



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

May 18, 2023
6:00 PM

Agenda

Please turn off all cell phones

Meetings are open to the public. Face masks and social distancing may be used at the discretion of each individual. Changes to this policy may occur, as needed to help prevent the spread of the Coronavirus.

The regular monthly meeting of the Planning Board will be held at 6:00 p.m. on the third Thursday of each month. All members are asked to attend.

- A. Call to Order**
- B. Invocation**
- C. Pledge of Allegiance**
- D. Approval of Minutes**
 - 1. April 20, 2023
- E. Approval of Agenda**
- F. Public Comment**
- G. Old Business**
 - 1. Illuminated Sign Text Amendment (page 9)
 - 2. Conditional Zoning Text Amendment
- H. New Business**
- I. Other Business**
 - 1. Tree Ordinance Discussion (page 24)
- J. Member's Information**
 - 1. Member's Roster
 - 2. Attendance Record
- K. Announcements**
- L. Adjourn**



**City of Southport
Planning and Zoning Board Minutes
Community Building 223 E. Bay St.
April 20, 2023
6:00 P.M.**

- Members Present:** Sue Hodgins, Will Hewett, Dick Sloan, Fred Fiss, Chris Jones, Donnie Joyner, Scott Jones, Roy Pender, and Kevin Locklin.
- Members Absent:** None
- Staff Present:** Travis Henley, Development Services Director
Mo Meehan, City Planner
Tanya Shannon, Deputy Clerk
ChyAnn Ketchum, Community Relations/PIO
Sydney Heil, Community Building Admin.
- Others:** Alderman Alt, Developers Cameron Smith (Prices Creek Townhomes), representatives for The Shoppes at Dutchman Village.
- Board of Aldermen Liaisons:** Karen Mosteller and John Allen
- A. Chair Sue Hodgins called the meeting to order at 6:02 p.m.
- B. Mr. Donnie Joyner gave the Invocation.
- C. Chair Hodgins led the Pledge of Allegiance.
- Deputy Clerk Tanya Shannon swore in New Members Roy Pender and Kevin Locklin.
- D. Motion to approve the minutes for the March 8, 16, and 30th 2023, Meetings by Vice-Chair Hewett and seconded by Mr. Sloan. ***Unanimous vote; Motion carried.***
- E. Motion to approve the Meeting Agenda By Mr. Sloan and seconded by Mr. Scott Jones. ***Unanimous vote; Motion Carried.***
- F. Public Comment: A Motion was made by Vice-Chair Hewett to open Public Comment and was seconded by Mr. Sloan. ***Unanimous vote; Motion Carried.***
1. Jim Lightbourne, 316 W. West St, has concerns about the proposed Conditional Zoning Text Amendment. He stated that he agrees with the guiding principles of the text amendment and flexibility for making zoning decisions. He said the majority of cities that use Conditional Zoning are in a population of over 25,000. He said that after researching the City of Wilmington's Conditional Zoning applications, it appears that most are seeking higher density. He requested the Board to deny the Amendment or at least postpone the decision until further review.
 2. Rich Bandera, 409 Burrington Ave, is not in favor of the proposed expansion of Conditional Zoning in residential areas. He said some of the language is contradictory to the Land Use Plan, and also, there are basic fundamentals in the proposed amendment that are already allowed. He recommended that the Board make a recommendation to deny the Text Amendment.

3. Shirley Sullivan, 5002 Seaward Crt, said that she does not see the same principles of “smart growth” that is in the Land Use Plan used the same way that Conditional Zoning is being proposed. She questioned why it is needed in the Residential District and what is the urgency to move this Amendment forward so quickly.
4. Ginny Prunty, 5906 Dutchman Creek Rd, submitted an email that was read by Deputy Clerk Tanya Shannon. She stated that as a member of “ No High-Density Southport,” she strongly urges the Planning Board to consider exactly how Conditional Zoning would help retain Southport’s character, traditions, and quality of life. She said changes to the current UDO should benefit Southport citizens, not developers. She urged the Planning Board to provide the answers to the questions that she emailed to the Board before casting a vote.

There were no further questions or comments. A Motion was made by Vice-Chair Hewett to close public comment and was seconded by Mr. Sloan.

Unanimous vote; motion carried.

Before moving into Old Business, Chair Hodgin addressed an email that was sent to the Board and some City Staff regarding the absence to date of the Special Meeting discussed last month regarding the proposed Conditional Zoning Text Amendment. She said that she is defending Staff for their excessive workload: she said that there had been many meetings in the past month, and the Staff is working on a barrage of issues. There are also numerous drafted legislative bills that as proposed could significantly affect Southport. She stated that there’s not been enough days in the month or time in those days – to this point – to schedule another Special Meeting.

G. Old Business:

1. Conditional Zoning Text Amendment.

Director Henley gave an update on the process of the proposed Text Amendment to date. He explained that per the feedback received from the Planning Board, the language had been updated to include raising open space thresholds within a Conditional Rezoning increase proportionate to the number of proposed residential units. Specifically, for every 250 units included within a Conditional Rezoning, the required open space designation increases by 5%. This continues to rise for every 250 units up to 1,500, at which point any project larger than 1,500 residential units shall be required to designate at least 50% of the site as open space meeting the definition in Section 4.14.C.1.b to obtain Conditional Rezoning. Staff also proposed additional clarifications as to the form and function of potential Conditional Rezoning applications and modifications to some of the language. The draft was presented to the Board and to the public.

Mr. Fiss questioned why there is not a height limit requirement in the proposed Amendment. Director Henley said that height is the only dimensional standard that is listed in the Land Use Plan. He said if the Board would like to add a height requirement, that could be done. He asked what would be suggested as the maximum height because every district is different. Mr. Fiss recommended 40 feet in Residential. Vice-Chair Hewett reiterated that consulting with the Fire Department would help with determining what is the safest height limit. He said fire and rescue only have so much capability. He suggested reducing it lower for the safety of the public. Director Henley said that there would always be a technical review of any project that would have to meet all safety fire and building codes.

Mr. Joyner thanked everyone for voicing their opinion and concerns. He said that he, like everyone else, is concerned about the growth of Southport and that we all want to keep it quaint. He asked that the public be patient with the process and allow the Board and Staff to review all the information so that they can make the right decisions. He explained that sometimes decisions are made by legislation that then must be followed by the municipalities. He said the Planning Board works hard to preserve and protect the City of Southport. He reminded everyone that the Planning Board would only vote on a recommendation to the Board of Aldermen -- the Aldermen will make the final decision.

Mr. Christopher Jones said he is also concerned about the height requirement. He said the drafted language currently reads regarding the dimensional standards for Conditional Zoning, "Dimensional standards within the proposed Conditional Zoning District shall be designated by the applicant" and does not sit well with him. He recommended that putting some dimensional standards would be a good idea for continuity across the City. He explained that, as seen previously, developers can be crafty with the City standards and he thinks that instead of having the applicant request certain dimensional standards, the City should already have a direct standard in place, such as height and setback requirements.

Director Henley said that defining that language is the same way as a PUD is defined currently, where the applicant proposes the dimensional standards. Those are reviewed by the Staff, the Planning Board, and the Board of Aldermen. He said there is no guarantee of approval. He said he understands how it might sound off-putting. Mr. Jones said that he agreed with Mr. Fiss and would like to see a height requirement built into the language.

Mr. Fiss asked Director Henley if he could explain how the Conditional Rezoning would affect the Oakton Subdivision if they had applied for CZ in relation to requesting a higher density. He understands they are following the guidelines through the approval for a PUD, but asked how this would be different if they applied for CZ. He wanted clarification that through the approval of a PUD, the City can have a dialogue and if it does not meet the requirements it can be denied, but the City cannot request that the applicant make changes. Director Henley explained that the proposed Oakton Subdivision is, by-right, an administrative process. He said there had been a lot of feedback from the public regarding the proposed development and said that there is nothing stopping the public, Staff, Planning Board or Aldermen from asking questions and having input. However, he said the challenge is that it is an administrative approval, and if it meets the standards of the Ordinance it is difficult to deny without a possible lawsuit. He said the difference with the CZ process is that the City would have leverage because it is a policy-level decision. Conditional Rezoning will have a specified site plan, and if the applicant proposes dimensional standards that do not fit within the context of the community and the Board comes to the decision that does not work for specific reasons -- such as the impacts to the impervious surface are not agreeable, or the impacts of potential flooding are not agreeable -- the Board can deny the zoning request. The Board can site that the request is not in the best interest of the public for these specific reasons without possible legal ramifications.

Chair Hodgin asked the Board if there were any other questions or concerns. Since there were none, she recommended that Staff review the recommendations for incorporating height and setback requirements into the drafted text and bring it back to the Board to review. Director Henley agreed and asked if he could get feedback on the revised draft that included the updated language, which included raising open space thresholds as proposed residential units within a conditional rezoning increased. Mr. Jones recommended removing the word "maximum" (*For every 250 units proposed, an additional 5% of the total rezoning acreage shall be designated as open space in accordance with Section 4.14.C.1.b, up to a maximum requirement of 50% open*

space provision when more than 1,500 residential units are proposed') and rewording so that it is clearly defined.

