for appropriate equitable remedy, including injunctions and orders of abatement and including an action to recover damages by the City in abating, correcting, limiting, and otherwise dealing with the harmful effects of the offending action. Civil penalties are assessed in accordance with North Carolina G.S. 153A and G.S. 160A.

First Offense	\$100.00
Second Offense	\$300.00
Third and Subsequent Offenses	\$500.00

Violation(s) consisting of locked and/or blocked exits, impedance of the occupants to quickly evacuate a structure or premise, or conditions posing imminent danger to the occupants on or about the premise or Violation(s) of Occupancy Limits established pursuant to the North Carolina State Building and/or Fire Code must be corrected during the time of the inspection if at all possible.

PARKS AND RECREATION

Activity/Facility	City Resident Rate	Non-Resident Rate
Summer Camp	\$90/week	\$115/week
Before/Afterschool	\$50/week	\$60/week
Youth Basketball	\$60	\$70
Aerobics/Fitness	\$40/month	\$50/month
Seniors	Cost of activity	Cost of activity
Special Activities	Cost of the Activity	Cost of Activity + \$10
Jaycee Building	\$150 (4 hour minimum)	\$250 (4 hour minimum)
Senior Building	\$150 (4 hour minimum)	\$250 (4 hour minimum)
Lowe/White Park	\$150 (4 hour minimum)	\$250 (4 hour minimum)
Franklin Square Park	\$150 (4 hour minimum)	\$300 (4 hour minimum)
Taylor Field	\$150 (4 hour minimum)	\$300 (4 hour minimum)
Caviness Park	\$75 (4 hour minimum)	\$150 (4 hour minimum)
Kingsley Park	\$75 (4 hour minimum)	\$150 (4 hour minimum)
Keziah Park	\$75 (4 hour minimum)	\$150 (4 hour minimum)
Riverwalk	\$75 (4 hour minimum)	\$150 (4 hour minimum)
City Gym	Movie Rental ONLY \$1,000/day	

GENERAL & MISCELLANEOUS FEES

FILMING LICENSES

Filming	\$500.00 per filming day
Equipment on Location	\$100.00 per non-filming days
Onsite Pre/Post-Production	\$250.00 per day
Commercial Photography	\$250.00 per day

Filming on City Property:

Community Building	Current Rental Rates
Fort Johnston	\$1000.00/day
Indian Trail Mtg Hall	\$500.00/day
Riverwalk/Gazebo	\$500.00/day
Jaycees Building	\$200.00/day
Waterfront Park/City Pier	\$500.00/day
City Dock at Yacht Basin	\$200.00/day (no docking of boats)
City Hall	\$500.00/day
Stevens Park	\$200.00/day
Taylor Field	\$500.00/day
Lowe White Park	\$500.00/day
Keziah Park	\$500.00/day
Caviness Park	\$500.00/day
Tennis Court (Leonard St)	\$200.00/day
Franklin Square Park	\$500.00/day
City Gym	\$1000.00/day
Street Closure per Block	\$250.00/day

City Property Use:

Marked Patrol Vehicle	\$21.50/hour
Fire/Rescue Vehicles	\$200.00/hour
Hydrant Meter	\$35.00/daily
Barricades	\$20.00/hour
Dump Truck	\$75.00/hour
Backhoe/Excavator	\$125.00/hour

City Personnel Use:

Police Officers on Duty	TBD (ODM) https://odm.officertrak.com/Southport-NC-PD
Fire Inspector	TBD (ODM) https://odm.officertrak.com/Southport-NC-PD
Public Services Staff	\$60.00/hour-Regular Time
	\$90.00/hour-Overtime

Other:

A & B Explosives Permit	\$20.00/per event
C Explosives Permit	\$35.00/per event
Fireworks Permit	\$200.00/per event

Requests made in less than (2) working days' notice: \$250.00 extra

Services/Property Not Listed: Based on time, equipment, and materials + \$250.00

Partial days are considered full days for expense purposes

BUSINESS REGULATIONS AND MISCELLANEOUS FEES

BEER & WINE LICENSE

BEER

On Premise: \$15.00

Off Premise: \$5.00

WINE

On Premise: \$15.00

Off Premise: \$10.00

ITINERANT/PEDDLERS PERMIT \$50.00

TAXICAB PERMIT \$100.00

GOLF CART PERMIT \$50.00

Valid January 1 to December 31 annually

GOLF CART PERMIT LATE FEE \$25.00

Renewals Only – If renewed after March 31 annually

INFORMATION REQUESTS:

Digital: No fee if delivered via email, or a flash drive is provided.

Paper: \$0.20 per copy

OTHER COPIES:

Standard Size/Graphics: \$0.20 per copy

Ledger Size/Heavy Graphics: \$0.50 per copy

BURIAL PERMITS: Monday-Friday \$50.00

Weekends and Holidays \$150.00

6-12-2025 Proposed Text Amendment Changes

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.

- ~~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. 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.

~~APPLICATION AND CONDITIONAL ZONING REVIEW PROCEDURE~~

- ~~1. The application for a conditional rezoning approval shall also be accompanied by an application to amend the zoning map (rezoning) to the conditional development zoning district. The rezoning application shall be submitted concurrently with the conditional zoning master development plan. The procedure for such shall be followed as outlined in Section 2.9. The approved master development plan shall provide the framework for development in the conditional zoning district. All applications must include a master development plan, supporting information and text which specifies the use or uses intended for the property, dimensional standards, and any development standards to be approved concurrently with the rezoning application. Development standards include such things as parking, landscaping, design guidelines, and buffers.~~
- ~~2. Applications and proposals for conditional zoning approval shall only be considered within a nonresidential zoning district. All proposals for a conditional~~

Proposed Text Amendment Changes

~~zoning application must abide by the uses and the dimensional standards required by the underlying base zoning district for which the proposal is located. No conditional zoning proposals shall be considered within the Open Space or PUD zoning district.~~

- ~~3. 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.~~
- ~~4. The master development plan shall be prepared by and sealed by a licensed land surveyor, landscape architect, or engineer registered to practice in the state of North Carolina and shall include all of the required information as provided in Appendix A: Submission Requirements and any other information deemed necessary by the UDO Administrator, Planning Board, or Board of Aldermen.~~
- ~~5. The UDO Administrator or his/her designee will review the conditional zoning master development plan and may 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, Brunswick County Utilities, or Brunswick County Environmental Health.~~
- ~~6. The UDO Administrator shall, in writing, provide a recommendation to the Planning Board within 60 days following receipt of the complete application for a conditional zoning district proposal and associated master development plan.~~
- ~~7. Following receipt of recommendation from the Planning Board, the Board of Aldermen shall approve, conditionally approve, or deny the conditional zoning master development plan.~~
- ~~8. 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.~~~~
- ~~9. 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. APPLICATION AND CONDITIONAL ZONING REVIEW PROCEDURE

1. Pre Application Meeting: Applicants must request a pre-application meeting with the UDO Administrator prior to discuss the procedural and substantive requirements related to the proposed application.

