



CITY OF SOUTHPORT
PLANNING BOARD
REGULAR MEETING AGENDA
Community Building, 223 E. Bay Street
October 19, 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. September 21, 2023
- E. Approval of Agenda**
- F. Public Comment**
- G. Old Business**
 - 1. Text Amendment- Section 3.9.B.5 Setback Exceptions and Encroachments
- H. New Business**
 - 1. Text Amendment-Section 3.12 Driveways
 - 2. Text Amendment-Table 3.1: Table of Uses, Mixed-Use in Highway Commercial Zoning
 - 3. Zoning Map Amendment-558 Jabbertown Road
- I. Other Business**
 - 1. Update on Comprehensive Plan
- J. Announcements**
- K. Member's Information**
 - 1. Member's Roster/ Attendance Record
- L. Adjourn**



**City of Southport
Planning and Zoning Minutes
Community Building 223 E. Bay Street
September 21, 2023
6:00 P.M.**

Members Present: Sue Hodgkin, Will Hewett, Dick Sloan, Fred Fiss, Chris Jones, Roy Pender and Scott Jones.

Members Absent: Donnie Joyner and Kevin Locklin

Staff Present: Mo Meehan, City Planner
Tanya Shannon, Deputy Clerk
ChyAnn Ketchum, Communication Director
Sydney Heil, Community Building Administrator

Board of Aldermen Liaisons: Karen Mosteller and John Allen

- A. Chair Sue Hodgkin called the meeting to order at 6:00 p.m.
- B. Mr. Scott Jones gave the Invocation.
- C. Chair Hodgkin led the Pledge of Allegiance.
- D. Motion to approve the August 17, 2023, Meeting Minutes by Vice-Chair Hewett and second by Mr. Sloan. ***Unanimous vote; Motion carried.***
- E. Motion to approve the Meeting Agenda By Vice-Chair Hewett and second by Mr. Pender. ***Unanimous vote; Motion Carried.***
- F. **Public Comment:** Vice-Chair Hewett made a Motion to open Public Comment and was seconded by Mr. Sloan. ***Unanimous vote; Motion Carried.***

There being no public comments, Chair Hodgkin requested a Motion to close the Public Comment period. A Motion was made by Vice-Chair Hewett to close the Public Comment period and second by Mr. Sloan. ***Unanimous Vote; Motion Carried.***

Vice-Chair Hewett made a Motion to appoint Chris Jones as a voting member in the absence of Mr. Joyner, seconded by Mr. Sloan. ***Unanimous Vote; Motion Carried.***

- G. **Old Business:** None
- H. **New Business: Text Amendment- Section 3.9 setback exceptions and encroachments:** City Planner Meehan explained that the amendment to this section would allow heating and air conditioning (HVAC) units and similar equipment to encroach into a side or rear setback no more than forty-eight (48) inches or four(4) feet. Currently, Section 3.9.B.5 of the UDO states, "Sills, cornices, buttresses, ornamental features, gutters, eaves, heating and air conditioning units, and similar items may project into a required setback not more than 30 inches." The applicant, Cameron Smith, applied for this amendment to accommodate narrow lots approved for PUD subdivisions and nonconforming R-10 lots throughout Southport. Mr. Smith is a builder in the city and has stated that most HVAC and whole-house generators need to be 48" off the main structure to meet code requirements. As homes are being built on smaller lots, using most of, if not all, the buildable width for desired home designs is becoming a necessity. He further states that this causes an undue hardship on homeowners since the

units cannot go in the front of homes and many times the rear of the home does not work either. An example of this would be for properties that include a rear-loading garage.

The applicant, Mr. Smith, came to the podium and said that he feels the rationale behind the proposed amendment is valid. He said after 24 years as a contractor, he feels that most mechanical equipment would be unable to meet this requirement.

Mr. Fiss had concerns about the non-conforming lots without setbacks. He gave the example of tearing down a building and building it back in the same footprint: if there were 4 ft setbacks, how would it be possible to put equipment within that space? Ms. Meehan said the Fire Marshal reviewed this scenario and had no problem with it. Mr. Fiss noted that it would be a disadvantage if the equipment were back-to-back because it would be a safety hazard as well as a noise nuisance. He said generally, HVACs are fairly quiet, but generators are not. He said it would be a disservice to allow that kind of equipment that close to the other house. He is not in favor of the proposed amendment.

Mr. Scott Jones asked about the proposed amendment and the list of different situations. But in the rationale behind the revision, he said that it stated *Items that are fixed to the structure, such as cantilevers, etc., were enforced with the 30" rule but never the equipment (HVAC, generators, etc.)*. Mr. Jones wanted clarification that the cantilever rule would not change. Mr. Smith said he was not asking to change that part of the ordinance and that it was part of his rationale that cantilevers were always allowed 30 inches in the setback, but the equipment was not.

Mr. Smith commented on Mr. Fiss' statement that, on the flip side, there are narrow lots, and people do not want the equipment to take up their own outdoor living space in the front and back yard. He said that is a hardship for the property owner. Mr. Smith said that regardless of whether the setbacks were 4, 6, or 10 feet, not exceeding 30 inches is unreasonable.

Chair Hodgkin questioned how this issue has come to light. She questioned the statement that Mr. Smith said it has been allowed in the past and the problem has been going on for some time. She asked if this was from an improperly done inspection or lack of enforcement. Mr. Smith said the Ordinance has only been in effect for a few years and has been enforced by the new staff. Previously it was not enforced, and he did not know it existed. He does not think there was much thought when it was put in the revised UDO. He said 95% of the homes he has built have the units on the side, and he has seen no issue.

Chair Hodgkin asked why builders are not designing and developing smaller homes for PUDs. She questioned why developers would not consider sacrificing a few lots to make room for these accommodations. She asked the rationale behind building a home on every inch of the lot so that the houses sit on top of each other and there is no space for the HVACs and generators. She explained that there should be communication with the buyer to inform them that this plan will not be feasible because of the City Ordinance. She said we hear the term "maximizing profit," but why not consider reducing the number of lots to accommodate the equipment? Mr. Smith explained that the new PUDs have already been platted and designed for and primarily by him. He said that building smaller homes is not what his clients want, and he feels it is unnecessary to make the house 18 inches narrower, creating a hardship on their living areas.

Mr. Pender asked if the proposed amendment was just for non-conforming lots in the City. Planner Meehan said that it would be for any lot in the City. Mr. Pender noted that the City is long from what it used to be. But, even on the small 33 ft lots, people did not max them out. He said that now there is an influx of people coming in and being told they can maximize their homes' square footage.