Chair Hodgin reiterated that she liked the drafted language. She asked if there could be a "minimum" included in the language so that developers would know the baseline that must be established. Vice-Chair Hewett agreed and recommended that the language be more stern, 'this is the absolute minimum allowed'. Then there would be no question whatsoever. Director Henley said that he would work on including that in the language.

Mr. Pender asked how many acres there would be for 1500 units and where to find this information for the City and the ETJ. Director Henley explained that because of the other flexibility within the Ordinance, that it is just based on units only with no reference to acreage. Mr. Pender stated that this would be a lot of units that are not capable of being built in Southport. He wonders about the relevancy charting for these large unit numbers.

Director Henley mentioned again the statement he made previously about reducing development standards and stated that the ordinance does not have to be read that way. He said if a request is made for Conditional Zoning, the only flexibility is what is being given. He explained that, for example, if it is parking, the standards have to meet the UDO or request a variance. He said the UDO could be written that way, and that is how it was first proposed to the Board. So, he asked if the Board if it would like Staff to go back and reword the language for the development standards.

Mr. Christopher Jones mentioned that the Board also needs to discuss the non-contiguous parcel language that could be added to the draft.

Chair Hodgin recommended tabling the discussion for more review and discussion. She stated that at the last meeting, it was decided to have a Special Meeting to go over the proposal and continue to collectively discuss the options. And she stated that unfortunately, there was an interruption in our process with all the proposed legislation out of Raleigh that had to take priority.

It was the consensus of the Board to schedule a Special Meeting on the proposed Conditional Text Amendment. Chair Hodgin said that the Board needed to prepare questions and concerns for Staff on what direction they would like to see.

2. The Shoppes at Dutchman Village Major Site Plan

Director Henley gave an overview of the plan and explained that CFSC Land LLC, the applicant, on behalf of J S South LLC, owner, is requesting approval of a Major Site Plan for the construction and operation of a non-residential mixed-use building in the Highway Commercial zoning district. Proposed uses include office, restaurant, and retail. The location of the property is located on the northeast corner of J Swain Boulevard and Eason Street, directly south of the Rivermist community. The subject property is located within the incorporated city limits of the City of Southport.

A Traffic Input Study concluded that recommendations be limited to signal timing modifications at the J. Swain Boulevard/NC 211 intersection to mitigate the impacts of the proposed project and optimize the function of that intersection. As presented, the Study appears

to meet all applicable standards of Section 3.13 of the Unified Development Ordinance. The complete report was included in the Agenda Packet provided to the Board.

Director Henley said that the Lighting Plan was submitted and reviewed by Staff but unfortunately was not provided in the Member packets. Mr. Henley said that the Plan meets all the requirements and can be seen on request. He said that if the Board would like to act on approval and add a condition that the Lighting Plan meets all the applicable requirements, that is an option. He said that signage is a separate process and will be reviewed at the appropriate time to ensure all standards are met. Stormwater was reviewed by the City's contract engineer. Water is provided by Brunswick County, and the sewer and electrical are provided by the City.

Director Henley stated that the Major Site Plan is in accordance with the standards and processes laid out within the City of Southport Unified Development Ordinance and meets all the requirements. The application was deemed complete by Planning Staff and is eligible to be approved by the Planning Board in an administrative or "by-right" process upon verification that all standards are met.

Vice-Chair Hewett noted that he was on the Review Committee that met on March 29th, and the Lighting Plan was discussed. He said the applicants were aware of the requirements and would ensure that the lighting would not be trespassing into the community and that they would be aiming down and inward.

A Motion was made by Mr. Scott Jones to approve the Major Site Plan for the Shoppes at Dutchman Village along with the associated Traffic Impact Study and was seconded by Vice-Chair Hewett. ***Unanimous vote; motion carried.***

3. Prices Creek Townhomes Phase 2 Preliminary Plat

City Planner Mo Meehan gave an overview of the Plan that was first presented on March 16th. She stated that the applicant, on behalf of Smith Hill Group, LLC, is requesting approval of a Preliminary Plat for Phase 2 of the Prices Creek Subdivision, which consists of forty- eight (48) townhome dwelling units. The property is located to the south of Rob Gandy Boulevard SE, west of E. Leonard Street and Bella Terra senior living facility, and north of the existing phase of the Prices Creek subdivision. This property is within the incorporated City limits.

She said this project was approved and zoned Planned Unit Development (PUD) in 2004. The development approval included 3 phases, the first of which has existed for some time and is continuing to be built out, and two additional multi-family phases that are adjacent to Rob Gandy Boulevard. As shown on the applicant's submitted site plan, the proposal for Phase 2 includes 12 quadruplexes for a total of 48 units. Phase 3 is located to the west of Phase 2 and shall require its own submittal and approval process.

Staff is submitting the proposal for the Planning Board's recommendation to the Board of Alderman in accordance with the standards and processes laid out within the UDO. The application has been deemed complete and is eligible to be conditionally approved as a Preliminary Plat under the existing PUD project known as Prices Creek. The following has been identified by Staff that must be addressed prior to the preliminary plat approval:

1. Determination and provision of any necessary sewer improvements to accommodate the development at an adequate level of capacity.
2. Provision of dimensions and descriptions of required open space.

3. Provision of a lighting plan that meets all applicable standards of the City of Southport, both within the UDO and the Code of Ordinances. (Preliminary Plat will be inspected upon completion of installation prior to final plat.
4. Inclusion of all required certificates for Preliminary Plats in accordance with the UDO (Preliminary Plat will also be reviewed at the final plat with applicable certificates required at that point).

Mr. Joyner asked if the marshland was included in the open space. Planner Meehan that the marshland is not included, only the uplands. He asked how much marshland was included in the 17.35 acres. Planner Meehan said approximately 8 acres of wetland.

Mr. Fiss asked questioned how the City would be affected financially if there were any sewer upgrades that needed to be done. Planner Meehan said the upgrades would be taken care of by the applicant. Mr. Pender questioned the ROWs and if the PUD allowance was 45'. Planner Meehan said it was a reduced ROW and that it had been approved, adding that they could be lowered if ensured by the Fire Department that there was adequate maneuverability.

A Motion was made by Mr. Sloan to approve the Major Site Plan for Prices Creek Phase 2 and was seconded by Vice-Chair Hewett. ***Unanimous vote; Motion carried.***

4. Revision to the Starbucks Major Site Plan

Director Henley explained that Mike Nichols of Paramount Engineering, the applicant, is requesting a revision to the previously approved Major Site Plan for the construction and operation of a three-unit, 6,000-square-foot structure, uses of which include one coffee shop and two retail units. Specifically, the request is to modify the site plan to allow for the construction of an underground propane tank with associated landscaping and protective features. The addition of the tank also requires the removal of two parking spaces from the site, though the site remains in compliance with all required parking provision standards within the Unified Development Ordinance. The Planning Board previously approved the Major Site Plan for Tractor Supply Company at its February 2022 meeting.

Planning staff has reviewed the request and determined that the requested revision is in compliance with all applicable provisions of the Unified Development Ordinance.

A Motion was made by Vice-Chair Hewett to approve the Starbucks Major Site Plan Revision and was seconded by Mr. Sloan. ***Unanimous vote; Motion carried.***

H. New Business

1. Text Amendment Regarding Lighted Signs

Planner Meehan stated that the applicant, Haven 307, LLC, submitted a Zoning Text Amendment to the UDO. The request is to amend Section 3.19 *illumination* to modify the allowable types of illuminated signs. The Amendment to this section would allow backlit and halo signs.

Currently, Section 3.19.H.1.(c) states that illuminated signs are limited to those lit internally with glass or plastic faces bearing the advertisement and diffuse direct rays of the light source to prevent any direct line of sight with the light source. The applicant has requested this Amendment to receive a sign permit for a backlit sign that is not currently allowed.

The initial review of the sign application garnered approval for size, location, color temperature, and all other requirements. Upon Staff's further review of the UDO, it was found that the backlit illumination proposed for the sign was not allowed. Staff approved the installation of the sign without illumination.

Staff submits the proposed Zoning Text Amendment to the Planning Board for their consideration and discussion. The proposal appears to be consistent with the 2014 CAMA Core Land Use Plan, specifically regarding the preservation of the character and atmosphere of the city while promoting retail growth, as well as remaining consistent with the UDO.

Mr. Fiss asked if there were any illuminated signs currently in Southport. Planner Meehan said there are illuminated signs, but not of this type. He confirmed that illuminated signs from within are allowed. She said that was correct.