Proposed Text Amendment Changes

2. 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.
- ~~3. The UDO Administrator or his/her designee will review the conditional zoning master development plan and shall require a Technical Review Meeting. The Technical Review Committee may include, but not necessarily be limited to, the following individuals/departments: UDO Administrator, building inspector, public works, engineering, fire department, police department, NC Division of Coastal Management, NC Department of Environmental Quality, NC Department of Transportation, Brunswick County Utilities, Brunswick County Environmental Health.~~
4. 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. Changes to the master development plan resulting from public input that creates a major modification to the proposal must be sent back to the Planning Board for a subsequent recommendation to the Board of Aldermen.

~~D. PUBLIC INPUT MEETING~~

- ~~1. Prior to scheduling a public hearing on the rezoning application, the applicant must conduct one (1) public input meeting and file a report of the results with the UDO Administrator.~~
- ~~2. The report for the public hearing will include a summary of the public input meeting.~~
- ~~3. The applicant shall mail a notice for the public input meeting to the owners of all properties located within 500 feet of the perimeter of the project bounds not less than 10 days prior to the scheduled meeting.~~
- ~~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~~

Proposed Text Amendment Changes

- e) ~~—The results of the meeting including changes to the project's proposal, if any.~~

D. ~~CONDITIONS TO APPROVAL OF PETITION~~

1. ~~—In approving a petition for the reclassification of property to a conditional zoning district, the 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 within three (3) days prior to the staff report for the Board of Aldermen being published. 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 accept any or all of the conditions forwarded from the review process.~~
4. ~~—If for any reason any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted to rezone the property to its previous zoning classification. All conditions must be consented to in writing by the petitioner.~~

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").

~~E. 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~~

Proposed Text Amendment Changes

~~(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.~~

Proposed Additions

Appendix A: Submission Requirements

A. Submission Requirements

Applications submitted to the City of Southport for the following approval types shall include all the 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.
- i) Development Schedule and/or Phasing Plan

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

Proposed Additions

- 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, and stormwater, as applicable.
 - e) All Conditional Rezoning applications may contain development standards that exceed or reduce the requirements of the Unified Development Ordinance, if applicable, except there must be a minimum 20% of open space area.

Proposed Additions

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.

Proposed Additions

- 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;

Proposed Additions

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.

Proposed Additions

- 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.

Proposed Additions

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.

Proposed Additions

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.

Proposed Additions

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.

Proposed Additions

- 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



BOARD OF ALDERMEN

AGENDA ITEM SUMMARY

DATE: 06/12/2025

DEPARTMENT: Development Services

PRESENTED BY: Maureen Meehan, Planning Services Director

ITEM SPONSORED BY: Development Services

ITEM/TOPIC: Consideration of the Development Agreement Between the City of Southport and Waterway of Southport, LLC

COST: N/A

BUDGET LINE ITEM: N/A

JUSTIFICATION: Local governments have the authority to enter into development agreements pursuant to the procedures and requirements of Sections 160D-1001 through 160D-1012 of the North Carolina General Statutes. Development agreements can be a beneficial tool for both private developers and local governments, as the projects involve substantial commitments of time and private capital, as well as public resources. The agreement ensures that development standards remain consistent throughout the phased development.

This agreement between the City and Waterway of Southport outlines the specifics of the project including the subject properties, obligation of annexation, term limits of the agreement, permitted uses and architectural standards, density and intensity, traffic impacts, environmental protections, public access and recreation, public facilities, property owner association and restrictions, laws governing the development, and miscellaneous provisions.

Per G.S. 160D-1005 this hearing has been duly noticed (published notice once a week for 2 successive weeks, mailed notice to adjacent property owners, and posted notice on the property at between 10 and 25 days prior to the hearing).

IMPACT IF NOT APPROVED: This agreement is a legislative decision as defined by North Carolina General Statutes. The Board of Aldermen is under no obligation to approve the Development Agreement. However, if this agreement is not approved, the portion of the proposal in county jurisdiction will not be annexed.

DEPARTMENT HEAD COMMENTS: This agreement will guide the development of a significant portion of land in the city. The terms of the agreement, vetted by staff, were found to be consistent with the 2014 CAMA Land Use Plan (LUP) and the draft 2050 Comprehensive Plan, which will soon replace the existing LUP. The development will remain a cohesive unit until completion, providing stability for future property owners.

ATTACHMENTS: Development Agreement including all Exhibits

PROPOSED MOTION:

Motion to approve the development agreement with Waterway of Southport, LLC.



AN ORDINANCE TO ADOPT THE DEVELOPMENT AGREEMENT BY AND BETWEEN WATERWAY OF SOUTHPORT, LLC AND THE CITY OF SOUTHPORT

WHEREAS, N.C.G.S. §160D-1001 through §160D-1012 (the "Act"), authorizes municipalities to enter into development agreements with developers under the terms and conditions stated in the statutes, and

WHEREAS, Waterway of Southport, LLC, ("Developer") and the City of Southport ("City") have negotiated an agreement in accord with and under the authority of the cited statutes, and

WHEREAS, a public hearing was held on June 12, 2025 as set forth in N.C.G.S. §160D-1003 and N.C.G.S. §160D-1005 providing public review of the Development Agreement, as defined below; and

WHEREAS, the City finds that the Development Agreement is consistent with the Act, the City's policy guidance, current regulations, and is reasonable and in the public interest for the reasons set forth in the Development Agreement:

NOW, THEREFORE, BE IT ORDAINED, by the City of Southport Board of Aldermen that:

- I. Pursuant to the authority granted to the City by Article 10 of Chapter 160D of the North Carolina General Statutes, the City hereby adopts the Development Agreement by and among the Developer and the City, attached hereto (the "Development Agreement").
2. This ordinance is effective upon adoption.

Adopted this 23rd day of June, 2025.

X

Richard Alt
Mayor

X

Tori Deviney
Deputy City Clerk

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 23rd day of June, 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”) for the development of a Master Planned Community to be called Waterway, in consideration of the mutual promises made herein, upon the following terms:

ARTICLE I.
LEGAL FRAMEWORK, BACKGROUND, AND PURPOSE

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

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

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

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

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

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

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

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

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

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

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

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

1.13 Pursuant to N.C.G.S. 160D-1005, the Board of Aldermen conducted a public hearing regarding this Agreement on June 12, 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 60 days of the following having occurred:

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

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

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

3.1.1.4 The Parties interpret Article 3 to require the Developer to submit a petition for annexation for any Platted Area prior to the commencement of vertical construction. The Parties also interpret Article 3 as not requiring the submittal of a petition for annexation for any Platted Area upon which horizontal construction has not yet been completed. For the purposes of this Agreement, "vertical construction" shall mean the construction of any building or walled structure intended for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. For the purposes of this Agreement, "horizontal construction" shall mean the construction of infrastructure upon or within the ground of the kind that is necessary to support, connect and make possible vertical construction including, without limitation, water and sewer lines, gas lines, stormwater facilities, tunnels, bridge, roads.

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 4.3.

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 native evergreen plants 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 9th Street, Waterway Developer shall make all reasonable efforts to locate and protect the English Field.