Mr. Pender has concerns about how the ordinances are being overlooked and unenforced. He said this is part of the City's growing pains, and only the small lots are available unless you have a lot of money for the large lots. He said he sees the problem being that nobody tells the homeowner they cannot have the maximum square foot house because it can't accommodate their equipment on that size lot. He said it is time for the builders to tell their clients that they cannot build a certain size house on that size lot because of the setback requirements.

Mr. Fiss said it would make sense on an R-10 lot, but it doesn't make sense on non-conforming lots or PUDs. Mr. Smith asked if the problem was the 4-ft setbacks. Mr. Smith said most of the lots he builds on have 8-ft setbacks; Mr. Fiss said that would make more sense. Mr. Fiss asked if the average unit size was 36 inches. Mr. Smith said the average unit size is 48 inches, and it also has to be a certain distance off the house. Mr. Fiss said if you have a 4-ft setback and a 36-inch unit and 12 inches of space off the house, then that would make a 36-inch unit right on the line. And he said there would then need to be a certain amount of space for service.

Chair Hodgkin stated that she does not believe that setback requirements should change just because some have gotten away with it for a certain period of time. She said it sounds more reasonable to discuss the violations with the City Manager and Staff. Then, the Board can see if any changes need to be made to Section 4.15 E and Section 3.9 Dimensional Standards Requirements for setbacks and encroachments to see what improvements can be made to clarify all the situations that have been addressed. Chair Hodgkin asked the timeframe for reviewing a request for text amendments. Planner Meehan said the Planning Board has 90 days from the day the request is presented to recommend any action to the Board of Aldermen.

It was the consensus of the Board not to take action at this Meeting but come back in October - having had time to review these sections in the UDO – ready to make suggestions or ask questions of Staff as to what needs to be done for any appropriate text revision on those areas discussed. Chair Hodgkin requested a Motion to table the proposed text amendment for further review.

Mr. Fiss made a Motion to table the proposed Text Amendment Section 3.9 *Setback Exceptions and Encroachments* until further review of all the appropriate revisions can be discussed, second by Vice-Chair Hewett. **Unanimous Vote; Motion Carried.**

Mr. Smith noted that one of the main objections that he is hearing is having the equipment sitting too close to the setback for hazards and servicing issues. He said there could be a solution for a maximum distance for encroachment. He said, for example, the equipment can be no closer than 2 feet to the property line, so you are allowed to go 4 feet into the setback, but no closer than 2 feet to the property line. So, on the 6- and 8-ft setbacks, that would work. The 4-ft setback would not work in that scenario, but maybe that could be added to take the worry of having the equipment sitting out on the setback. Mr. Chris Jones concurred with the idea of having the equipment so far back from the line rather than talking about conforming and non-conforming lots.

- I. **Other Business: Update on Comprehensive Land Use Plan:** City Planner Meehan said there were two Consultant companies that were interviewed, and they both provided a brief presentation giving an outline on how they would be presenting the information to the City, including public engagement. Then they answered questions that were prepared by the Staff. She said Staff is now following up with the references that the companies provided, and talking with other local governments about services the companies have provided. She noted that Staff will present the recommendations to the Board of Aldermen in October.

Vice-Chair Hewett made a Motion to return Mr. Chris Jones to his alternate position and seconded by Mr. Pender. ***Unanimous Vote; Motion Carried***

J. Announcements: None

Chair Hodgkin requested a Motion to Adjourn because there was no other business. A Motion was made to adjourn by Vice-Chair Hewett and seconded by Mr. Fiss. ***Unanimous vote; Motion Carried.***

Adjournment: 6:47 p.m.

Chair, Sue Hodgkin

Deputy Clerk, Tanya Shannon

STAFF REPORT

ZONING TEXT AMENDMENT APPLICATION

SECTION 3.9 DIMENSIONAL REQUIREMENTS

APPLICATION SUMMARY	
Presentation Date	October 19, 2023 Planning and Zoning Board
Applicant	Cameron Smith
Relevant Ordinance Sections	Section 3.9.B.5 Setback Exceptions and Encroachments

ZONING TEXT AMENDMENT PROPOSAL
Cameron Smith, applicant, respectfully submits a Zoning Text Amendment to the City of Southport Unified Development Ordinance. Specifically, the request is to amend Section 3.9.B.5 Setback Exceptions and Encroachments to modify the maximum setback encroachment for heating and air conditioning units, generators, pool equipment, and other similar items. 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 AND APPLICANT PETITION
The amendment to this section would allow heating and air conditioning (HVAC) units and similar equipment to encroach into a side or rear setback no more than forty-eight (48) inches or four (4) feet.

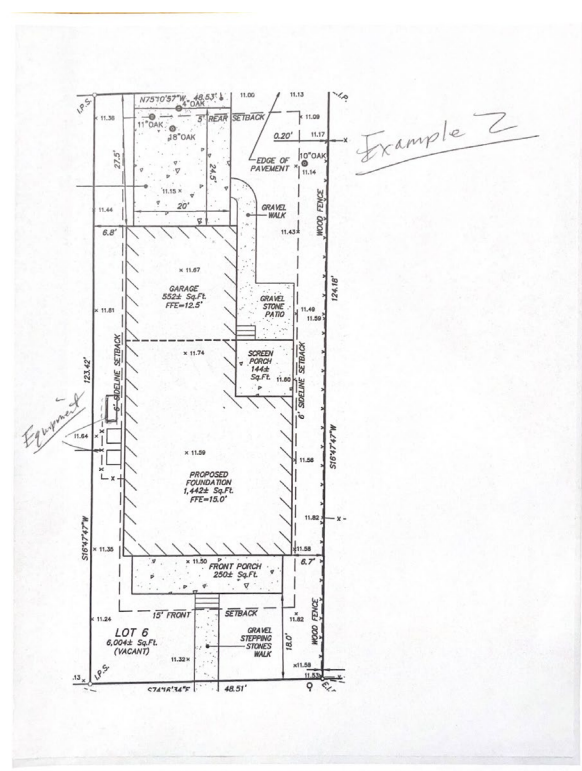
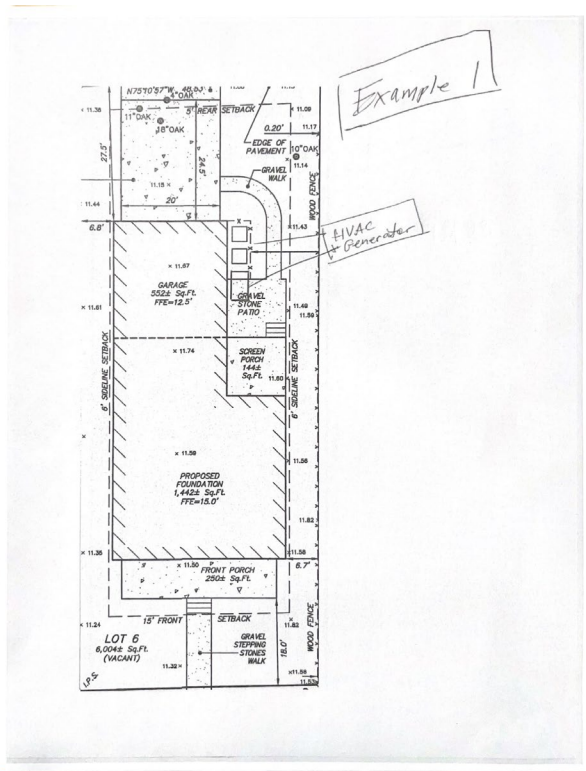
Currently, Section 3.9.B.5 of the UDO states, "Sills, cornices, buttresses, ornamental features, gutters, eaves, heating and air conditioning units and similar items may project into a required setback not more than 30 inches."

