



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

November 16, 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. October 19, 2023
- E. Approval of Agenda**
- F. Public Comment**
- G. Old Business**
 - 1. Text Amendment- Section 3.9.B.5 Setback Exceptions and Encroachments
 - 2. Text Amendment- Section 3.12.B.2 Driveways
 - 3. Text Amendment Mixed Use in HC
- H. New Business**
- I. Other Business**
 - 1. Update on Comprehensive Plan
- J. Announcements**
- K. Member's Information**
 - 1. Attendance Record/ Member's Roster
- L. Adjourn**



City of Southport
Planning and Zoning Minutes
Community Building 223 E. Bay Street
October 19, 2023
6:00 P.M.

Members Present: Sue Hodgins, Will Hewett, Dick Sloan, Fred Fiss, Chris Jones, Roy Pender, Kevin Locklin, Donnie Joyner, and Scott Jones.

Members Absent: None

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

Board of Aldermen Karen Mosteller and John Allen
Liaisons:

- A. Chair Sue Hodgins called the meeting to order at 6:00 p.m.
- B. Mr. Donnie Joyner gave the Invocation.
- C. Chair Hodgins led the Pledge of Allegiance.
- D. Motion to approve the September 14, 2023, Meeting Minutes by Vice-Chair Hewett and second by Mr. Scott Jones. **Unanimous vote; Motion carried.**
- E. Motion to approve the Meeting Agenda By Vice-Chair Hewett and second by Mr. Joyner. **Unanimous vote; Motion Carried.**
- F. Public Comment: A Motion was made by Vice-Chair Hewett to open public comment and seconded by Mr. Joyner. **Unanimous Vote; Motion Carried.**

Deputy Clerk Tanya Shannon read a statement from Brian Kimball, N.C. General Contractor, 786 Skipjack Circle: *"I agree with amending text in the UDO concerning equipment such as AC and generator units. This has not been enforced since it was first installed in the UDO. And also allowed prior to. There are many very new builds on non-conforming lots that have AC units, gas tanks etc., in their 4' or less setbacks. Re Clarendon Avenue on right between 8th and 9th streets. These builds both maxed out the space on the lots (33' lots). I see an issue with a neighboring lot not being afforded the same convenience. The build I completed next door allowed AC and a generator inside 8' setbacks. I also have a generator for my personal property. It is inside setbacks by 1'. The volume is still loud when it is running in my house as well my neighbors are running. The noise is a non-issue to me when a lot of the neighbors have them as well. Power/versus noise during a disaster is a no-brainer. What will keep someone that has a portable unit from placing it on the side of their home when it is needed. Living in a hurricane-prone area requires some kind of understanding of what it takes to do without power for extended periods of time. On confirming lots with 8' setbacks, I see no issue with either generator or HVAC units up to 5' into setbacks since the UDO allows steps to do so. I disagree with a comment that was made by a member of the board stating that individuals coming here owning property outside of subdivision, PUD need not expect to be able to maximize the use of*

their property when you can see this has not been an issue prior and has been allowed for a lot of new builds. It seems to me someone who has\$\$\$ and resources could challenge the city in court if told that they were not allowed to build like the neighboring property on a 33' lot. Property prices in our city are higher than ever, so it is natural for people to want the most from their purchase. When the Swasey additions were platted as 33', the purpose was to provide as many folks an opportunity to buy property in a neighborhood close to the river. That cannot be corrected in 2023. This is a bit of my insight that you asked for. If you have any questions, please reach out. Thank you for your time on the planning board”.

Chair Hodgkin asked if there were any further questions or comments. Being none, A Motion was made by Vice-Chair Hewett to close public comment and seconded by Mr. Joyner. ***Unanimous Vote; Motion Carried.***

G. Old Business: Text Amendment, Section 3.9.B.5 Setback Exception and Encroachments:

Planner Meehan provided an overview of a proposed amendment. She explained that Cameron Smith, the applicant, has submitted a Zoning Text Amendment to the City of Southport Unified Development Ordinance. The request is to modify the maximum setback encroachment for heating and air conditioning units, generators, pool equipment, and similar items in Section 3.9.B.5 Setback Exceptions and Encroachments.

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.

Planner Meehan asked if the Board would like to make a recommendation to keep that language as is or amend the text as drafted.