**ARTICLE XV.
MISCELLANEOUS**

15.1 Amendment. This Agreement may be amended by the mutual consent of the Parties or their successors in interest. As required by G.S. 160D-1006(e), consideration of a proposed major modification of the agreement shall follow the same procedures as required for initial approval of the Agreement. By the mutual consent of the Parties, the City’s Zoning Administrator shall have the authority to approve minor, administrative amendments and modifications to this Agreement and the Master Plan and any other plans approved in connection with the Project as provided

herein. Major modifications shall include (1) the addition of new uses that increase the vehicle trips per day more than 5%; (2) reductions exceeding the greater of (a) 5 feet, and (b) 20% for setbacks or bufferyards; (3) the addition of new access point or points; and (4) increases in residential units greater than 2%. Any modification that is not defined as a major modification shall be a minor modification.

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

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

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

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

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

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

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

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

To the City:

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

With a copies to:

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

To Waterway Developer:

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

And:

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

With copies to:

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

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

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.

Joseph Kronenwetter, 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

Tax ID	Address	Owner
Marina and Parking Lots Land		
237KA004	No address listed	BALD HEAD ISLAND LIMITED LLC
237KA003	6099 Indigo Plantation Drive	BALD HEAD ISLAND LIMITED LLC
237KA006	No address listed	BALD HEAD ISLAND LIMITED LLC
237KA00302	No address listed	BALD HEAD ISLAND LIMITED LLC
237KA00501	No address listed	BALD HEAD ISLAND LIMITED LLC
City Land		
2370000301	No address listed	BALD HEAD ISLAND LIMITED LLC
2370000423	No address listed	BALD HEAD ISLAND LIMITED LLC
2370000420	No address listed	BALD HEAD ISLAND LIMITED LLC
2370000416	No address listed	BALD HEAD ISLAND LIMITED LLC
237FB002	No address listed	BALD HEAD ISLAND LIMITED LLC
237FD001	No address listed	BALD HEAD ISLAND LIMITED LLC
237FD002	No address listed	BALD HEAD ISLAND LIMITED LLC
237FD003	No address listed	BALD HEAD ISLAND LIMITED LLC
2370000305	No address listed	BALD HEAD ISLAND LIMITED LLC
237FD004	No address listed	BALD HEAD ISLAND LIMITED LLC
237FD005	No address listed	BALD HEAD ISLAND LIMITED LLC
237FD006	No address listed	BALD HEAD ISLAND LIMITED LLC
2370000424	No address listed	BALD HEAD ISLAND LIMITED LLC
2370000401	810 W. 9 th Street County	BALD HEAD ISLAND LIMITED LLC
County Land		
22100027	No address listed	BALD HEAD ISLAND LIMITED LLC
2210002901	No address listed	BALD HEAD ISLAND LIMITED LLC
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 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				S S	PS	3.6.E
HOME DAYCARE, ADULT AND CHILD		SS	SS	SS	SS	SS								SS	3.6.F
HOME OCCUPATION		SS	SS	SS	SS	SS								SS	3.6.G
HOMESTAY		PS	PS	PS		PS								PS	3.6.H
MODULAR UNIT					PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.I
OUTDOOR DISPLAY								PS	PS	PS					3.6.J
OUTDOOR STORAGE									PS	PS	PS	PS			3.6.K
OUTDOOR VENDING MACHINE					PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.L
PORTABLE STORAGE CONTAINERS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.M
RECREATIONAL VEHICLE OR TRAVEL TRAILER		PS	PS		PS	PS	PS							PS	3.6.N
SELF-SERVICE ICE VENDING MACHINES									SS	SS					3.6.O
SOLAR ENERGY SYSTEMS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	3.6.P
SWIMMING POOLS		PS	PS	PS	PS	PS	PS	PS						PS	3.6.Q

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

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



TABLE OF CONTENTS	PAGE
INTRODUCTION AND MISSION STATEMENT	1
ARCHITECTURAL REVIEW COMMITTEE PURPOSE AND PROCEDURES	
Applicant Responsibilities	2
General	3
Preliminary Design Review	3
Final Design Review	4
Pre-Construction Review	4
Final Construction Inspection Review	5
Alterations and Additions Review	6
Miscellaneous Inspections	6
SITE DESIGN GUIDELINES	7
Setbacks	7
Impervious Areas	7
Driveways	7
Walkways	8
Fences	8
Retaining Walls	8
Lighting	9
Flags and Flagpoles	9
Outdoor Living Areas and Outbuildings	9
Grading, Drainage, and Clearing	10
Landscaping and Sod	10
Street Trees	10
Signage	10
Service Areas	10
Utilities	11
Port-A-Johns	11
Garbage Containment and Recycles	11
Materials Storage	11
ARCHITECTURAL DESIGN GUIDELINES	12
Design Duplication, Diversity, and Detailing	12
Exterior Elevations	12
Exterior Colors and Materials	13
Roofs	14
Awnings	14
Porches, Decks, and Patios	15
Carports, Garages, and Utility Apartments	15
Duplexes	16
Minimum Square Footage Requirements	16
ARCHITECTURAL STYLE REFERENCE	17
Colonial Revival	17
Craftsman	19
Cottage	22
Neoclassical	24

Waterway

TABLE OF CONTENTS CONTINUED

	PAGE
APPENDIX	26
Southport Historic District	27
Southport Examples Sidewalks and Front Entries	29
Southport Examples Entry Drives	33
Southport Examples Low Walls	34
Southport Examples Fences	35
General Landscape Guidelines	36
Dimensional Requirements	39
Paint Color Selections	40
Construction Signage	41
DESIGN REVIEW APPLICATIONS AND CHECKLISTS	42
Preliminary Design Review Application and Checklist	43
Final Design Review Application and Checklist	44
Pre-Construction Review Application and Checklist	45
Final Construction Inspection Review Application and Checklist	46
Certificate of Compliance Form	47
Alterations and Additions Review Application and Checklist	48
Color Selection Form	49

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.
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.

Waterway

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.
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.
2. All exterior fixtures shall be International Dark Sky Association standards and will have a color temperature of 3000 degrees Kelvin or less

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.