The applicant, Cameron Smith, applied for this amendment to accommodate narrow lots approved for PUD subdivisions and nonconforming R-10 lots throughout Southport. Mr. Smith is a builder in the city and has stated that most HVAC and whole house generators need to be 48" off the main structure to meet code requirements. As homes are being built on smaller lots, using most of if not all the buildable width for desired home designs is becoming a necessity. He further states that this causes an undue hardship on homeowners since the units cannot go in the front of homes and many times the rear of the home does not work either, an example of this would be for properties that include a rear loading garage.

Specifically, the applicant has requested the following text amendment:

Sills, cornices, buttresses, ornamental features, gutters, and eaves, ~~heating and air conditioning units and similar items~~ may project into a required setback not more than 30 inches. Heating and air conditioning units, generators, pool equipment, and similar items may project not more than 48 inches into a required setback.

Examples from the applicant are shown below. Example 1 is a site plan that cannot meet the 30" encroachment standards so the equipment is located near the outdoor living area. Example 2 is a site plan showing where equipment has historically been allowed and away from living areas.



BACKGROUND AND EVALUATION

Previous editions of the UDO did not include heating and air conditioning units in the encroachment provisions. The current UDO, adopted on September 23, 2020, added these types of mechanical units. Since October 2022, this section of the UDO has been enforced. Staff encounter equipment encroachments beyond the 30" standard regularly in site plan and final as built survey review. The instances have been reduced since the standard has been enforced, although staff do have to address the issue often. Historical plan review and approvals enforcing this standard cannot be confirmed.

Justification for this text amendment is to be able to accommodate smaller lot widths within cluster subdivisions and nonconforming R-10 lots throughout the city. Nonconforming lots not located in subdivisions many times have a 4' side setback, therefore the units would be allowed to have no setbacks.

Staff consulted the Cape Fear Council of Governments (CFCOG), the Building Inspector, and the Fire Marshall during review of this proposed amendment. Each entity was able to give insight on setback requirements found throughout the region and codes that must be met.

Mr. Wes MacLeod, with the CFCOG confirmed that 30 inches is a standard encroachment throughout the region for these types of units. Further, independent research found examples that allow HVAC and other units 30 inches or a 50% encroachment of the setback, whichever is greater, that allow the encroachment of stoops for air conditioning, but the stoop can only be large enough to accommodate the unit, and there are some examples of 48" in other coastal areas.

Southport's Building Inspector stated that HVAC units must meet manufacturer listed setbacks to allow air circulation. The average is approximately 24" and some can be as close as 12" to meet the National Fire Protection Act (NFPA). Generators must have a minimum clearance of 18" per the manufacturer's installation guidelines and NFPA. The Fire Marshall did not have any issues with these types of equipment being installed in side yard setbacks.

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 and make a recommendation to the Board of Aldermen. 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 lot layout, setbacks, and designs for single family lots are not included in the land use plan. The plan references updating the UDO and other documents to meet the needs of the residents of the city. Further, the following Policy supports consistency with the proposed text amendment and the land use plan.

Policy 2.4: Southport will permit residential development to occur in response to market needs provided that the following criteria are met: (1) Due respect is offered to all aspects of the environment. (2) Concurrent planning for improvements to community facilities, infrastructure, and services is provided.

STAFF'S RECOMMENDATION

City Planning Staff respectfully submit the proposed Zoning Text Amendment as outlined in this report to the Planning Board for their consideration of a recommendation to the Board of Aldermen. The proposal is consistent with the 2014 CAMA Core Land Use Plan, specifically regarding residential development occurring in response to market needs and is consistent with the Unified Development Ordinance.

Attachments

Consistency Statement
Proposed Text Amendment Language
Text Amendment Application



**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-23-03

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby recommends adoption of the proposed Zoning Text Amendment to the Board of Aldermen and finds that it is consistent with the City's 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 2.4:** Southport will permit residential development to occur in response to market needs provided the following criteria are met: 1) Due respect is offered to all aspects of the environment. and 2) Concurrent planning for improvements to community facilities, infrastructure, and services provided.

The statement and motion was seconded and passed _____.

Tanya Shannon, Deputy City Clerk

Sue Hodgins, Chairman

Proposed Text Amendment to Section 3.9.B

5. Sills, cornices, buttresses, ornamental features, gutters, and eaves, ~~heating and air conditioning units and similar items~~ may project into a required setback not more than 30 inches. Heating and air conditioning units, generators, pool equipment, and similar items may project not more than 48 inches into a required setback.



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. ZTA-23-03 FEE: \$ 250 Date Received: 8/8/23

Applicant's Name: Cameron Smith
Mailing Address: 107 Bennett's Creek Lane City: Southport
State: NC Zip Code: 28461 Phone: 910-443-5880
Email: _____

Current Section Impacted by Proposed Text Amendment: 3.9.B.5

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

see attached

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

[Signature]
Signature (Applicant)

8/2/23
Date

APPROVED BY:

Mamoon Mehar

8/8/23

This is how the ordinance currently reads. 3.9 B.5 Sills, cornices, buttresses, ornamental features, gutters, eaves, heating and air conditioning units and similar items may project into a required setback not more than 30 inches.