Chair Hodgkin recommended that instead of quickly approving a proposed Amendment to resolve issues of one applicant, Members go around the city and observe any other sign- and/or business lighting concerns so that the Board can further discuss other potential revisions.

A Motion was made by Mr. Joyner to table the proposed Amendment Regarding Lighted Signs for further discussion and review; the Motion was seconded by Mr. Fiss.

Unanimous Vote; Motion carried.

I. Other Business

Director Henley gave an overview of how to research information on the General Assembly's website. He stated that on the site, any proposed legislative bill could be searched by using known bill numbers or by using keywords. Chair Hodgkin stated that being able to maneuver on the website and contacting members of the committees, individual legislators or their assistants regarding the massive changes that are being proposed is necessary for our citizens to let lawmakers know our positions on these matters.

Without further business or comments, Chair Hodgkin asked for a Motion to Adjourn.

Mr. Joyner made a Motion to Adjourn the meeting and was seconded by Vice-Chair Hewett. ***Unanimous vote; Motion carried.***

Adjournment: 7:41 P.M.

Chair, Sue Hodgkin

Deputy Clerk, Tanya Shannon

STAFF REPORT

ZONING TEXT AMENDMENT APPLICATION

SECTION 3.19 SIGNS

APPLICATION SUMMARY	
Presentation Date	May 18, 2023 Planning and Zoning Board
Applicant	Haven 307, LLC
Relevant Ordinance Sections	Section 3.19 Signs

ZONING TEXT AMENDMENT PROPOSAL
Haven 307, LLC, applicant, respectfully submits a Zoning Text Amendment to the City of Southport Unified Development Ordinance. Specifically, the request is to amend Section 3.19.H 'ILLUMINATION' to modify the allowable types of illuminated signs. All proposed changes, including additions and deletions, can be found as an attachment to this report and may also be viewed in the City of Southport Development Services Department offices.

REVIEW PROCESS
A Zoning Text Amendment proposal is considered a legislative process. As laid out by North Carolina General Statutes, a legislative process is a policy-level decision with broad discretion by the decision-making authority, in Southport's case the Board of Aldermen. In a decision to approve or deny a legislative proposal, the Board of Aldermen shall include a statement referencing the decisions consistency with the adopted land use plan for the City of Southport. Per the City of Southport Unified Development Ordinance, the Planning and Zoning Board shall also provide a recommendation on any proposed Zoning Text Amendment to the Board of Aldermen. The Board of Aldermen shall hold a public hearing prior to voting on any Zoning Text Amendment.

Section 2.10 of the UDO outlines the procedure that allows any party to apply for a text change to the UDO or zoning district change for the city's zoning map. The Planning Board shall provide an advisory recommendation within 90 days after the introduction of such petition at a regularly scheduled meeting and shall transmit its recommendation and report, including the reasons for its determinations, to the Board of Aldermen. This petition was introduced to the Planning Board on April 20, 2023.

AMENDMENT DESCRIPTION

The applicant, Haven 307, LLC has requested this amendment to receive sign permit final approval for a backlit sign that is not currently permitted. Below is the sign illuminated. The City and the property owner have signed a letter of agreement that allows the illumination of the sign until the UDO amendment can be processed.



The amendment to this section would allow backlit and halo signs. Currently, Section 3.19.H.1.c) states that illuminated signs are limited to those lit internally with glass or plastic faces bearing the advertisement and diffuse direct rays of the light source to prevent any direct line of sight with the light source.

Backlit and halo signs can be described as text and shapes cut into overlaid surface that shines light from the reverse of the overlay. The illumination creates a glow around the overlaid surfaces. Some other examples are shown below.





Specifically, the applicant has requested the following considerations to this Zoning Text Amendment to provide for modifications to the City’s adopted sign regulations. The request includes one of two (2) options:

1. Adding an OR where currently there is an AND in Section 3.19.H.1.c)
2. Add an additional section to the ordinance that specifically allows backlit and halo lighting that meets all requirements of the UDO.

Draft language for each option are included as an attachment to this staff report

EVALUATION AND CONTEXT

Unified Development Ordinance Compliance

Zoning Text Amendments, like General Use Zoning Map Amendments (Rezoning), follow the process laid out in Section 2.10 of the City of Southport Unified Development Ordinance. Pursuant to this section, the Planning Board shall advise and comment on whether the proposed text or zoning map amendment is consistent with the comprehensive plan or any other official

adopted plans that are applicable. The Board of Aldermen shall, in their final decision-making capacity, base their decision upon the same.

2014 CAMA Core Land Use Plan Compliance

Explicit references to specific sign regulations or other commercial design aspects are not present within the document. The plan references updating the UDO and other documents to meet the needs of the residents of the city. Further, the following Goal and Policy supports consistency with the proposed text amendment and the land use plan.

Goal 7: Southport will integrate local concerns with the overall goals of CAMA in the context of land use planning and in accordance with Southport's Vision and Core Values, Southport will endeavor to preserve the city's historic character, protect the city's shoreline vista, continue to support a vibrant Central Business District, preserve the city's residential areas and protect the city's Areas of Environmental Concern (AEC's).

Policy 7.9: The City will encourage development that supports its Vision and Core Values, will protect its resources, preserve its atmosphere, and simultaneously promote industrial and retail growth.

STAFF'S RECOMMENDATION

City Planning Staff submit the proposed Zoning Text Amendment to the Planning Board for their consideration of which option to send to the Board of Aldermen with a recommendation of approval. The proposal appears to be consistent with the 2014 CAMA Core Land Use Plan, specifically regarding preservation of the character and atmosphere of the city while promoting retail growth, as well as remaining consistent with the Unified Development Ordinance.

Attachments

Proposed Text Amendment Language
Consistency Statement
Text Amendment Application

Option 1: change the existing language from an 'and' statement to an 'or' statement

H. ILLUMINATION

1. Where illuminated signs are permitted, they shall conform to the following requirements:
 - a) All signs illuminated under the provisions of this section shall be constructed to meet the requirements of the National Electrical Code.
 - b) Signs which contain, include, or are lighted by any flashing, intermittent, or moving lights are prohibited, except Electronic Message Center signs.
 - c) Illuminated signs shall be limited to those lighted internally with glass or plastic faces bearing the advertisements ~~and~~ or diffusing the direct rays of the light source to prevent any direct line of sight with said light source.
 - d) Neon, argon, or other gas tube lighting or signage shall be prohibited on the external walls of all structures. Neon, argon, or other gas tube logo signs placed inside the building and not exceeding 25% of the window area or 32 square feet whichever is less shall be permitted.
 - e) Flood and display lighting shall be shielded so as to prevent direct rays of light from being cast into a residential area or district and/or on a public right-of-way from any direction. Such lighting shall also be shielded so as to prevent view of the light source from a residence or residential district and/or vehicles approaching on a public right-of-way from any direction. In addition, no sign shall permit light to emit upwards towards the sky.
 - f) Flame as a source of lighting is prohibited.
 - g) The light source color temperature for outdoor lighting shall not exceed 3,000 degrees Kelvin.

Option 2: add a new section specifically allowing backlit and halo lighting

H. ILLUMINATION

1. Where illuminated signs are permitted, they shall conform to the following requirements:
 - a) All signs illuminated under the provisions of this section shall be constructed to meet the requirements of the National Electrical Code.
 - b) Signs which contain, include, or are lighted by any flashing, intermittent, or moving lights are prohibited, except Electronic Message Center signs.
 - c) Illuminated signs shall be limited to those lighted internally with glass or plastic faces bearing the advertisements and diffusing the direct rays of the light source to prevent any direct line of sight with said light source.
 - d) Backlit and halo lighting that otherwise meet the provisions of Section 3.19 of this ordinance are allowed.
 - ~~d)~~ e) Neon, argon, or other gas tube lighting or signage shall be prohibited on the external walls of all structures. Neon, argon, or other gas tube logo signs placed inside the building and not exceeding 25% of the window area or 32 square feet whichever is less shall be permitted.
 - ~~e)~~ f) Flood and display lighting shall be shielded so as to prevent direct rays of light from being cast into a residential area or district and/or on a public right-of-way from any direction. Such lighting shall also be shielded so as to prevent view of the light source from a residence or residential district and/or vehicles approaching on a public right-of-way from any direction. In addition, no sign shall permit light to emit upwards towards the sky.
 - ~~f)~~ g) Flame as a source of lighting is prohibited.
 - ~~g)~~ h) The light source color temperature for outdoor lighting shall not exceed 3,000 degrees Kelvin.



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

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

AMENDMENT: ZTA 23-02

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby recommends adoption of the proposed text amendment of the Unified Development Ordinance to the Board of Aldermen and finds that it is consistent with the City's 2015 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the Southport Board of Aldermen. More specifically, the proposed amendment is consistent with Policy 7.9: The City will encourage development that supports its Vision and Core Values, will protect its resources, preserve its atmosphere, and simultaneously promote industrial and retail growth and recommended action 2.5 A The City will continually monitor the need for possible revisions to the UDO. Further, the Planning Board finds that the proposed text amendment is reasonable and in the public interest as it would allow increased commercial services to the residents of Southport while not jeopardizing the historic character of the Business and Central Business districts.