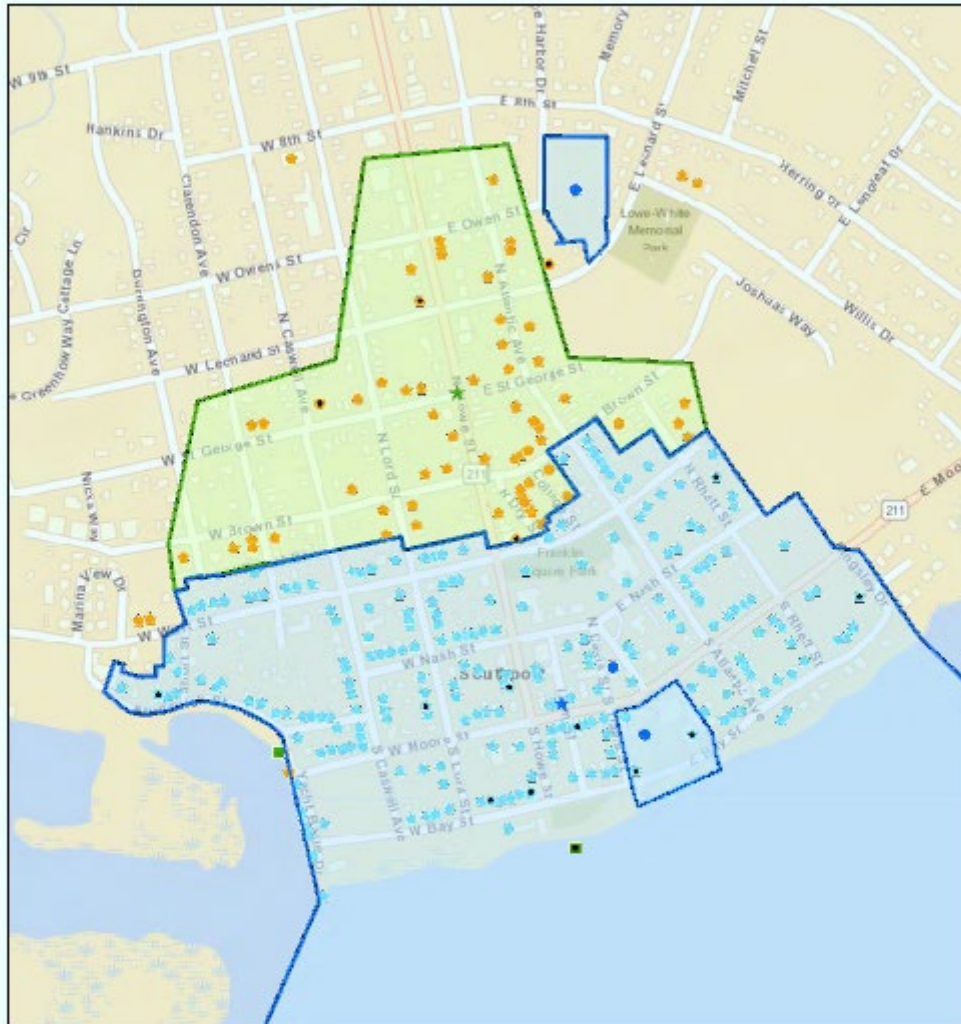
Below is an excerpt from the 1979 Southport Historic District's Nomination Form for the National Register of Historic Places, which highlights the integration of built structures and nature:

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.

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 (3" DBH min. caliper) front yard	Ornamental Tree (10-12' tall) front/side yard	Evergreen Tree (8-10' tall) front/side yard	Evergreen Shrub (Min. 24" tall) front/side yard	Deciduous/ Evergreen Shrub (3 gal.) front/side yard	Ornamental Grasses (1 gal.) front/side yard	Perennials (1 gal.) front/side yard	Groundcover (SP4) front/side yard	Bermuda Sod (max % front yard)
Townhome (per unit)	0	1	1	10	0	0	0	00 sf	10%
Duplex (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 Side: 5 Rear: 10
Dwelling, Single-Family (alley loaded)	1,800	30	75%	N/A	40*	Front: 10 Side: 5 Rear: 0
Dwelling, Two-Family (Duplex)	5,000 minimum overall project size	18	80% for overall project	8	40	Front: 10 Side: 5 (on end of buildings); 0 (if attached to another unit on the side) Rear: 5 Rear (Garage): None
Dwelling, Multi-Family	10,000	50	85%	30 max units is 250	45**	Front: 10 Side: 10 Rear: 10
Non-Residential Uses and Mixed Use	None	None	75%	N/A	45	Front: 1 Side: 10 Rear: 10

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

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

PAINT COLOR SELECTION

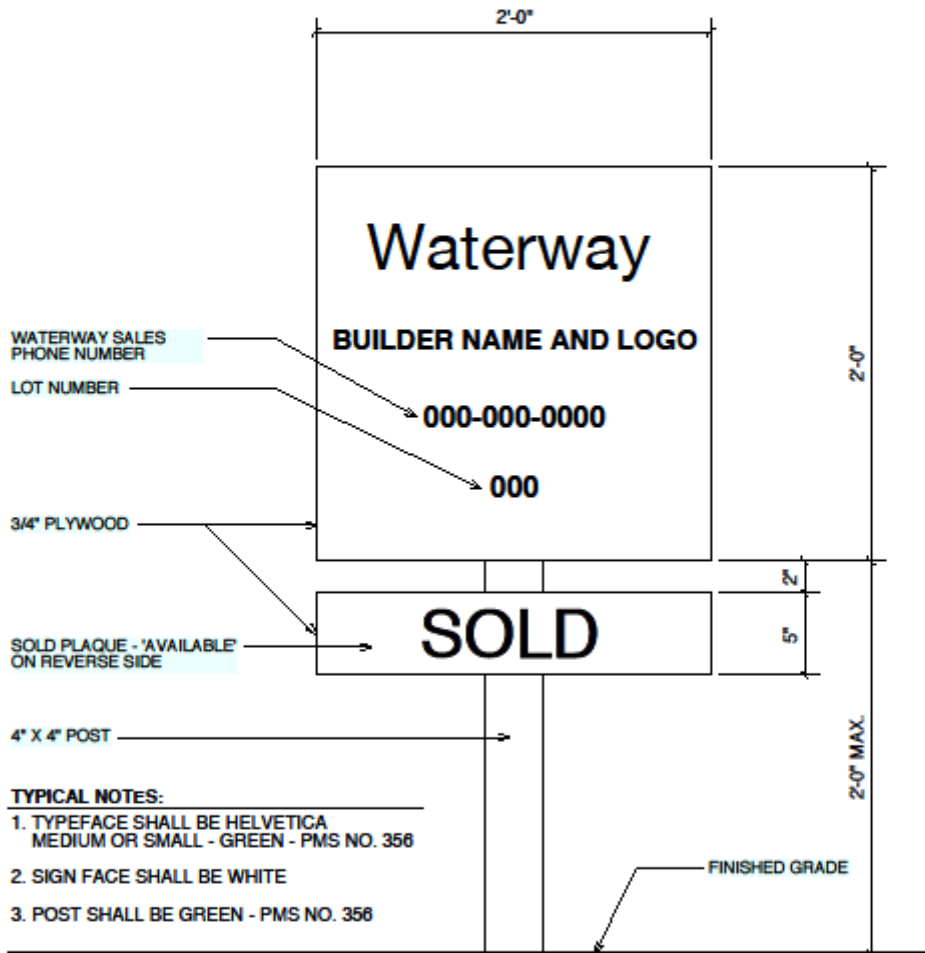
March 2025

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

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



BOARD OF ALDERMEN

AGENDA ITEM SUMMARY

DATE: 06/12/2025

DEPARTMENT: Development Services

PRESENTED BY: Maureen Meehan, Planning Services Director

ITEM SPONSORED BY: Development Services for Applicant East West Partners and Bald Head Island Limited

ITEM/TOPIC: Conditional Rezoning Map Amendment and Master Development Plan for Waterway Community

COST: N/A

BUDGET LINE ITEM: N/A

JUSTIFICATION: At their May 15, 2025, meeting, the Planning Board voted to send a recommendation of approval to the Board of Aldermen for a conditional approval of this application for conditional rezoning. A duly advertised public hearing must be held prior to the consideration of the proposal by the Board of Aldermen. The proposed project is 19 parcels zoned Single Family Residential - R-10 and Planned Unit Development - PUD adjacent to W 9th Street and Indigo Plantation Drive. The proposed conditional zoning map amendment is a mixed-use development on approximately 48 acres and includes 199 multifamily, two-family, and single-family homes and 10,000 SF of nonresidential uses at the existing marina.