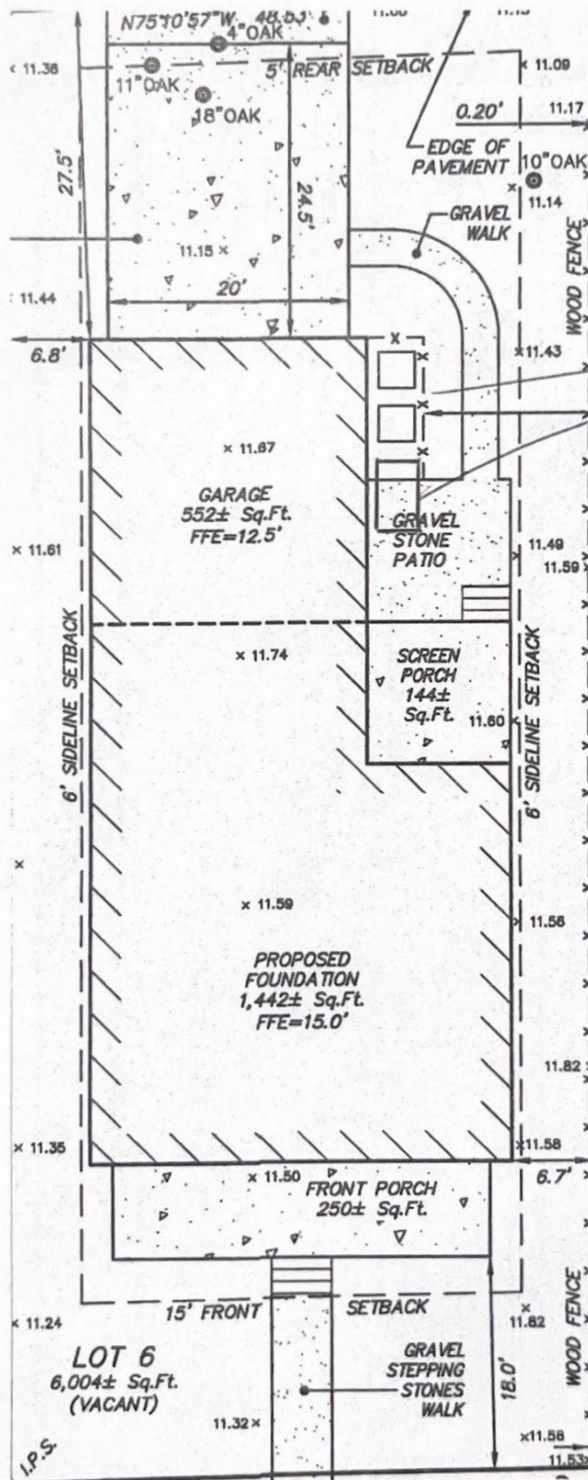
Proposed text amendment : 3.9 B.5 Sills, cornices, buttresses, ornamental features, gutters, eaves, ~~heating and air conditioning units~~ and similar items may project into a required setback not more than 30 inches. HVAC units, generators, pool equipment, and similar items may project not more than 48 inches into a required setback.

Rationale behind revision: In the previous 24 years I have built homes in Southport this ordinance was either not in the UDO or not enforced. Items that are fixed to the structure such as cantilevers, etc were enforced with the 30" rule but never the equipment (HVAC, generators, etc). Many of the homes I have built in communities with narrower lots have equipment on the sides of the homes that would not have met this ordinance. Most air condensing units and generators need 48" off the structure to meet codes for clearances. In my opinion, this 30" guideline creates an unnecessary hardship. Many homeowners, especially in communities with narrow lots (PUDs or some of our city lots) need to use the majority of their buildable width for their home design. The equipment cannot go in the front of the home and in many cases the rear of the home doesn't work well either. A prime example of this would be homes with rear load garages on narrow lots and I have included an example site plan.

Example 1 shows what happens when the equipment is not allowed to go on the side of the home as it typically does due to the 30" guideline. The small rear outdoor space is adversely affected. In addition, having the equipment alongside the garage instead of the house foundation doesn't work in the construction world for a variety of reasons.

Example 2 shows where the equipment should be placed and where it has been allowed historically speaking. Changing this 30" guideline to 48" will allow this to work.

Another point I would like to make in regards to existing homes is many people are now wanting to install whole house generators and may not be able to with the enforcement of this 30" guideline. There is really no downside to this revision that I can see and it will be permitting this equipment placement to continue as it has been allowed in the past.



Example 1

A/VAC
Generator

STAFF REPORT

ZONING TEXT AMENDMENT APPLICATION

SECTION 3.12 TRANSPORTATION AND STREET ACCESS

APPLICATION SUMMARY	
Presentation Date	October 19, 2023 Planning and Zoning Board
Applicant	City of Southport Planning Staff
Relevant Ordinance Sections	Section 3.12 Transportation and Street Access

ZONING TEXT AMENDMENT PROPOSAL
The City of Southport Planning Staff, per the recommendation of the Board of Adjustment, respectfully submits a Zoning Text Amendment to the City of Southport Unified Development Ordinance. Specifically, the request is to amend Section 3.12.B.2 Driveways to exempt single-family and two-family dwelling units from the regulations found in this provision of the ordinance. 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.

AMENDMENT DESCRIPTION

This amendment was requested by the Board of Adjustment at their September 24, 2023 meeting. The board heard a variance for a single-family dwelling unit driveway that could not meet the 10' setback from the side lot line or the 50% of the total lot width provisions found in Section 3.12. The lot is located on a cul-de-sac and has a conforming reduced lot frontage. The variance was approved for the reduction of setback, but the Board required the applicant to conform to the less than 50% lot frontage for the driveway.

During other business there was a discussion of the driveway provisions found in the UDO. Staff advised that more variances of this nature would be forthcoming. Board members specifically considered the two (2) provisions that were part of the variance application. Please note, due to the nature of the quasi-judicial hearing, no details or other findings from the variance case were discussed as part of this broader discussion of the UDO.

Section 3.12.B.4.d) In no case may the total width of all driveways exceed 50% of the total property frontage. This provision may limit the type of driveway a property owner can install. Examples can include circular or two-car garage drives, especially on lots with frontage less than 75'. This provision was not discussed in as much detail as the setback provision.

Section 3.12.B.4.e) No driveway (nearest edge) shall be located within 10 feet of a side lot property line except in the case of a shared driveway (single curb/access point) utilized by two (2) or more lots. No driveway located within 10 feet of a side lot line is inconsistent with other residential setback provisions throughout the UDO. Most notable is the 8-foot side setbacks for a lot zoned R-10. A garage is setback 8 feet, but the driveway would not be able to access the garage if the strict letter of the UDO is followed. Further, it was discussed that nonconforming R-10 lots with 33' of lot frontage can have a reduced side setback sometimes only 4 feet and installation of a driveway would have to be installed in the middle of the property. Again, this does not align with the garage or house setback allowances.