The statement and motion was seconded and passed _____.

Tanya Shannon, Deputy City Clerk

Sue Hodgins, Chairman

Text Amendment

City of Southport, North Carolina



1029 N. Howe St, Southport NC 28461
www.southportnc.org

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

For Staff Use Only

PERMIT No. RJA

FEE: \$ 100

Date Received: 3/3/23

Applicant's Name: Haven 307 LLC (Bev Hammond/David Truglio)

Mailing Address: P O Box 10852 City: Southport

State: NC Zip Code: 28461 Phone: 860.202.9301 860.729.8276

Email: hammondkids@yahoo.com

Property Owner's Name: Haven 307 LLC

Address of Owner: 506 W Owens St City: Southport

State: NC Zip Code: 28461 Phone: 860.202.9301 860.729.8276

Email: hammondkids@yahoo.com

Current Section Impacted by Proposed Text Amendment: Section 3.19.H.1.c

On the next page, please describe the conditions that makes the proposed text amendment necessary to the * promotion of the public health, safety and general welfare, or that identifies an obvious error in the UDO. Also include an explanation on why the proposed text amendment is or is not consistent with the Land Use Plan and other adopted plans (Attach separate sheet if necessary).

Section 3.19.H.1.c language reads: "Illuminated signs shall be limited to those lighted internally with glass or plastic faces bearing the advertisements and diffusing the direct rays of the light source to prevent any direct line of sight with said light source".

It is unfortunate the folks writing the ordinance got very restrictive and did not opt for the foresight to plan for a variety of sign options that would still remain within their definition of acceptable, and chose (as Mo pointed out) to use the word "and" instead of "or". That is not a criticism as we're sure the best interests of the City were in mind while creating all ordinances, but the UDO is a living document that needs to stay relevant by having tweaks made to existing ordinances as the need arises.

We are questing the language either we changed to make this an "or" statement, or a sentence be tacked on to indicate every sign permit request will be evaluated on its own merits and location, size, lumens/Kelvin will all be taken into account. Do you really want a city full of signs that all look the same? That goes against the character of Southport. That said, there definitely needs to be thoughtfully crafted structure to sign ordinance language.

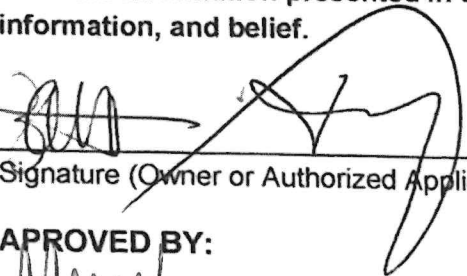
We have designed (and were permitted) an aesthetically pleasing and appropriately lit sign. While technically it is a halo lit sign by definition, it is NOT glaring or giving off tons of bright light. The LED lights to be used fall within the acceptable limits and they are illuminating the back of the sign to give it a subtle glow. It could be easily argued that back lit signs are more of a nuisance and give off a far less pleasing light.

Please advise what other information you might need to make this change to the ordinance and thus allow us and others the potential for innovative, unique, yet still completely in line with the vibe of Southport, signs.

Thank you.

David Truglio and Bev Hammond

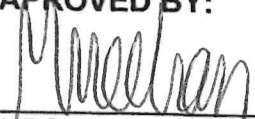
In filing this Rezoning Petition, I hereby certify that I am authorized to submit this application and that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.



Signature (Owner or Authorized Applicant)

3/2/23
Date

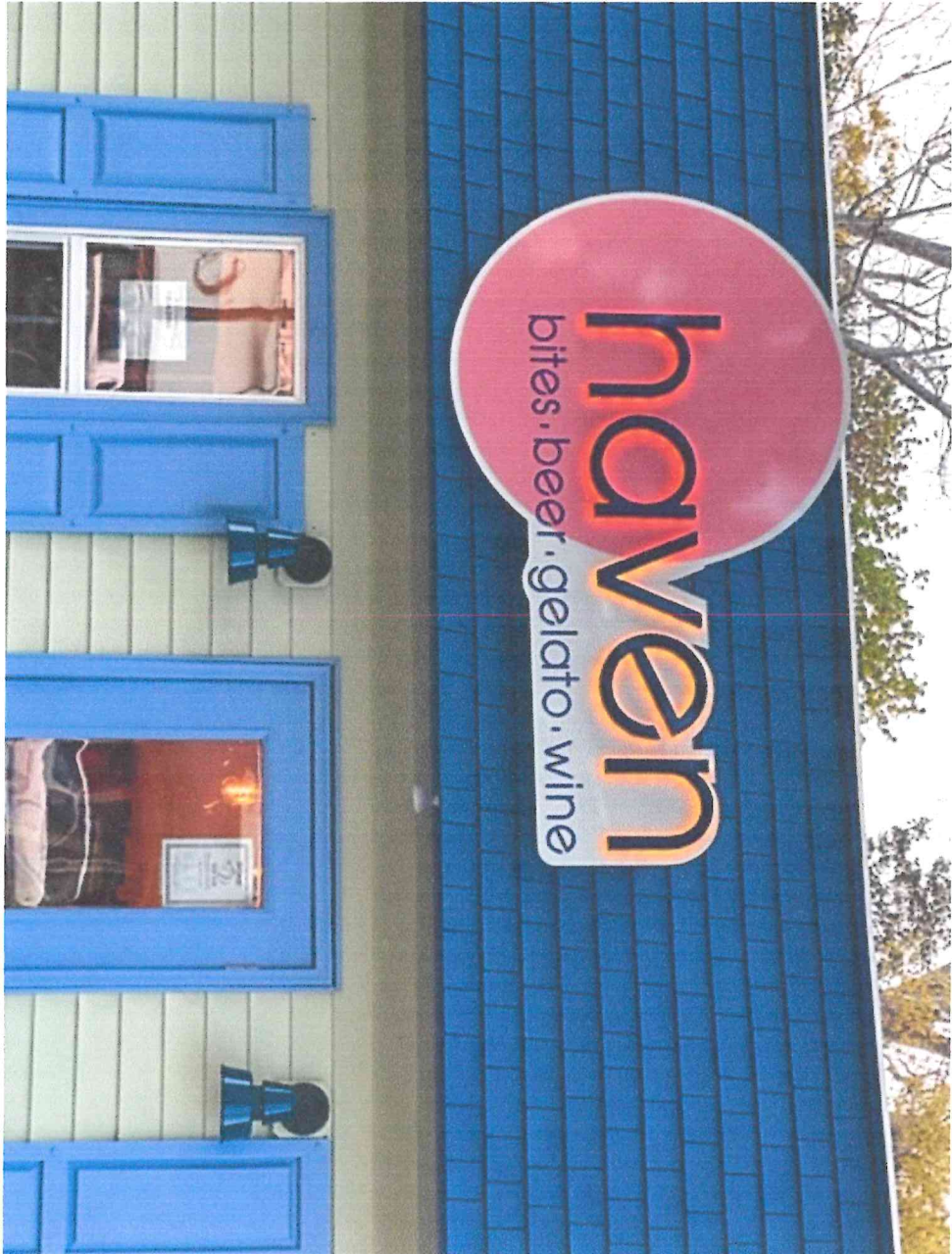
APPROVED BY:



UDO Administrator

3/3/23

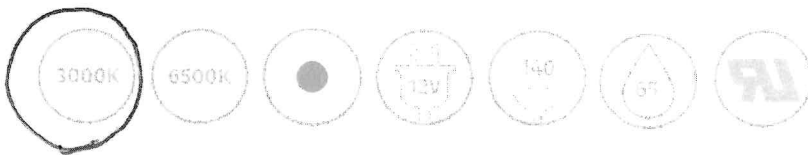
Date





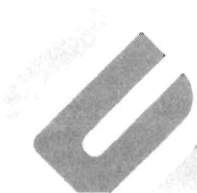
Panoramic 1D Series

Everylite Datasheet Ver 3.0.1
Revision Date 07/2022



Features

- Panoramic Series 1-diode LED module, this miniature version can be used for all your small signage applications
- You can combine it with our new generation Panoramic Series 2D and 3D modules to reach any possible corner or angle while maintaining perfect color consistency
- Preinstalled double sided tape for a quick layout
- Incredible 140 degree beam angle means better coverage and no hot spots
- 2835 surface mount LED with a high luminous efficacy
- Perfect color consistency with in-house color binning
- 50,000 hours rated lifetime
- UL, CE and RoHS