IMPACT IF NOT APPROVED: This application is a legislative decision as defined by North Carolina General Statutes. The Board of Aldermen is under no obligation to approve the Zoning Map Amendment. In accordance with North Carolina General Statutes, in a motion to approve or deny a Zoning Map Amendment, the Board shall adopt a corresponding consistency statement explaining the chosen decision's consistency with the adopted Land Use Plan of the City as well as a statement of appropriateness.

DEPARTMENT HEAD COMMENTS: The attached proposed Zoning Map Amendment has been reviewed by staff for consistency with the land use plan and surrounding neighborhood. Staff find the proposal consistent and reasonable and forwarded it to the Planning Board for a recommendation.

ATTACHMENTS: Staff Report, Master Development Plan, Consistency Statement, Application

PROPOSED MOTION:

Motion to adopt the conditional zoning map and master development plan as proposed by the applicant, attached consistency statement, and statement of appropriateness.

OR

Motion to adopt the conditional zoning map and master development plan as proposed by the Planning Board limiting heights for residential uses to 40 feet and 30 feet for nonresidential uses.

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

APPLICATION SUMMARY	
Presentation Date	June 12, 2025 Board of Aldermen
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

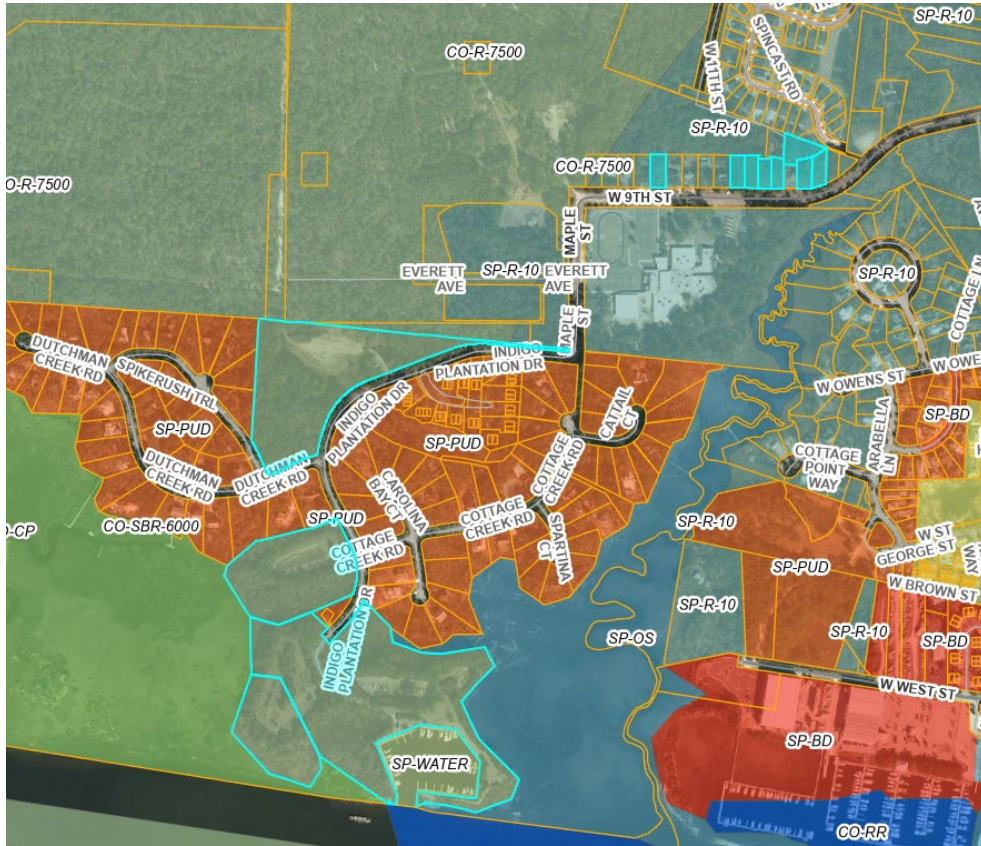
REZONING OVERVIEW

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. Per NCGS 160D-1005 a development agreement approval must follow the same process of a zoning map or text amendment.

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

LOCATION AND SITE CONDITIONS

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



A majority of the property falls within the high suitability land classification and 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.

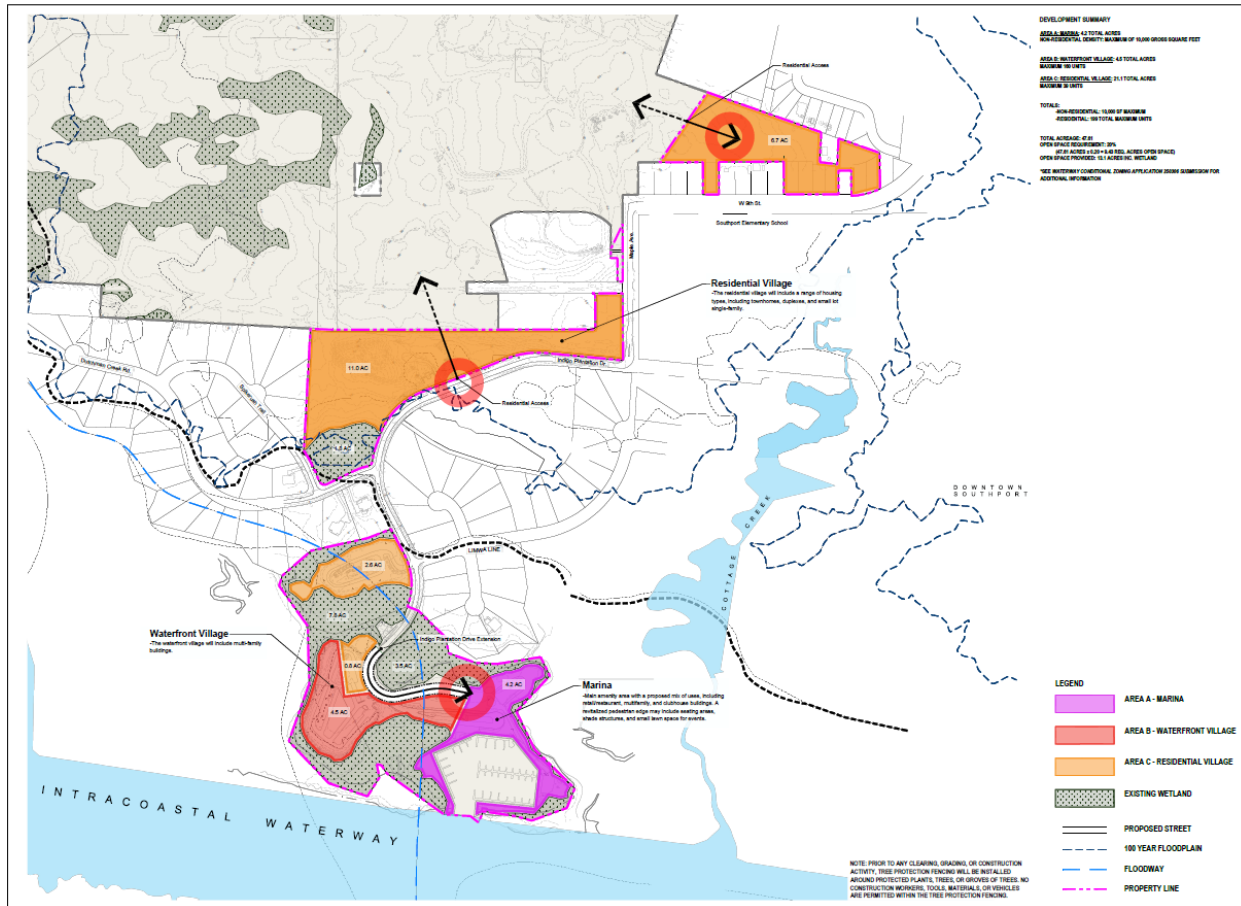
BOARD OF ALDERMEN REVIEW

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.