The consensus of the Board of Adjustment was that this section of the ordinance should not be applicable to single-family or two-family dwelling units and that a text amendment should be submitted to the Planning Board.

EVALUATION AND CONTEXT

The 2004 Unified Development Ordinance and subsequent amendments included this single- and two-family dwelling unit exception to Section 3.12. During the 2020 update of the UDO, this provision was removed. There is no documentation to explain why it was removed.

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 development or 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 7.22: The City shall continually maintain all official planning documents.

STAFF'S RECOMMENDATION

City Planning Staff respectfully submit the proposed Zoning Text Amendment as outlined in this report to the Planning Board for their consideration of a recommendation to the Board of Aldermen. The proposal is found to be consistent with the 2014 CAMA Core Land Use Plan, as well as remaining consistent with the Unified Development Ordinance. Because of these consistencies, Planning Staff respectfully recommend approval of the request as presented. Staff also recommend the adoption of the provided consistency statement.

Attachments

Proposed Text Amendment Language
Consistency Statement

Section 3.12.B.2.

Before a zoning permit is issued for the construction, reconstruction, or change in use of any building or land used for purposes other than a single- or two-family residence, all driveways shall be reviewed and approved by the UDO Administrator or his/her designee. “Construction, reconstruction, or change in use” refers to those improvements made to the site involving overall structure size or to changes in use which would require the addition of one (1) or more off-street parking spaces; it is not intended to refer to construction activities which merely involve changes to exterior architectural features (e.g., painting, addition of siding, roofing activities, etc.).



**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-23-04

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

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

The statement and motion was seconded and passed _____.

Tanya Shannon, Deputy City Clerk

Sue Hodgin, Chairman

STAFF REPORT
ZONING TEXT AMENDMENT APPLICATION
SECTION 3.5 TABLE OF PERMITTED AND SPECIAL USES

APPLICATION SUMMARY	
Presentation Date	October 19, 2023 Planning and Zoning Board
Applicant	S&G Holdings
Relevant Ordinance Sections	Section 3.5 – Table 3.1 Residential Uses – Mixed Uses and Section 3.7.F. Residential Use Standards

ZONING TEXT AMENDMENT PROPOSAL
S&G Holdings, applicant, respectfully submits a Zoning Text Amendment to the City of Southport Unified Development Ordinance. Specifically, the request is to amend Section 3.5 – Table 3.1 Residential Uses to permit Mixed Uses in the HC – Highway Commercial zoning district, with standards. 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 AND APPLICANT PETITION
The amendment to this section would allow Mixed Uses in the Highway Commercial (HC) zoning district. The standards that are required for all mixed-use developments would be applicable to any development in the HC district.

The applicant applied for this amendment to expand the housing options throughout the city, especially in the areas along Rob Gandy Boulevard SE. Currently, the only zoning districts that

allow mixed uses are PUD, O-I, BD, and CBD. While the applicant is most interested in the parcels along Rob Gandy Boulevard SE, the addition would allow mixed uses in any of the HC zoning districts. The zoning map below shows HC properties in red.

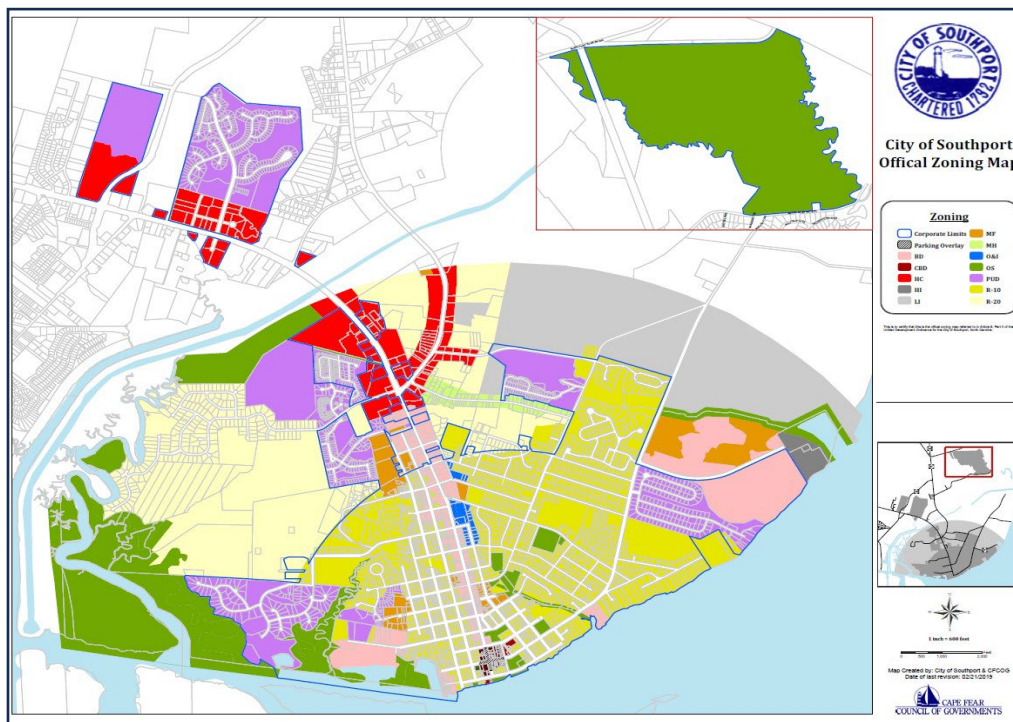


Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													Use Stand ard	
	Uses	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
MIXED USES							PS	PS	PS	PS	PS				3.7.F

F. MIXED USES

Where permitted, the following shall apply:

1. First floor shall be permitted business uses only.
2. The floor area devoted to the dwelling(s) in the CBD or BD shall not exceed the floor area devoted to the permitted business use(s).
3. The floor area devoted to the dwelling(s) in the PUD, O-I, **or HC** shall not exceed twice the floor area devoted to the permitted business use(s).
4. The minimum floor area for each dwelling shall be 500 square feet and the maximum floor area shall be 1,000 square feet.
5. No mixed-use building shall exceed the maximum height limit established in 3.9 Dimensional Requirements, Table 3.2.