Mr. Fiss inquired about the number of new constructions that have had HVAC encroachments since 2020. Ms. Meehan replied that it was quite common. Mr. Fiss said he measured a unit, and it was 36 x 36, and they can go bigger. But, if there is a non-conforming lot with a 4ft setback and has a 36-inch unit and the manufacturers require 1-2 ft for maintenance, put it right on the property line. Ms. Meehan said the proposed amendment aims to accommodate the larger units. Mr. Fiss said if the applicant wanted to do that, they could make a design adjustment of 2-3 ft. in the footprint to allow for the equipment.

Scott Jones thinks 8ft setbacks should not be imposed on certain non-conforming lots. He believes regular-size lots with at least 8ft setbacks should not be restricted. According to him, a 3ft setback is enough space for safety and maintenance purposes. Mr. Joyner asked if this was regarding the 33 ft lots on the W. Side. Ms. Meehan, it would be for any lot within the city. He asked if the 33 ft lots were the biggest problem. Ms. Meehan agreed and said there are also PUDs that have lots less than 10,000 sf that would affect them as well. Mr. Joyner asked if this was just for side setbacks. Ms. Meehan said yes.

Chair Hodgkin brought up a statement made by Mr. MacLeod from the Cape Fear Council of Government. According to the report, Mr. MacLeod mentioned that 30 inches was considered the standard encroachment in this region. Chair Hodgkin asked whether other towns were compared to

arrive at this standard. Ms. Meehan responded that she would investigate further and check the records but mentioned that most towns compared were from North Carolina, with a few from out of state.

After going through Mr. MacLeod's report, Mr. Pender realized that each city has unique differences and, therefore, needs its own standards. He sought clarification from Ms. Meehan on whether all 33ft lots were non-conforming, and she confirmed that most of them were. Mr. Pender explained that the proposed amendment would apply to all residents in the R-10 district. He also pointed out that the main problem seems to lie with the 33 ft lots and the newer PUD lots. Mr. Pender expressed concerns about safety, especially with back-to-back units that would only leave 12 inches between them. He emphasized that with landscaping and fencing, there would be no way for anyone to go between the two lots. He agreed that the nonconforming lots are the most significant issue, and potentially setting them directly on the property line might be a solution. He acknowledged that although this has been done for a long time, it does not make it right, and moving forward, it should be enforced. He believes that this is a public safety concern.

Mr. Tom Dugan, who resides at 522 E. Moore St., shared his thoughts on the new, highly efficient condenser units. According to him, the last few units he has installed were all 36x36 in size. He also mentioned that these units are increasing the amount of coil in order to make them more energy-efficient when paired with multi-speed pumps. He emphasized that the size of these units is getting bigger, as it is essential to make them more energy-efficient. Additionally, he wanted to inform everyone that 36x36 is the standard size for these units.

Mr. Cameron Smith suggested that the units be at least 2 feet away from the property line to ensure safety. He recommended a 4-foot distance between the closest units for maintenance. Mr. Pender raised concerns about the building plans for 33-foot lots.

Mr. Locklin has a non-conforming lot and built his house to comply with guidelines for placing the HVAC system. He believes that the proposed amendment is too broad and that building ingenuity should be utilized instead of changing the provision. He suggested that there are other ways to install equipment without changing regulations, citing safety and logistical issues in the past.

Mr. Fiss emphasized that having a fence right at the property line would prevent any access, and on a 33ft lot, there is no space to get past the unit. He mentioned that it is not a feasible option for 33ft lots, but there are alternatives, such as placing the equipment behind the house.

Chair Hodgkin asked Ms. Meehan to clarify a section of the regulations, specifically 4.15 E.5, which pertains to the minimum distance required between a dwelling and its sideyard. The minimum distance specified is 8 feet, and for dwellings that do not utilize zero lot line provisions, the minimum side setback should not be less than 6 feet.

Mr. Chris Jones asked if these standards applied to PUDs, to which Ms. Meehan confirmed that they did, but not to existing platted lots for subdivisions. Chair Hodgkin noted that the regulations also discuss eaves, which are allowed to extend up to 30 inches into the setback. However, she pointed out that when buildings are allowed to be setback to setback, and a 30-inch eave is sticking out, heavy rainfall can cause flooding on some lots.

Chair Hodgkin mentioned that although similar setbacks have been allowed before, this was back when there were no HVAC units. She emphasized that just because something has not been appropriately enforced in the past, there should be no reason to overlook it from this point forward.

Chair Hodgins believes that the ordinance should not be amended to accommodate builders who fail to inform owners about the regulations they must adhere to. Instead, builders should ensure they comply with the ordinance to ensure the benefit of every lot in town. If compliance is not possible, then the Board of Adjustments may be able to provide relief.