Master Development Plan

The master development plan proposes three distinct areas of development. Area A – Marina Village, which will consist of nonresidential uses, Area B – Waterfront Village, which will consist of multi-family dwelling units, and Area C – Residential Village, which will consist of single-family, two-family, and townhome style dwelling units utilizing cluster development patterns and small lots where appropriate. There are a total of 199 dwelling units and 10,000 SF of non-residential uses. The dimensional standards and conditions are outlined in the following sections of the report.



Permitted Uses

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

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

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

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

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ- 1	Section #
CHURCHES, SYNAGOGUES & OTHER ASSOC. ACTIVITIES, INCL. OFFICES, ACTIVITY CENTER, ETC.	813110	SS	SS	SS	SS	SS	SS	PS	PS	PS				SS	3.8.E
CLUBS OR LODGE		SS	SS			SS		SS	PS	PS				SS	3.8.F
COMMERCIAL PARKING LOTS	812930						SS	SS	SS	PS	SS				3.8.G
COMMERCIAL RECREATION, INDOOR						S		S	P	P				S	
COMMERCIAL RECREATION, OUTDOOR										P				S	
CONTRACTOR S, EQUIPMENT & SUPPLY DEALERS & SERVICE	811310									P	P	P			
CONTRACTOR S, HEAVY CONSTRUCTIO N; GRADING, PAVING, MARINE, ETC.	234										P	P			
CULTURAL ARTS CENTER, INCL. THEATERS, OFFICES, CLASSROOMS, ETC.						P	P	P	P	P				P	
DANCE STUDIOS	611610					P	P	P	P	P				P	
DAYCARE, ADULT AND CHILD	624120						SS	SS	PS	PS				SS	3.8.H

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ- 1	
DIVERS, COMMERCIAL								P	P	P	P	P			
DRY CLEANERS	812320					SS		PS	PS	PS				SS	3.8.I
DRY STORAGE										PS	PS	PS			3.8.J
EDUCATIONAL FACILITY		S	S	S	S	S	P	P	P	P				S	
ELECTRONIC GAMING OPERATIONS										SS					3.8.K
EXTERMINATI NG SERVICES	561710							PS	P S	P	P	P			3.8.L
FARMERS'S MARKET	445230	SS				SS		SS	PS	PS			S S	SS	3.8.M
FARM MACHINERY SALE AND SERVICE									S	P	P				
FEED, SEED, AND 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			
FUNERAL HOMES	812210						P	P	P	P					

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ- 1	
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									
GOVERNMEN T USE, CITY OF SOUTHPORT		P	P	P	P	P	P	P	P	P	P	P	P	P	
GOVERNMEN T USES WITH BUILDINGS, NON-CITY OF SOUTHPORT		SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS		SS	3.8.P
GROCERY STORES	445110					P		P	P	P				P	
HARDWARE, LAWN, OR GARDEN STORE	444130							P	P	P	P	P			
HEALTH SERVICES,						P	P	P	P	P				P	
HELIPAD							SS								3.8.Q
HOSPITALS	622110						P	P	P	P				P	

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ- 1	Section #
HOTEL, MOTEL, OR INN	721110					SS	SS		SS	PS					3.8.R
HOTEL, RESIDENTIAL OR BOUTIQUE						SS	SS	PS	PS	PS					3.8.S
INSTITUTIONA L CARE FACILITY, ADULT										S				S	
INSTITUTIONA L CARE FACILITY, CHILD HANDICAPPE D									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					
MANUFACTU RED HOME DEALERS	453930									P	P				
MANUFACTU RED HOME (INDIVIDUAL) FOR OFFICE AND/OR EXHIBITION					S	S	S	S	S	S	S	S		S	
MANUFACTU RING, ARTISAN									P	P	P	P			

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

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ- 1	
OFFICE, GENERAL						P	P	P	P	P				P	
PACKAGE DELIVERY SERVICES, COMMERCIAL	492210						SS	SS	SS	PS	PS	PS			3.8.BB
PARKS & RECREATION AREAS, MUNICIPAL	924120	P	P	P	P	P	P	P	P	P			P	P	
PERSONAL SERVICE ESTABLISHME NT						P	P	P	P	P				P	
RADIO & TELEVISION STATIONS, STUDIOS, AND OFFICES							SS		PS	PS					3.8.CC
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
RECREATIONA L VEHICLE PARK										SS					3.8.DD
RESEARCH & DEVELOPMEN T							SS	SS		PS	PS	PS		SS	3.8.EE
RESTAURANT, CARRY-OUT	722211					S		P	P	P				P	

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ- 1	
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 ESTABLISHME NT												S			
TAXICAB STANDS								SS	PS	PS					3.8.LL
TELEPHONE COMMUNICA TION FACILITY, UNATTENDED	513340	SS	SS	SS	SS	SS	SS	SS	SS	SS	PS	PS		SS	3.8.M M
TRANSITIONA L HOUSING FACILITIES							S								3.8.NN

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ- 1	
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			
WAREHOUSING, GENERAL	493110									PS	PS	PS			3.8.00
WATER TRANSPORTA TION INCL. DOCKS, TUGBOATS, BARGES, AND EXCURSIONS									P	P	P	P		P	
WELDING, REPAIR	811310								P	P	P	P			
WIRELESS TELECOMMU NICATION FACILITY OR COMPLEX, FREESTANDIN G AND SUBSTANTIAL MODIFICATIO NS										SS	SS	SS		SS	See Article 7

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard														Use Standard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	CZ- 1	Section #
WIRELESS TELECOMMU NICATION FACILITY, COLLOCATION OR COLLOCATED SMALL/MICR O-WIRELESS FACILITY		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	See Article 7
YARD SALES		P	P	P	P	P	P	P	P	P				P	

Dimensional Requirements

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

DIMENSIONAL REQUIREMENTS

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

LOT STANDARDS

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

TABLE 1: Traditional Design

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

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

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

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

TABLE 2: Cluster Design

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

TRAFFIC IMPACT STUDY

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

PARKING

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

Table 3 Minimum Parking Requirements

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

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

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

PEDESTRIAN FACILITIES

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

LANDSCAPING AND BUFFERS

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

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

STREETS AND ROADWAY NETWORK

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

RECREATION AND OPEN SPACE

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

LAND USE PLAN CONSISTENCY

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

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

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

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

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

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

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

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

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

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

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

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

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

PLANNING BOARD RECOMMENDATION

The Planning Board recommends approval of the conditional zoning map amendment and the master development plan with the condition that the height limit does not exceed the existing residential (40 feet) and non-residential (30 feet) height limits per the Unified Development Ordinance.