6. ~~No mixed-use building shall exceed 40 feet (i.e. one (1) floor commercial plus two (2) floors residential) in height.~~
6. Each dwelling shall have a direct means of access to the exterior of the building so that no access to the dwelling is provided through the use located on the lower floor(s) of the commercial building.
7. Parking for such dwelling(s) shall be in addition to that required for the permitted lower floor use(s).
8. Proposed curb cuts and driveways for required off-street parking lots that eliminate existing on-street parking spaces shall replace the number of on-street parking spaces eliminated by said curb cut(s) and driveway(s) within the parking lot being created, in addition to the number of parking spaces otherwise required by this ordinance.

BACKGROUND AND EVALUATION

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 and make a recommendation to the Board of Aldermen. 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 lot layout, setbacks, and designs for single family lots are not included in the land use plan. The plan references updating the UDO and other documents to meet the needs of the residents of the city. Further, the following Policies support consistency with the proposed text amendment and the land use plan.

Policy 2.4: Southport will permit residential development to occur in response to market needs provided that the following criteria are met: (1) Due respect is offered to all aspects of the environment. (2) Concurrent planning for improvements to community facilities, infrastructure, and services is provided.

Policy 2.1: Southport supports development that blends a mix of uses at a reasonable scale offering convenient retail facilities to nearby residents in a effort to reduce traffic flow on main thoroughfares.

Policy 7.22: The City shall continuously maintain all official planning documents.

STAFF'S RECOMMENDATION

City Planning Staff submit the proposed Zoning Text Amendment to the Planning Board for their consideration and recommendation to the Board of Aldermen. The proposal is consistent with

the 2014 CAMA Core Land Use Plan, specifically regarding residential development occurring in response to market needs.

Attachments

Consistency Statement

Proposed Text Amendment Language

Text Amendment Application



**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-23-05

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby recommends adoption of the proposed Zoning Text Amendment to the Board of Aldermen and finds that it is consistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the Southport Board of Aldermen. More specifically, the proposed amendment is consistent with Policy 2.1: Southport supports development that blends a mix of uses at a reasonable scale offering convenient retail facilities to nearby residents in an effort to reduce traffic flow on main thoroughfares.

The statement and motion was seconded and passed _____.

Tanya Shannon, Deputy City Clerk

Sue Hodgin, Chairman

Proposed Text Amendment Language

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													Use Stand ard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
MIXED USES						PS	PS	PS	PS	PS				3.7.F

F. MIXED USES

Where permitted, the following shall apply:

1. First floor shall be permitted business uses only.
2. The floor area devoted to the dwelling(s) in the CBD or BD shall not exceed the floor area devoted to the permitted business use(s).
3. The floor area devoted to the dwelling(s) in the PUD, O-I, **or HC** shall not exceed twice the floor area devoted to the permitted business use(s).
4. The minimum floor area for each dwelling shall be 500 square feet and the maximum floor area shall be 1,000 square feet.
5. No mixed-use building shall exceed the maximum height limit established in 3.9 Dimensional Requirements, Table 3.2.
- ~~6. No mixed use building shall exceed 40 feet (i.e. one (1) floor commercial plus two (2) floors residential) in height.~~
6. Each dwelling shall have a direct means of access to the exterior of the building so that no access to the dwelling is provided through the use located on the lower floor(s) of the commercial building.
7. Parking for such dwelling(s) shall be in addition to that required for the permitted lower floor use(s).
8. Proposed curb cuts and driveways for required off-street parking lots that eliminate existing on-street parking spaces shall replace the number of on-street parking spaces eliminated by said curb cut(s) and driveway(s) within the parking lot being created, in addition to the number of parking spaces otherwise required by this ordinance.



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. ZETA-23-05 FEE: \$ 250⁰⁰ Date Received: _____

Applicant's Name: SAG BUILDINGS

Mailing Address: 613 LOCKWOOD FERRY City: BOLIVIA

State: NC Zip Code: 28422 Phone: 919-422-9732

Email: TRIAATCOAST@YAHOO.COM

Current Section Impacted by Proposed Text Amendment: ZONING

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

PINCH ID 221LA01409

OFFICE/CONDO UNITS HC ZONE TO MIXED USE

ZONE

Add Mixed Use to HC zoning district - PS

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

Signature (Applicant)

Date

APPROVED BY:

UDO Administrator

Date

STAFF REPORT 558 JABBERTOWN ROAD REZONING APPLICATION

APPLICATION SUMMARY	
Presentation Date	October 19, 2023 Planning Board
Applicant	Gandy, LLC
Property Owner	JC Rentals LLC
Parcel ID:	221MC00702
Property Size	7.13 acres (6.47 requested for change)
Zoning District	Mobile Home (MH) /Light Industrial (LI) (.66 acres currently MH)
Proposed Zoning District	Mobile Home (MH)

REZONING OVERVIEW

Gandy, LLC for JC Rentals LLC, is requesting a zoning change from LI to MH on a portion of a parcel of land located at 558 Jabbertown Road. The .66 acres adjacent to Jabbertown are currently zoned MH.

LOCATION AND SITE CONDITIONS

The subject property is located on Jabbertown Road, adjacent to the Cottages at Prices Creek and Harbor Ridge mobile home park. The property is located within the Extraterritorial Jurisdiction and can be further identified by parcel number 221MC00702.



Most of the property falls within the high suitability land classification on the Land Suitability Analysis Map of the CAMA Land Use Plan. A portion is classified as low suitability due to the proximity of Prices Creek on site. The future land use map designation is low and medium density residential which defines a variety of single family uses as appropriate.

REVIEW PROCESS

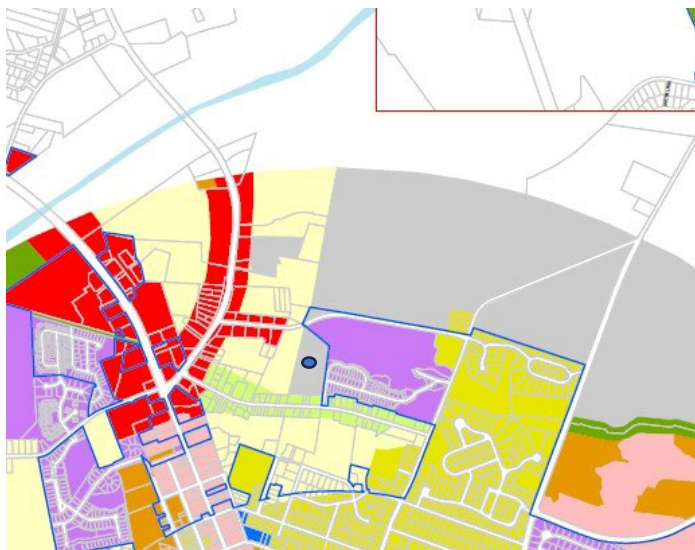
Proposed amendments to the zoning map may be initiated by the Board of Aldermen, Planning Board, city administration, or by the owner, or his or her agent, of property within the area proposed to be changed. Every amendment, supplement, change, modification, or repeal of the zoning map/ordinance shall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

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

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

PLANNING BOARD REVIEW

This proposal is a request to change a portion of a parcel of land from Light Industrial (LI) to Mobile Home (MH). Over half an acre of the property is currently zoned Mobile Home. Adjacent uses include a mobile home park and PUD subdivision, therefore future residential development will be consistent with existing conditions. The future land use map designates the MH portion of the property medium density residential and the LI portion as low density residential.