Panoramic 1D Parameters

Item #	Color	Peak Wave Length	module/ft	Lm/module	Lm/ft	Lm/W	W/module	W/ft	Input Voltage	Viewing Angle	Waterproof
PA-1D-W3CL	Warm White	3000K	4	28	112	86	0.36	1.44	12	140°	IP65
PA-1D-W6CL	Pure White	6500K	4	25	100	85	0.36	1.44	12	140°	IP65
PA-1D-RXCL	Red	620-625nm	4	12	48	33	0.36	1.44	12	140°	IP65

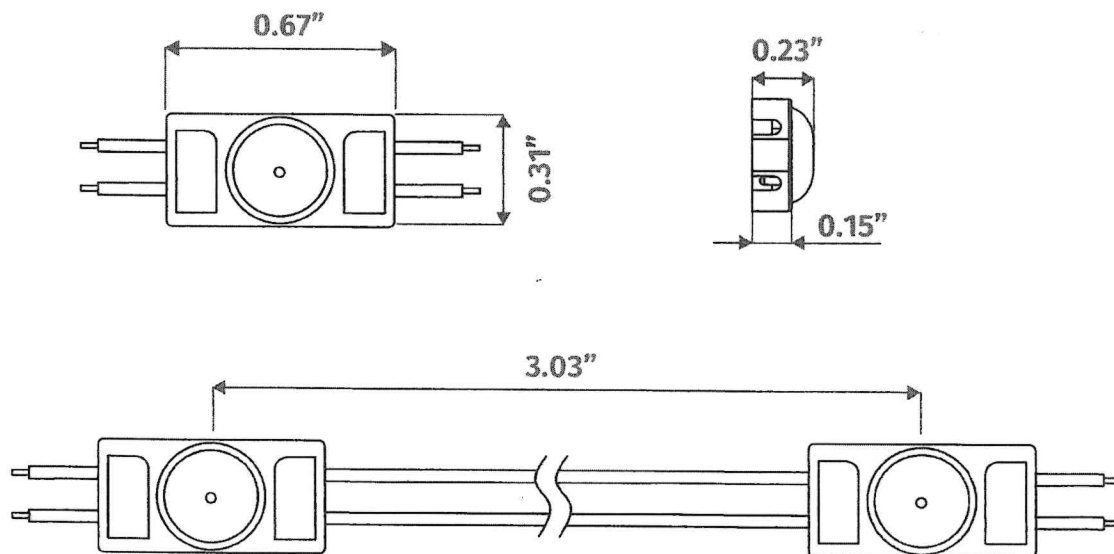
Power Supply Maximum Loading Capacity*

0.36 Watt LED

Power Supply	20W	60W	100W	150W	240W
By Module	50 mods	150 mods	250 mods	375 mods	600 mods
By Footage	12.5 ft	37.5 ft	62.5 ft	93.75 ft	150 ft

*Due to voltage drop, a maximum of 25 modules can be run before power needs to be reintroduced into the line of modules.

Drawing





Maureen Meehan

From: Hammond Kids <hammondkids@yahoo.com>
Sent: Wednesday, March 15, 2023 2:09 PM
To: Maureen Meehan
Cc: Travis Henley; David Truglio
Subject: Re: 307 N Howe St- sign permit

Hi Mo,

Thanks for your reply.

The misunderstanding of "halo" and "backlit" seems to be what created the unfortunately worded ordinance, so it's good that the City is revisiting and revising those definitions. Thanks for initiating that.

"Halo" is defined as "individually mounted opaque raised letters or symbols incorporating a back- lit, recessed light source behind mounted elements so that light source is not directly visible." There is little correlation between light output and halo lighting- it can range from very subtle to very bright, it is simply a modality and the City folks who wrote the ordinance a while back seem to have the notion that anything backlit is unpleasantly bright and obnoxious.

A quick google search will provide a plethora of information confirming that backlit/halo signs provide a "more refined look" (quantumsigncorp.com) and are often chosen "because they have a more distinguished look and can be lit with a lot more control than any lightbox design" (davessigns.com) For those reasons alone, the City is right to take a step back and reconsider both the goal and wording of the ordinance. We're aligned with you in hoping for an ordinance that limits bright, gaudy signs- we went the opposite direction in designing and we are being held up on a technicality that is hopefully worked out soon. In reality, backlit signs are often more diffused and subtle than front lit signs. We see signs downtown that we personally find unpleasantly bright and out of character with the charm of Southport- that is not what we designed or would want at Haven. The whole vibe of Haven is intended to be a warm and relaxed place to sit for a spell and enjoy a beverage or some bocce.

You requested some examples and I've attached those below. If the proper lighting is used, the sign is not bright or obnoxious- it's a very diffused and gentle warm glow.

Hope this is helpful. Please let me know what the next steps are, we are happy to share this information with the Alderman if you'd like. Their motivation to place controls on commercial signage and exterior lights is commendable (and needed) but it should not be so restrictive that creativity is forsaken.

Thanks for your help in this matter, we do appreciate your responsiveness and assistance.

Bev Hammond and David Truglio

STAFF REPORT – ZTA 23-01

ZONING TEXT AMENDMENT APPLICATION

CONDITIONAL ZONING & APPENDIX A

APPLICATION SUMMARY	
Presentation Date	May 18, 2023 Planning and Zoning Board
Applicant	City of Southport Planning Staff
Relevant Ordinance Sections	Section 2.11 ‘Conditional Rezoning’ & Appendix A

ZONING TEXT AMENDMENT PROPOSAL
City of Southport Planning Staff, applicant, respectfully submits a Zoning Text Amendment to the City of Southport Unified Development Ordinance for the purposes of discussion. Specifically, the request is to amend Section 2.11 ‘Conditional Rezoning’ to modify the types of projects allowable under a Conditional Rezoning, process improvements in general and in relation to the aforementioned modifications, a reconstruction of Appendix A, and other amendments for the purposes of clarification. All proposed changes, including additions and deletions, can be found as an attachment to this report and may also be viewed in the City of Southport Development Services Department offices.

REVIEW PROCESS

A Zoning Text Amendment proposal is considered a legislative process. As laid out by North Carolina General Statutes, a legislative process is a policy-level decision with broad discretion by the decision-making authority, in Southport’s case the Board of Aldermen. In a decision to approve or deny a legislative proposal, the Board of Aldermen shall include a statement referencing the decisions consistency with the adopted land use plan for the City of Southport. Per the City of Southport Unified Development Ordinance, the Planning and Zoning Board shall also provide a recommendation on any proposed Zoning Text Amendment to the Board of Aldermen. The Board of Aldermen shall hold a public hearing prior to voting on any Zoning Text Amendment.

AMENDMENT DESCRIPTION

City of Southport Planning Staff is submitting this Zoning Text Amendment to provide for modifications to the City's already adopted Conditional Rezoning process. Key features of the request include:

1. An expansion of the allowable proposals that made be submitted via Conditional Rezoning, including an expansion in the uses allowable within the project, the zoning districts from which a Conditional Rezoning can originate, and an allowance of a purely custom conditional zoning district, as opposed to a conditional zoning district tied to one of the City's existing zoning districts;
2. General process improvements and process improvements proposed in light of the amendments referenced above and for the purposes of ensuring process consistency across any submittal of this type and further increasing the role the public plays in the process;
3. A reconstruction of Appendix A, in light of the amendments referenced above and also based on experience in reviewing recent projects; and
4. Other amendments for the purposes of clarification.

The following sections of this report break down the proposed changes line-by-line, with additional context provided where appropriate and necessary. **Note that in the attached draft language, updates following the April 20th, 2023 Planning Board meeting are italicized.**

2.11.A Purpose

Planning Staff propose no changes to Section 2.11.A, which discusses the purpose of a Conditional Rezoning and Conditional Zoning District. However, it is important to note that a Conditional Rezoning is primarily designed for projects that have a high certainty of being constructed should approval be granted, as well as noting that a Conditional Rezoning process follows the same review and approval procedures as a traditional or General Use Rezoning.

2.11.B Application and Conditional Zoning Review Procedure

Planning Staff propose numerous amendments within Section 2.11.B. The first proposed amendment is a clarification that a Master Development Plan is required to be submitted in conjunction with a Conditional Rezoning proposal, as opposed to in conjunction with a Zoning Map Amendment request. A Conditional Rezoning is a Zoning Map Amendment request itself, thus requiring a separate Zoning Map Amendment in conjunction is redundant and therefore not necessary. Further, the language is proposed to be amended to require the submission of a narrative providing an overview of the project including any proposed uses, dimensional standards, self-imposed development standards or conditions, and so on. Importantly, this section also references the flexibility afforded to conditional rezonings in terms of increasing or reducing development standards, and explicitly requires that any deviations be specifically addressed in the submitted narrative.