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:

Master Development Plan

Consistency Statement

Rezoning Application

CITY REZONING

WATERWAY

CITY REZONING

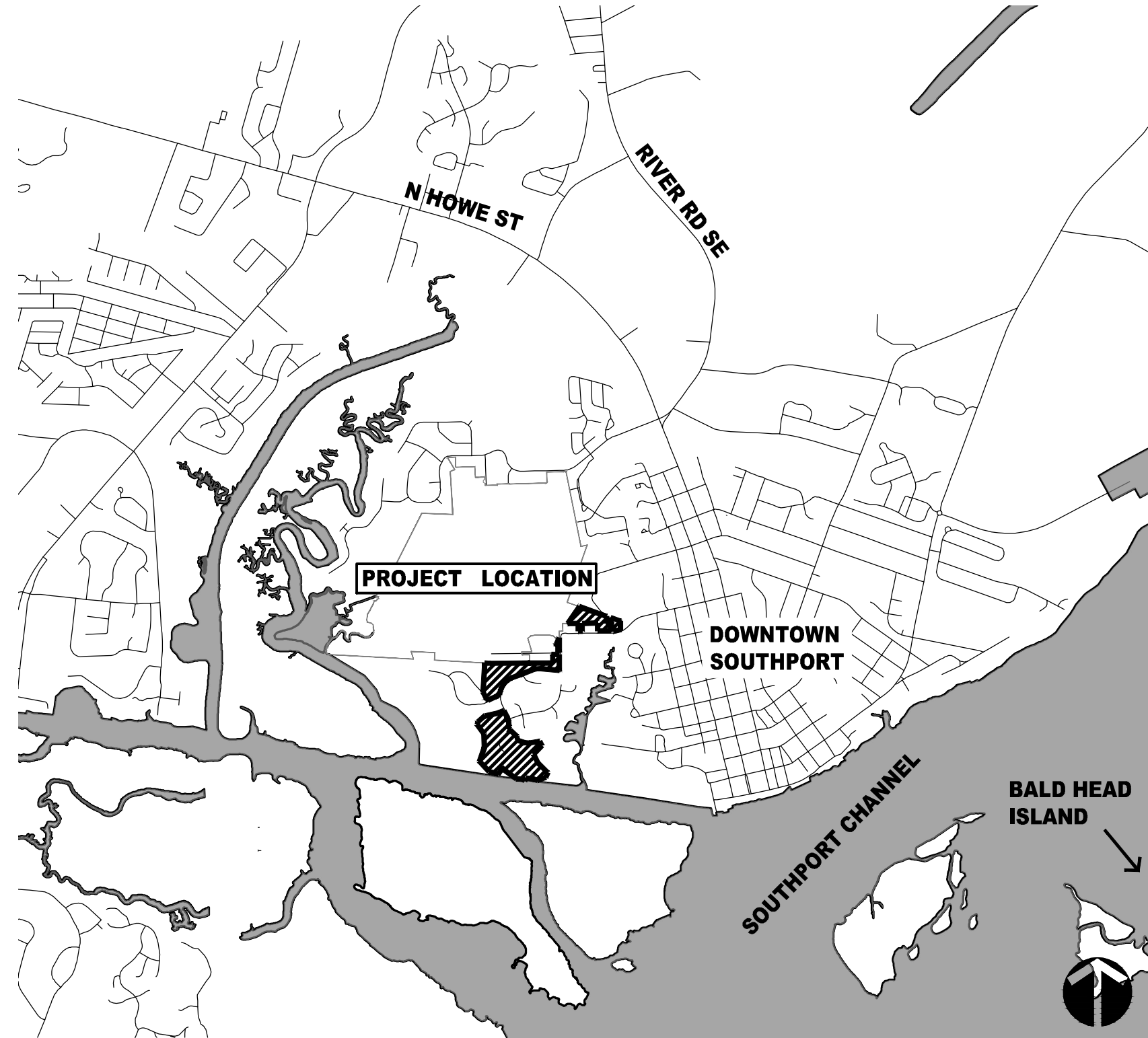
SOUTHPORT, NC

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

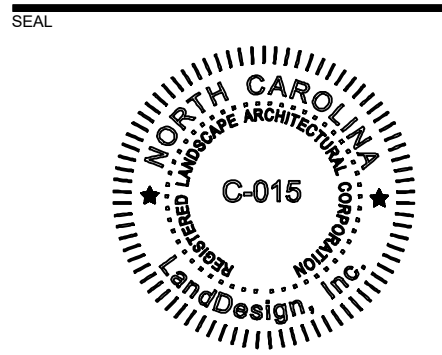
LANDDESIGN
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
CONTACT NAME: ERIC POHLMANN

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



BALD HEAD ISLAND, LLC.
SOUTHPORT, NC
28461

[illegible]