Zoning Map

The surrounding and adjacent properties to the subject property are all zoned residential.

Grey – Light Industrial
Light Green – Mobile Home
Light Yellow – R-20
Purple – PUD



Future Land Use Map

While the property is mostly zoned LI, the future land use map classifies the parcel as medium and low density residential.

Orange – High Density Residential
Yellow – Low Density Residential

Permitted Uses

A rezoning request does not allow the applicant to provide a proposed project or site plan. Decisions made on the rezoning must consider all permitted uses in the proposed district in relation to land use impacts, the character of the district and suitability for certain uses, and reasonableness for a small parcel change. The permitted uses for both zoning districts are highlighted in Table 3.1 from the UDO. (MH is yellow and LI is blue)

Please note, the nonresidential permitted uses for LI have not been included on this table for brevity, since this request is to change from a more intensive nonresidential zoning district to a residential zoning.

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													Use Stand ard
Uses	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
Accessory Uses														
ACCESSORY STRUCTURES OR USES, GENERAL		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		3.6.A
ACCESSORY DWELLING, COMMERCIAL						SS	SS	SS	SS	SS	SS	SS		3.6.B
ACCESSORY DWELLING, RESIDENTIAL		SS	SS	SS	SS	SS	SS							3.6.C
CEMETERIES AND MAUSOLEUMS		SS	SS	SS	SS	SS	SS	PS	PS	PS				3.6.D

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													Use Stand ard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
DOCKS, , PIERS, GAZEBOS, BULKEADS, AND LIVING SHORELINES		PS	PS	PS	PS	PS	PS	PS	PS				SS	3.6.E
HOME DAYCARE, ADULT AND CHILD		SS	SS	SS	SS	SS								3.6.F
HOME OCCUPATION		SS	SS	SS	SS	SS								3.6.G
HOMESTAY		PS	PS	PS		PS								3.6.H
MODULAR UNIT					PS	PS	PS	PS	PS	PS	PS	PS		3.6.I
OUTDOOR DISPLAY								PS	PS	PS				3.6.J
OUTDOOR STORAGE									PS	PS	PS	PS		3.6.K
OUTDOOR VENDING MACHINE					PS	PS	PS	PS	PS	PS	PS	PS		3.6.L
PORTABLE STORAGE CONTAINERS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		3.6.M
RECREATIONAL VEHICLE OR TRAVEL TRAILER		PS	PS		PS	PS	PS							3.6.N
SELF-SERVICE ICE VENDING MACHINES									SS	SS				3.6.O
SOLAR ENERGY SYSTEMS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		3.6.P
SWIMMING POOLS		PS	PS	PS	PS	PS	PS	PS						3.6.Q
TEMPORARY SALES OFFICES		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		3.6.R
TEMPORARY HEALTHCARE STRUCTURES		PS	PS	PS	PS	PS								3.6.S
Residential Uses														
DWELLING, SINGLE-FAMILY		P	P	P	P	P	P							
DWELLING, TWO-FAMILY (DUPLEX)		S	S	P	P	P	P							
DWELLING, MULTI-FAMILY				PS		SS	SS							3.7.A

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													Use Stand ard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
DWELLING, TRIPLEX OR QUADRAPLEX				PS	SS	SS	SS							3.7.B
FAMILY CARE HOME		PS	PS	PS	PS	PS								3.7.C
MANUFACTURED HOME ON SINGLE LOT					PS									3.7.D
MANUFACTURED HOME PARK					PS									3.7.E
MIXED USES						PS	PS	PS	PS					3.7.F
MODULAR HOMES		PS	PS	PS	PS	PS	PS							3.7.G

Dimensional Requirements

Mobile Home zoning district dimensional requirements allow 5,000SF lots with minimum lot widths of 50'.

Table 3.2: Dimensional Requirements by Zoning District						
Zoning District	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Minimum Front Setback (feet)	Minimum Rear Setback (feet)	Minimum Side Setback [1] (feet)	Maximum Height Limit (feet)
MH	5,000	50	20	20	4	40

LAND USE PLAN CONSISTENCY

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

Increasing housing demand is one of the overarching themes found in the Future Demands section of the LUP. The goals, objectives, and policies found within the plan focus on balancing the need for housing and infrastructure with protection of the historic character and environmental resources of the City.

Another theme throughout the LUP is consideration of a specific neighborhood or district and its suitability for particular uses. Objectives and policies direct future development to areas that are most appropriate for the type of use. The subject neighborhood has multiple

different housing densities and types of units including mobile homes, single-family homes, and approved future multi-family townhomes. Residential development on this lot would be suitable for the neighborhood's character.

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

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

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

As mentioned previously, there is a need for housing and the subject property is in an area of high suitability on the Land Suitability Map. The future land use map designation supports residential development.

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

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

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

These policies are appropriate for the site due to the unique characteristics of the neighborhood and specifically the size of the property.

STAFF RECOMMENDATION

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

Attachments:

Consistency Statement

Rezoning Application



**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: ZMA 23-02

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby recommends adoption of the proposed Zoning Map Amendment to the Board of Aldermen and finds that it is consistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the Southport Board of Aldermen. More specifically, the proposed amendment is consistent with **Policy 2.4:** Southport will permit residential development to occur in response to market needs provided the following criteria are met: 1) Due respect is offered to all aspects of the environment. and 2) Concurrent planning for improvements to community facilities, infrastructure, and services provided. Further, the Planning Board finds that the proposed text amendment is reasonable due to the size, physical conditions, and other attributes of the area.

The statement and motion was seconded and passed _____.