The next section of proposed language removes the language that requires a coupling of a Conditional Rezoning proposal to an existing traditional zoning district. This proposal is made in order to increase the amount of flexibility allowable within the process, a process already established under the Planned Unit Development (PUD) guidelines. This language does not prohibit the coupling of a Conditional Rezoning proposal to an existing zoning district, it only removes it as a requirement. This is reinforced by proposed language in Section 2.11.B.3, which states that dimensional requirements of the zoning district currently designated on a subject property have no bearing on the dimensional standards an applicant for a conditional rezoning could propose but may be considered by the various reviewing entities if the specifics of the case require it.

A Conditional Rezoning proposal can and often are very similar to projects that under the current Ordinance would be submitted via the Planned Unit Development (PUD) process. Proposed language in Section 2.11.B.2 includes a requirement that all conditional rezonings outside areas currently zoned BD or CBD that include residential uses shall designate no less than 20% of the tract as protected open space in accordance with Section 4.14.C.1.b. Among the possibilities afforded by the conditional rezoning process is the ability for projects to exceed that 20% requirement by some margin, further aided by the additional flexibility elsewhere.

Per feedback received from the Planning Board, the attached language has been updated to include rising open space thresholds as proposed residential units within a conditional rezoning increase. Specifically, for every 250 units included within a Conditional Rezoning, the required open space designation increases by 5%. This continues to rise for every 250 units up to 1,500, at which point any project larger than 1,500 residential units shall be required to designate at least 50% of the site as open space meeting the definition Section 4.14.C.1.b in order to obtain a Conditional Rezoning.

Additionally, based on feedback received from the Planning Board, additional language has been added to tie the maximum height that may be designated in any conditional rezoning request to the maximum height of the current zoning designation for the property. For example, if someone requested a conditional rezoning from the BD zoning district, the maximum height of 30' would apply to the requested conditional rezoning regardless of the other specifics of the conditional rezoning request.

Staff also propose additional clarifications as to the form and function of potential conditional rezoning applications, including:

- 1) An explicit statement that density and proposed uses within a conditional rezoning proposal shall be reviewed for consistency with any and all adopted plans;
- 2) An explicit statement that a conditional rezoning proposal shall speak to any use standards applicable within the Ordinance and that those use standards may be used in the evaluation of a proposal that includes such use; and

- 3) A requirement that any conditional rezoning application originating from a residential district contain at least five contiguous acres, on one or multiple parcels. Non-contiguous acreage may be added to a request if the initial five-acre requirement is otherwise met. This section was subsequently updated to add clarification with regard to property owner consent to a conditional rezoning request, as well as a reservation to review non-contiguous acreage for its relationship to the overall project. Note that both the property owner consent requirement and ability to review in this context already exist, they are solely listed in the draft text for clarity.

Throughout the remainder of Section 2.11.B, there are various procedural changes that clarify the discretion available to the Unified Development Ordinance Administrator (Planning Staff), as well as requiring a meeting of the Technical Review Committee to review a Conditional Rezoning proposal prior to the proposal being presented to the Planning Board and/or Board of Aldermen. The most significant change within the remainder of this section is the inclusion of a required public hearing at the Planning Board level, in addition to the public hearing at the Aldermen level. Current ordinance language gives the Planning Board the discretion to call a public hearing or not – the proposed amendment would make the public hearing automatic, and also includes the full range of public notice requirements applicable to rezoning public hearings.

Commentary: The amendments referenced above are solely designed to broaden the types and features of proposals that can be submitted by applicants. It is in no way designed to increase the number of projects that are submitted or approved, nor does it guarantee projects that come forward in this manner an approval. Conditional Rezoning is the most intense form of development review that exists under North Carolina General Statutes, provide the greatest opportunity for discretion to be utilized by the City of Southport, and provide the most effective and impactful methods for members of the public to participate in the development process. Regardless of whether the proposed Zoning Text Amendment is approved or not, Conditional Rezoning will receive the same level of review by City Staff under the same review criteria.

2.11.C Public Input Meeting

Following feedback received from the Planning Board, the proposed language maintains the requirement that the public input meeting shall be held, and the report from such meeting filed with the UDO Administrator, prior to the case being scheduled for a public hearing. This will require that the report shall be filed at such time to ensure that public notice for the Planning Board's public hearing can be provided. Failure to provide that report in the appropriate timeline shall result in the application being withheld from the Planning Board's agenda.

Furthermore, the proposed draft language requires the public notice sent by the applicant advising of the public input meeting to also be provided to the City Clerk and UDO Administrator.

2.11.D Conditions to Approval of Petition

The requested amendments in Section 2.11.D are primarily aimed toward providing clarity in existing processes. In Section 2.11.D.1, it makes clear that the UDO Administrator may make

recommendations on potential conditions in addition to the Planning Board. Further amendments include rewriting the timeline for an applicant to respond to conditions and clarification that such response shall occur in writing, regardless of the nature of the response, so that such response can be included within the agenda packet for consideration by the Board of Aldermen. Finally, included at the conclusion of this section is an additional statement clarifying that modifications to conditions of approval shall require the entire conditional rezoning process to begin again.

2.11.E Effect of Approval

Within this section, amendments are also aimed toward increasing clarity. The most significant change is in reference to how Conditional Zoning districts are designated on the City's official zoning map, providing a naming scheme for custom Conditional Zoning districts that do not have a corresponding traditional zoning district. For the purposes of added clarity, additional language is also included that reinforces the fact that a Conditional Rezoning approval is not an approval to begin construction, and that any relevant site plan review process (Major Site Plan, Preliminary Plat, etc.) must also occur prior to any construction beginning on the site.

2.11.F Review of Approval of a Conditional Zoning District

Conditional Zoning, and the districts that result from this process, are designed primarily for projects that have a high degree of certainty of being constructed should they receive approval, as laid out within the purpose statement of Section 2.11. To this end, the existing Unified Development Ordinance provides a mechanism by which the Planning Board shall review conditional zoning approvals and make recommendations as to potential avenues to rezone properties out of the conditional zoning district they possess if conditions and/or timelines aren't being met. The only requested change to this section is to provide clarity that the UDO Administrator shall provide this information to the Planning Board at least once every 12 months (generally as part of an annual report) as well as upon request by the Planning Board.

Appendix A

Currently, Appendix A exists as a table, with rows representing various requirements for information to be displayed on site plan documents, and columns representing various case types and the applicability of each piece of information to each case type. Given the amendments discussed above, Appendix A already requires an update just in the context of conditional rezonings. However, due to Staff experience and feedback from the Planning Board and applicants broadly, Staff propose eliminating the table and giving each case type its own section of Appendix A, which will aid in ensuring that it is abundantly clear which requirements apply to which case types and aid in the creation of checklists.

Included within the draft Ordinance language is a reconstructed Appendix A, which references six case types: Master Development Plans/PUDs, Conditional Rezonings, Minor Site Plans, Major Site Plans, Subdivision Preliminary Plats, and Subdivision Final Plats. Proposed amendments to the specific language within Appendix A include the allowance of approximation for some information within a Conditional Rezoning (more closely mirroring existing PUD requirements)

and an explicit requirement on traffic generation figures being included in a site plan and references to the City's Traffic Impact Study requirement as laid out in Section 3.13.

EVALUATION AND CONTEXT

Unified Development Ordinance Compliance

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

2014 CAMA Core Land Use Plan Compliance

It is important to note that when the 2014 CAMA Core Land Use Plan was adopted, Conditional Zoning had only very recently been made available as a tool for local governments to use within North Carolina General Statutes as a mechanism for rezoning and development review. As such, explicit references to conditional zoning are not present within the document and the plan references the General Use Rezoning process as the only rezoning process available.

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

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

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

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

Principle 2 - Full Use of Urban Services: The same frugality of land development supports efficient use of public and private infrastructure. Smart development means creating neighborhoods where more people will use existing services like water lines and sewers,

roads, emergency services, and schools. Inefficient land use, whether within or outside urban areas, places a financial strain on communities trying to provide for the construction and maintenance of infrastructure needs.

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

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

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

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

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

Principle 6 - Implementation: Southport's ability to adopt smart development principles will depend on the ability and willingness of developers to apply the principles. Frustrating, costly, and time-consuming delays due, in part, to inflexible standards, regulations, and processes will discourage innovative approaches to development and

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

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

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

As Conditional Rezoning requests come forward, they are evaluated for their consistency with the future land use map and the goals, objectives, and policies within the CAMA Core Land Use Plan. A non-exhaustive list of policies that may be relevant in the review of a hypothetical conditional rezoning from a use perspective include the following:

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

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

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

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

Policy 2.9: Southport supports utilizing Office/Institutional/Multi-family development as a buffer between light industrial and commercial development and adjacent residential land uses.

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

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

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

Based on the above information, Staff finds the Zoning Text Amendment request outlined in this report to be consistent generally with the 2014 Southport CAMA Core Land Use Plan due to the types of development made possible by Conditional Zoning being consistent with many stated objectives within the Plan, the specific inclusion of the public at large within the development process, as well as the requirement that any proposal undergoing the Conditional Rezoning process be evaluated for its consistency with this plan and all other adopted plans, coupled with the statutorily-required consistency statements that must accompany all rezoning requests. Further, Conditional Zoning allows the Board greater flexibility in promoting economic efficiency, optimizing resources, and preserving wetlands, wildlife habitat, and other environmentally sensitive areas.