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

SCALE

NORTH

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



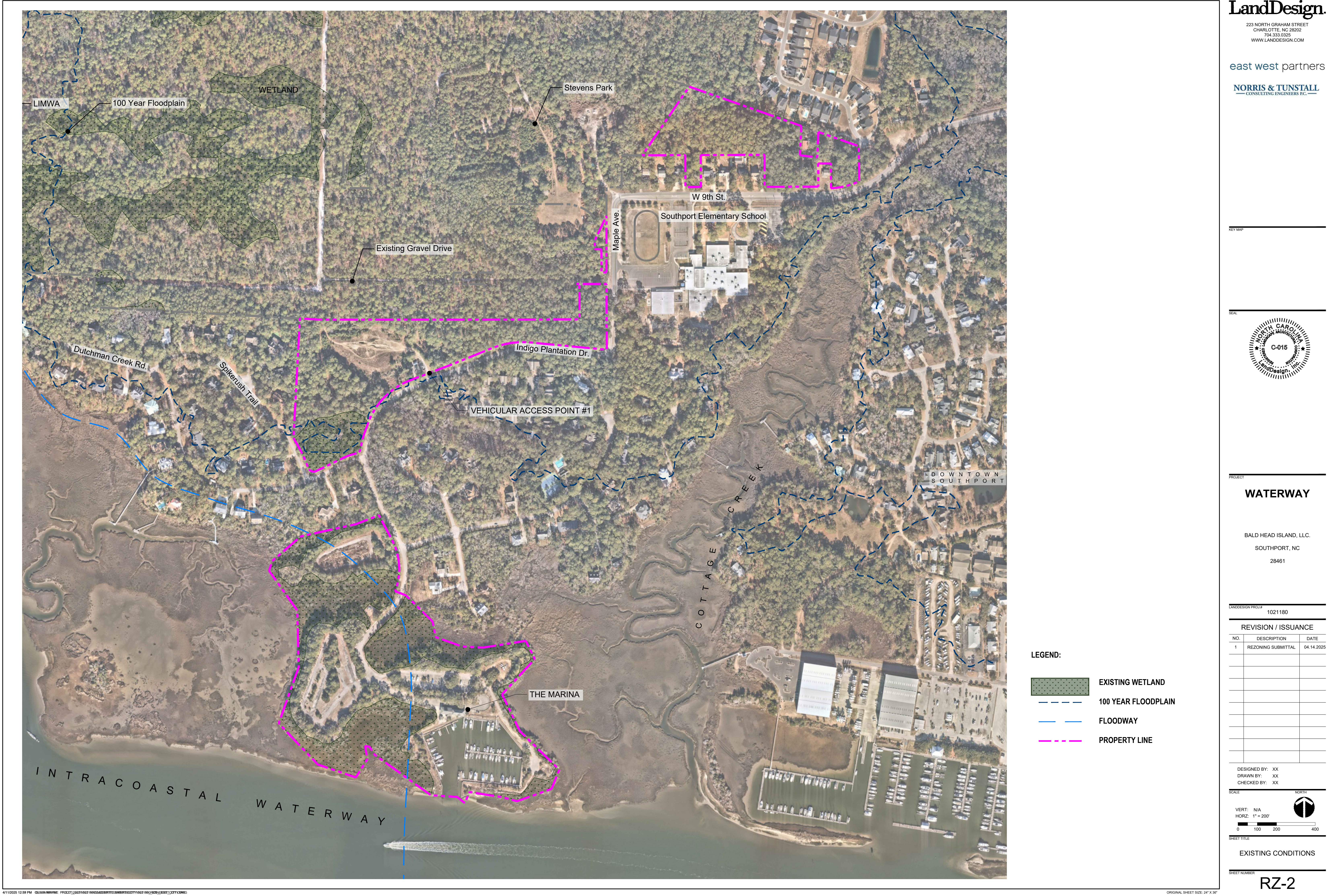
0 100 200 400

SHEET TITLE

SURVEY

SHEET NUMBER

RZ-1



WATERWAY

BALD HEAD ISLAND, LLC.
SOUTHPORT, NC
28461

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REZONING SUBMITTAL	04.14.2025

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

EXISTING CONDITIONS

RZ-2

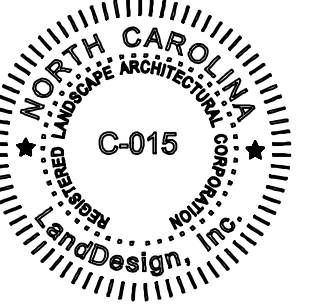
AREA A: MARINA: 4.2 TOTAL ACRES
NON-RESIDENTIAL DENSITY: MAXIMUM OF 10,000 GROSS SQUARE FEET

**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

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

0 100 200 400

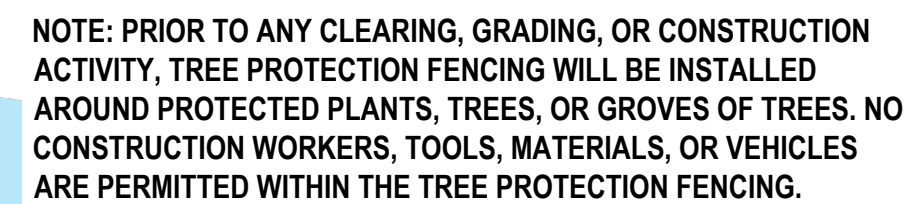
SHEET TITLE

REZONING SUBMITTAL

SHEET NUMBER

RZ-3

Page 155 of 170





**City of Southport Board of Aldermen
Resolution and Statement of Plan Consistency and Reasonableness
(As per NC General Statute 160D-605)**

When conducting a review of proposed zoning text or map amendments pursuant to this section, the Board of Aldermen shall approve a statement describing whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.

AMENDMENT: CZ-25-01 Conditional Zoning Map Amendment

STATEMENT OF PLAN CONSISTENCY:

The City of Southport Board of Aldermen, after consideration of the Planning Board recommendation and all relevant portions of the adopted and CRC-certified land use plan, hereby **ADOPT** the proposed zoning map amendment. The amendment is consistent with the City's 2014 CAMA Core Land Use Plan, adopted initially on Nov. 13, 2014, and subsequently amended by the Southport Board of Aldermen in 2020. 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 **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. Further the proposed amendment is reasonable in the size and physical conditions of the area being rezoned and in the relationship between the current actual and permissible development on the tract and adjoining areas and the development allowed under the proposed amendment.

NOW THEREFORE, be it resolved by the City of Southport Board of Alderman, that the foregoing statement, having been submitted to a vote by a motion and seconded, received the following vote and was duly adopted this the ____ day of June, 2025.

Ayes: _____

Noes: _____

Absent or Excused: _____

Richard Alt, Mayor

Attest:

Tori Deviney, Deputy City Clerk



**City of Southport Board of Aldermen
Resolution and Statement of Plan Consistency and Reasonableness
(As per NC General Statute 160D-605)**

When conducting a review of proposed zoning text or map amendments pursuant to this section, the Board of Aldermen shall approve a statement describing whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.

AMENDMENT: CZ-25-01 Conditional Zoning Map Amendment

STATEMENT OF PLAN CONSISTENCY:

The City of Southport Board of Aldermen, after consideration of the Planning Board recommendation and all relevant portions of the adopted and CRC-certified land use plan, hereby **DENY** the proposed zoning map amendment. The amendment appears consistent with the City's 2014 CAMA Core Land Use Plan, adopted initially on Nov. 13, 2014, and subsequently amended by the Southport Board of Aldermen in 2020 although it is not reasonable in the size and physical conditions of the area being rezoned and in the relationship between the current actual and permissible development on the tract and adjoining areas and the development allowed under the proposed amendment.

NOW THEREFORE, be it resolved by the City of Southport Board of Alderman, that the foregoing statement, having been submitted to a vote by a motion and seconded, received the following vote and was duly adopted this the ____ day of June, 2025.

Ayes: _____

Noes: _____

Absent or Excused: _____

Richard Alt, Mayor

Attest:

Tori Deviney, Deputy City Clerk

Conditional Rezoning Application

Property Data

Petitioner Name: East West Partners Management Company, Inc.

Mailing Address: 1460 Environ Way

City: Chapel Hill State: NC Zip Code: 27517

Phone: 919-929-0660

Email: msiegel@ewpnc.com

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

Parcel ID #: See Exhibit A

Site Acreage: 47.61

Number of Lots: 19

Current Zoning District: See Exhibit A

Proposed Zoning District: CZ-1



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

Receipt: 00200991
Date: 04/28/2025 09:04 AM
ktooley

BALD HEAD ISLAND LIMITED LLC,

Planning Zoning
Planning Zonin
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
• check received 3/6/25
• check processed 4/17/25

Have a nice day!
Visit us at cityofsouthport.com

east west partners

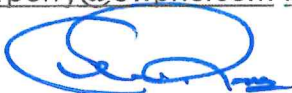
East West Partners, in conjunction with Bald Head Island, Ltd., is proud to present this plan for the Waterway Community to the City of Southport for consideration. This is the result not only of five years on this project, but fifty years in the business. We invite any and all to evaluate us on the 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 msiegel@ewpnc.com



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

cpaul@bhisland.com

1460 environ way
chapel hill, nc 27517
919-929-0660 919-967-0959 (fax)
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.



shutterstock.com • 1536041444



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

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 9th 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.

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

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 16th, 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 th 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 th Street County	BALD HEAD ISLAND LTD LLC	R-10


 3/6/25

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