Tanya Shannon, Deputy City Clerk

Sue Hodgins, Chairman

Rezoning Application

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

Date: 9/18/23

FEE: \$ 500

Permit #: ZMA-23-02

Project Name (If Applicable): _____

A complete application for any amendment shall contain a description of the proposed zoning regulation or zoning map amendment. The application shall state in detail whether the proposed amendment is consistent with CAMA Core Land Use Plan and any other officially adopted plan that is applicable. The application shall also give detailed evidence that the proposed amendment is in the interest and will benefit the general public and not solely be of benefit to the applicant; that the uses within the proposed zoning district are similar or comparable to the uses in the district as currently zoned, or that none of the uses permitted in the proposed zoning district may potentially adversely affect property values or the health, safety, morals, or general welfare of the residents of the surrounding area. Such application shall be filed with the Administrator to be processed in accordance with Section 12-5 of the UDO.

The Planning Board and Board of Aldermen may consider the following when deciding: Impact on neighbors and neighborhood, traffic, environment, utilities, suitability of land, harmony with area, schools, economic impact, tax base increase, spot zoning created, road capacity, adequate infrastructure, community opinion, property values, consistency with the Land Use Plan, future land use map, jobs, public services, buffering requirements, environmental impact, site limitations, and consistency with plans and prior decisions. The Boards cannot consider ethnicity, income, affordable housing, owner vs. renter housing, or who the owner is when deciding.

Petitioner Name: GANDY LLC

Mailing Address: 613 Lockwood Folly Dr City: BOLIVIA

State: N.C. Zip Code: 28422

Phone: 919-422-9732 Email: TILACOST@YAHO.COM

Street Address and/or Description of Location: 558 JABBERTOWN ROAD.

X Rentals LLC - 107 VEWAT LN WILMINGTON
28411

Parcel ID #: 221 MC00702

Site Acreage: 3.46 ACRES 7 BEAR MAR Number of Lots: _____

Current Zoning District: LI Proposed Zoning District: MH

If the proposed change would require a change in the zoning map, attach an accurate diagram of the property proposed for rezoning showing:

1. All property lines with dimensions and north arrow.
2. Adjoining streets with rights-of-way and paving widths.
3. The location of all existing structures on the property.
4. The existing land uses associated with the property.
5. The zoning classification of all abutting zoning districts.
6. A list of all abutting property owners.

Future Land Use Map Designation: MEDIUM DENSITY RESIDENTIAL

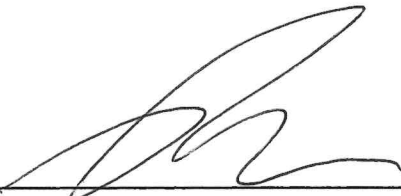
Is the proposed zoning consistent with the Land Use Plan? (Describe how it is consistent below if so)
(Please Circle One): ☒ Yes ☐ No

Please describe the changing conditions in the area or in the City of Southport that makes the proposed amendment necessary to the promotion of the public health, safety and general welfare, or that identifies an obvious error in the zoning map based upon the zoning classification or current land use of surrounding properties. Also include an explanation on why the proposed zoning is or is not consistent with the Land Use Plan and other adopted plans (Attach separate sheet if necessary)

Rezoning Fees as of July 1, 2018

Rezoning: Less than 3 Acres	\$500.00
Rezoning: 3.01-6.00 Acres	\$1,000.00
Rezoning: 6.01 + Acres	\$1,000.00 + \$100/acre

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)



Date

Gandy LLC

613 Lockwood Folly Drive
Bolivia, N.C. 28422
MOBILE 919-422-9732

Date:10/5/2023

Mo

Property rezoning from LI to MH

Location: 558 Jabbertown road , Southport N. C.

Reason to rezone:

- 1) Adjacent property on same track is MH
- 2) Residential development on both sides do not want industrial built in residential area
- 3) Small lots for affordable housing needed badly in Southport
- 4) Will not put mobile homes in have no intention of that
- 5) Higher density with 5000 sq.ft. lots will allow us to do affordable housing reduce land cost per home
- 6) There is no R-6 zone available in UDO with out pud and by UDO we are too small for a PUD

Mo

I hope this gives you enough info

Thanks

Ron Greger

Gandy LLC

PLANNING BOARD MEMBER LIST SPRING 2023

MEMBER	ADDRESS	PHONE NUMBERS	APPOINTED	EXPIRATION	
Sue Hodgins, Chair sue.hodgins@southportnc.org	608 Cottage Point Way	(910) 477-1808	February 10, 2022	June 2025	IN
Will Hewett, Vice-Chair will.hewett@southportnc.org	129 Cape Fear Dr	(910) 520-3291	August 11, 2022	June 2025	IN
Fred Fiss fred.fiss@southportnc.org	216 N. Atlantic Ave	(910) 269-6901	February 10, 2022	June 2024 (completing the term)	IN
Christopher W. Jones chris.jones@southportnc.org	1008 Dutchman Cove SE	(910) 549-1407	March 12, 2020	June 2026	ETJ ALT
Scott Jones scott.jones@southportnc.org	1001 Pete's Camp Rd	(910) 471-0802	August 14, 2020	June 2024	ETJ
Donnie Joyner donnie.joyner@southportnc.org	635 Jabbertown Rd	(910) 368-7501	August 14, 2020	June 2024	ETJ
Richard Sloan dick.sloan@southportnc.org	509 E. Moore St	(910) 946-1771	February 10, 2022	June 2025	IN
Roy Pender roy.pender@southportnc.org	102 S. Fodale	(910) 477-6057	April 13, 2023	June 2026	IN
Kevin Locklin kevin.locklin@southportnc.org	209 N. Lord St.	(540) 272-0808	April 13, 2023	June 2025 (Completing the term)	IN ALT
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 3 Special	May	June	July	Aug	Sept	Oct	Nov	Dec	
<u>NAME</u>															Total Absences
Sue Hodgins Chair	P	P	P	P	P	P	P	P	P	P	P				
Will Hewett Vice-Chair	P	P	P	P	P	P	P	P	P	P	P				
Fred Fiss	P	P	P	P	P	P	P	P	P	A	P				1
Christopher Jones	P	P	P	P	P	P	P	P	P	A	P				1
Scott Jones	P	P	P	P	P	P	P	P	P	P	P				
Donnie Joyner	P	P	A	P	P	A	P	P	P	P	A				3
Dick Sloan	P	P	P	P	P	P	P	P	P	P	P				
Roy Pender					P	P	P	P	P	A	P				1
Kevin Locklin					P	A	P	P	P	A	A				3
Gustavo E. Mibelli	P	R	R	R	R	R	R	R	R						

P = Present
A = Absent
R= Resigned

M:\PLBFILES\2023 ATTENDANCE PB.wpd