STAFF'S RECOMMENDATION

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

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

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

Amendment: ZTA-22-01

Statement of Consistency and Recommendation:

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

Sue Hodgin, Chair
Planning & Zoning Board
City of Southport, NC

Tanya Shannon, Clerk
Planning & Zoning Board
City of Southport, NC

2.11 CONDITIONAL REZONING

A. PURPOSE

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

B. APPLICATION AND CONDITIONAL ZONING REVIEW PROCEDURE

1. The application for a conditional rezoning shall be accompanied by a master development plan. The procedure for such shall be followed as outlined in Sections 2.9 and 2.10. The approved master development plan shall provide the framework for development in the conditional zoning district. All applications must include a master development plan, a narrative that includes but is not limited to supporting information and text which specifies the use or uses intended for the property and provides an overview of the project, dimensional standards, and any development standards to be approved concurrently with the rezoning application. Development standards include but are not limited to such things as parking, landscaping, design guidelines, and buffers. Such development standards may exceed or reduce the requirements of the Unified Development Ordinance and shall be explicitly discussed in the submitted narrative.
 - a) A conditional rezoning shall not permit deviations from generally applicable standards, including: Traffic Impact Study thresholds, stormwater requirements, open space, HOA requirements, and water/wastewater requirements; except that any of these requirements may be increased or strengthened.
2. Conditional Rezoning proposals originating from all districts other than CBD and BD which include residential uses shall designate no less than 20% of the total rezoning acreage as open space in accordance with Section 4.14.C.1.b.
 - a) *For every 250 units proposed, an additional 5% of the total rezoning acreage shall be designated as open space in accordance with Section 4.14.C.1.b, up to a maximum requirement of 50% open space provision when more than 1,500 residential units are proposed.*
3. No conditional zoning proposals shall be considered within the Open Space zoning district.
4. *Dimensional standards within the proposed Conditional Zoning District shall be designated by the applicant.*
 - a) *Maximum height shall be no greater than the maximum height for the current zoning district for the subject property.*

- b) Other dimensional standards within the currently designated zoning district for the subject property shall not influence proposed dimensional standards but may be considered in the review of applications on a case-by-case basis.*
5. Density and proposed uses within a conditional zoning district shall be reviewed for conformance with any and all relevant adopted plans.
6. When a Conditional Rezoning proposal includes uses with specific standards, the application shall denote whether those standards are included in the proposal. The generally applicable use standards may be considered in the review of a Conditional Rezoning proposal that includes that use.
7. *Conditional Rezoning requests originating from a residential zoning district and from the PUD zoning district shall not be considered unless containing at least five (5) acres.*
- a) Such minimum acreage must be contiguous and may be contained within one or multiple parcels so long as all property owners consent to the rezoning request.*
- b) Other non-contiguous parcels may be added to a Conditional Rezoning application so long as the minimum contiguous acreage requirement is otherwise met. Non-contiguous areas included in the request will be reviewed for their relationship to the primary rezoning area.*
8. An application for conditional zoning approval shall be accompanied by 12 hard copies and one (1) digital copy of a conditional zoning master development plan. Additional copies may be requested by the UDO Administrator at their discretion.
9. 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.
10. The UDO Administrator or his/her designee will review the conditional zoning master development plan and shall require a Technical Review Procedure. The Technical Review Committee may include, but not necessarily be limited to, the following individuals/departments: UDO Administrator, building inspector, city manager, Fire department, Police Department, NC Division of Coastal Management, NC Department of Environmental Quality, North Carolina Department of Transportation, Brunswick County Utilities, or Brunswick County Environmental Health.
11. The UDO Administrator shall, in writing, provide a recommendation to the Planning Board within 90 days following receipt of the complete application for a conditional zoning district proposal and associated master development plan. The UDO Administrator shall have discretion to withhold a proposal from Planning Board consideration if additional information on the proposal is deemed necessary and is not provided prior to advertising deadlines for the public hearing.

12. In accordance with Section 2.10.A.3, the Planning Board shall hold a public hearing prior to providing a recommendation, and may recommend to approve, conditionally approve, or deny the Conditional Rezoning.
13. Following receipt of recommendation from the Planning Board, the Board of Aldermen shall approve, conditionally approve, or deny the conditional rezoning.
14. 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.
15. The Board of Aldermen may not vote to rezone property to a conditional zoning district during the time period beginning on the date of a municipal general election and concluding on the date immediately following the date on which the Board of Aldermen holds its organizational meeting following a municipal general election unless no person spoke against the rezoning at the public hearing.

C. PUBLIC INPUT MEETING

1. 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. If the report is not filed at a time sufficient for the project to receive proper notice in accordance with public hearing requirements, the case shall be placed on the next available agenda.
2. The report for the public hearing will include a summary of the public input meeting.
3. The applicant shall mail a notice for the public input meeting to the owners of all properties located within 500 feet of the perimeter of the project bounds not less than 10 days prior to the scheduled meeting.
 - a) This notice shall also be provided digitally to the City Clerk and UDO Administrator not less than 10 days prior to the scheduled meeting.
4. The notice shall include the time, date, and location of the meeting as well as a description of the proposal.
5. The applicant's report of the meeting shall include:
 - a) A copy of the letter announcing the meeting
 - b) A list of adjoining property owners contacted
 - c) An attendance roster
 - d) A summary of the issues discussed
 - e) The results of the meeting including changes to the project's proposal, if any.

D. CONDITIONS TO APPROVAL OF PETITION

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

E. EFFECT OF APPROVAL

1. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the conditional zoning district,' the approved master development plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the zoning maps.
2. Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning maps by the appropriate district designation. A parallel conditional zoning shall be identified by the same designation as the underlying general district followed by the letters "CZ" and the number of its instance (for example "CBD-CZ1"). In the case of a conditional zoning district without a reference to an existing zoning district, the district shall be identified by the letters "CZ" and the number of its instance (for example, "CZ-3."
3. The master development plan does not substitute for an approved minor site plan, site plan, or subdivision plat as required by this ordinance. Such cases shall follow the Ordinance defined process for the relevant case type, including any presentation for approval to the Planning Board and/or Board of Aldermen in accordance with the applicable sections of this Ordinance. Such case types may be submitted as part of the Conditional Rezoning application and may be reviewed concurrently at the discretion of the applicant.
4. No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and applicable site plan, subdivision plat, and or permit for the district.
5. Any violation of the approved regulations and conditions for the district shall be treated the same as any other violation of this ordinance and shall be subject to the same remedies and penalties as any such violation.

F. REVIEW OF APPROVAL OF A CONDITIONAL ZONING DISTRICT

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

Appendix A: Submission Requirements

A. Submission Requirements

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

B. Master Development Plan

1. General Project Information

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

2. Land Use

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

3. Traffic, Parking, Movement

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

4. Environmental Standards

- a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
- b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
- c) Location and description of environmental features such as wooded areas, marshes,

swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.

5. Landscaping & Tree Preservation

- a) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.

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

C. Conditional Rezoning

1. General Project Information

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

2. Land Use

- a) **Approximate** location, dimensions, density, and description of proposed land use(s) on each tract or parcel, including single-family residential, multi-family residential, commercial, office, institutional, industrial, and recreational. Recreational uses shall specify type and future ownership.
- b) **Approximate** location and dimensions of existing and proposed buildings or structures on the site and all adjacent tracts, including existing buildings or structures to be removed. Total number of stories of all multi-story buildings and height of all buildings must be indicated.
- c) **Proposed dimensional standards.**
- d) **Proposed development standards.**
- e) **Proposed use standards.**
- f) **Preliminary signage plan.**

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.
- ~~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) Location and dimensions of all trash containers and required screening.~~
- 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) **Approximate** location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.
 - e) **Approximate** 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.

D. Minor Site Plan

- 1. General Project Information
 - a) Proposed or approved name of development, project, subdivision, and/or phase.
 - b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
 - c) Property owner name(s), including mailing address(es) and telephone number(s).
 - d) Name, registration number, and seal of a professional Land Surveyor, Engineer,

Landscape Architect, and/or Architect. (If Applicable).

- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- g) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.
 - i. Only required when prepared by a licensed professional.

2. Land Use

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

3. Traffic, Parking, Movement

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

4. Environmental Standards

- a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
- b) Location and description of CAMA Areas of Environmental Concern, including 404

wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.

- c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
 - d) Existing and proposed topography.
 - e) Location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.
 - f) Location and size of stormwater basins or other comparable stormwater management mechanisms.
5. Landscaping & Tree Preservation
- a) Locations, dimensions, and size of required buffers, street yards, foundation planting, parking facility planting areas.
 - b) Location, species, and size of all regulated and specimen trees as defined by this ordinance.
 - c) Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.
 - d) Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.
 - e) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.
6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

E. Major Site Plan & Special Use Permit

1. General Project Information
- a) Proposed or approved name of development, project, subdivision, and/or phase.
 - b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
 - c) Property owner name(s), including mailing address(es) and telephone number(s).
 - d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
 - e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
 - f) Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.
 - g) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
 - h) Boundaries of any proposed or pending zoning districts on site. Boundaries must be described by bearing and distance where they do not follow described boundaries.
 - i) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions

shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.

2. Land Use

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

3. Traffic, Parking, Movement

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

4. Environmental Standards

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

management mechanisms.

- g) Detailed utility plans, including water, sewer, and stormwater, and showing connections to existing systems or plans for individual water supply systems and sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, gate valves, utility and maintenance easements, and daily estimated sewer flow figures. Type of construction materials and brand of appurtenances may require approval from the City of Southport, Brunswick County Utilities, and/or NCDOT. Plans shall include profiles based on mean sea level datum for gravity sanitary and storm sewers.

- i. NOTE: Detailed plans may be submitted after site plan or preliminary plat are approved and must be approved by the City's Public Services Department prior to construction of improvements or the issuance of building permits or approval of a final plat.

5. Landscaping & Tree Preservation

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

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

F. Preliminary Plat

1. General Project Information

- a) Proposed or approved name of development, project, subdivision, and/or phase.
- b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
- c) Property owner name(s), including mailing address(es) and telephone number(s).
- d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.
- g) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- h) Lots numbered consecutively throughout the subdivision.
- i) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles,

radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.

j) Accurate locations and descriptions of all monuments, markers, and control points.

2. Traffic, Parking, Movement

a) Location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.

b) Location of roads appearing on officially adopted plans.

c) Location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.

d) Total square footage of existing and proposed impervious surfaces.

e) Names, cross sections, approximate grades, and pavement widths of proposed road rights-of-way, including design engineering data for all corners and curves.

f) Type of street dedication, either public or private.

g) Location and dimensions of existing and proposed sidewalks and accessible accessways.

h) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.

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

3. Other Land Use

a) Location and dimensions of all trash containers and required screening.

b) Location and labeling of minimum building setback lines.

c) Signage.

d) Outdoor Lighting Plan.

4. Environmental Standards

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

b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.

c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.

d) Existing and proposed topography.

e) Location, dimensions, and description of all areas to be dedicated to the public or to a property owners association.

f) Location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.

g) Location and size of stormwater basins or other comparable stormwater management mechanisms.

h) Detailed utility plans, including water, sewer, and stormwater, and showing connections to existing systems or plans for individual water supply systems and sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, gate valves, utility and maintenance

easements, and daily estimated sewer flow figures. Type of construction materials and brand of appurtenances may require approval from the City of Southport, Brunswick County Utilities, and/or NCDOT. Plans shall include profiles based on mean sea level datum for gravity sanitary and storm sewers.

- i. NOTE: Detailed plans may be submitted after site plan or preliminary plat are approved and must be approved by the City's Public Services Department prior to construction of improvements or the issuance of building permits or approval of a final plat.

5. Landscaping & Tree Preservation

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

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

7. Required Certifications:

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

G. Final Plat

1. General Project Information

- a) Proposed or approved name of development, project, subdivision, and/or phase.
- b) Developer/applicant name(s), including mailing address(es) and telephone number(s). (If Applicable).
- c) Property owner name(s), including mailing address(es) and telephone number(s).
- d) Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable).
- e) Date of plat/plan preparation and of surveys; North arrow and orientation; Map scale, denoted graphically and numerically.
- f) Tax parcel numbers, owners, zoning classifications, and book and page numbers of the site tract and adjacent tracts.
- g) Exact existing and proposed or pending property boundary lines by bearings and distances and the location of intersecting boundary lines of adjacent lands.
- h) Lots numbered consecutively throughout the subdivision.
- i) Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and

curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.

- j) Accurate locations and descriptions of all monuments, markers, and control points.
 - k) Location and labeling of minimum building setback lines.
2. Traffic, Parking, Movement
- a) Location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
 - b) Location of roads appearing on officially adopted plans.
 - c) Type of street dedication, either public or private.
3. Environmental Standards
- a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
 - b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
 - c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
 - d) Location, dimensions, and description of all areas to be dedicated to the public or to a property owners association.
4. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.
5. Required Certifications:
- a) Certificate of Ownership and Dedication
 - b) Certificate of Survey and Accuracy
 - c) Certification of Board of Aldermen Approval
 - d) Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements
 - e) Certification of Septic and Water Supplies
 - f) Certificate of Disclosure; 404 Wetlands
 - g) Certificate of Disclosure; City of Southport Floodplain Management Regulations
 - h) Acknowledgment of Compliance (Private Developments)
 - i) Certificate of Purpose of Plat
 - j) Certificate of Approval for Recording

PLANNING BOARD MEMBER LIST SPRING 2023

MEMBER	ADDRESS	PHONE NUMBERS	APPOINTED	EXPIRATION	
Sue Hodgins, Chair sue.hodgin@southportnc.org	608 Cottage Point Way	(910) 477-1808	February 10, 2022	3 Yr. February 2025	IN
Will Hewett, Vice-Chair will.hewett@southportnc.org	129 Cape Fear Dr	(910) 520-3291	August 11, 2022	3 Yr. July 2025	IN
Fred Fiss fred.fiss@southportnc.org	216 N. Atlantic Ave	(910) 269-6901	February 10, 2022	3 Yr. August 2023 (completing the term)	IN
Christopher W. Jones chris.jones@southport.nc.org	1008 Dutchman Cove SE	(910) 549-1407	March 12, 2020	3 Yr. March 2023	ETJ ALT
Scott Jones scott.jones@southportnc.org	1001 Pete's Camp Rd	(910) 471-0802	August 14, 2020	3 Yr. August 2023	ETJ
Donnie Joyner donnie.joyner@southportnc.org	635 Jabbertown Rd	(910) 368-7501	August 14, 2020	3 Yr. August 2023	ETJ
Richard Sloan dick.sloan@southport.nc.org	509 E. Moore St	(910) 946-1771	February 10, 2022	3 Yr. February 2025	IN
Roy Pender roy.pender@southportnc.org	102 S. Fodale	(910) 477-6057	April 13, 2023	3 Yr. October 2023	IN
Kevin Locklin kevin.locklin@southportnc.org	209 N. Lord St.	(540) 272-0808	April 13, 2023	3 Yr. April 2026	IN ALT
Travis Henley thenley@cityofsouthport.com	1029 N. Howe St	(910) 269-7212	Staff Director of Development Services		
Mo Meehan mmeehan@cityofsouthport.com	1029 N. Howe St	(910) 457-7900 X 1043	Staff Planner		
Tanya Shannon tshannon@cityofsouthport.com	1029 N. Howe St	(910) 457-7929	Staff Deputy Clerk		
John Allen jallen@cityofsouthport.com	752 Indigo Village Ct	(910) 685-0495	Board of Aldermen Liaison		
Karen Mosteller kmosteller@cityofsouthport.com	310 N. Atlantic Ave	(704) 560-2443	Board of Aldermen Liaison		

2023 PLANNING BOARD ATTENDANCE

MEETING DATE	Jan.	Feb.	Mar. 8 Special	Mar.	Apr.	May	June	July	Aug	Sept	Oct	Nov	Dec	
<u>NAME</u>														Total Absences
Sue Hodgins Chair	P	P	P	P	P									
Will Hewett Vice-Chair	P	P	P	P	P									
Fred Fiss	P	P	P	P	P									
Christopher Jones	P	P	P	P	P									
Scott Jones	P	P	P	P	P									
Donnie Joyner	P	P	A	P	P									2
Dick Sloan	P	P	P	P	P									
Roy Pender					P									
Kevin Locklin					P									
Gustavo E. Mibelli	P	R	R	R	R									

P = Present
A = Absent
R= Resigned

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2023 PLANNING BOARD ATTENDANCE

MEETING DATE	Jan.	Feb.	Mar. 8 Special	Mar.	Apr.	May 3 Special	May	June	July	Aug	Sept	Oct	Nov	Dec	
<u>NAME</u>															Total Absences
Sue Hodgins Chair	P	P	P	P	P	P									
Will Hewett Vice-Chair	P	P	P	P	P	P									
Fred Fiss	P	P	P	P	P	P									
Christopher Jones	P	P	P	P	P	P									
Scott Jones	P	P	P	P	P	P									
Donnie Joyner	P	P	A	P	P	A									2
Dick Sloan	P	P	P	P	P	P									
Roy Pender					P	P									
Kevin Locklin					P	A									1
Gustavo E. Mibelli	P	R	R	R	R	R									

P = Present
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M:\PLBFILES\2023 ATTENDANCE PB.wpd