Overall, Chair Hodgins does not think it is necessary to amend the ordinance since its purpose is to ensure the welfare and safety of every lot in town. Mr. Scott Jones proposed a potential solution for confirming lots with an 8ft setback. He suggested establishing a fixed distance from the lot line so that equipment can enter into the setback, which could help avoid any confusion. It was also noted that there shouldn't be any penalization for conforming to lots, especially in light of the fact that there are lots with only 4ft setbacks. In case the distance needs to be compromised, a reasonable difference of 2-3 ft can be considered.

Mr. Chris Jones thinks setting a minimum from the lot line makes sense. He said, as it is written currently, with no changes if there are 30 inches into the encroachment, that leaves 18 inches on the 4ft setbacks, which is what is recommended in the amendment. *Heating and air conditioning units, generators, pool equipment, and similar items may project not more than 48 inches into a required setback*, but also add a comma and add **"but no closer than 18 inches to the property line"**. He said it does not change the 4ft setback requirement and what can and cannot be done there, but it allows people with 6 and 8 ft setbacks to have more wiggle room. Mr. Fiss reiterated that the math does not add up for a 4ft setback.

Chair Hodgins said that it gets back to the point of following the ordinance's regulations and if there comes a point where there has to be enforcement and purpose for builders not to build right up to the lots lines. She said the job of the Board is to see to the city's best interests as a whole.

Chair Hodgins said that it sounds like the consensus of the Board is to have more discussion and consider the conversations. Mr. Chris Jones asked Ms. Meehan if other options could be drafted to see alternatives to the draft language as proposed. Ms. Meehan was provided with a few options from the Board Members.

As it was the consensus of the Board Chair, Hodgins requested a Motion to Table the discussion for further review. A Motion was made by Mr. Fiss to table the discussion on the Proposed Text Amendment to Section 3.9.B.5 and seconded by Mr. Pender. **Unanimous Vote; Motion Carried.**

H. New Business:

1. Text Amendment-Section 3.12 Driveways

Ms. Meehan gave an overview of the proposed amendment. The amendment was requested by the Board of Adjustment. 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 setback reduction, but the Board required the applicant to conform to the less than 50% lot frontage for the driveway. The 2004 Unified Development Ordinance and subsequent amendments included this single- and two-family dwelling unit with the 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. She gave a presentation on some examples of these types of issues.

There was a discussion about the UDO revision; Chair Hodgins questioned the removal of the provision. Mr. MacLeod and Ms. Meehan were unsure why it was deleted. Ms. Meehan confirmed

that the proposed language for the Board of Adjustment would not require a setback for driveways. The issue applies to all lots, not just cul-de-sacs. Two already-built driveways were granted a variance. The approved setback was around 5ft.

Chair Hodgkin suggested that instead of making an amendment to the UDO, addressing specific circumstances would be a better approach than changing the whole language. She also inquired about the proposal's impact on single and multi-family homes and whether additional parking would be required. Ms. Meehan clarified that accessory dwellings cannot have separate drives or entrances and must be accessed through the main entrance.

Chair Hodgkin asked if you could put a concrete pad in front of the property for parking. Ms. Meehan said non-conforming lots under 10,000 sf don't require on-site parking, so parking is allowed on the right-of-way and driveway.

Mr. Chris Jones asked if there was a deliberate decision to exclude a certain element instead of taking a 10ft measurement and reducing it to 5ft. In response, Ms. Meehan explained that reducing the 10ft measurement to 5ft would affect the setback requirements for non-residential or multi-family properties.

Mr. Scott Jones noted that he was a member of the Planning Board when the UDO was revised, and he could not recall any discussions on this matter. He asked Alderman Allen, who was also a member of the Board at that time if he remembered anything. Alderman Allen replied that he did not recall either. He added that the revision of the UDO was like major reconstructive surgery, and it is possible that something was missed or overlooked.

Mr. Pender suggested reducing the 10ft setback to 2-3ft for planting or landscaping between the houses. Ms. Meehan explained that a new standard for residential areas would be required, as changing the setback could harm non-residential areas.

Mr. Chris Jones suggested considering pulling from the first provision as an option and then another provision proposed version, like possibly 10 ft for commercial and 2-3 ft for residential. He thinks this would be a good option rather than going to zero setbacks.

The Board agreed that further consideration is needed and to return to the next meeting for discussion. Mr. Fiss made a Motion to table the proposed Text Amendment-Section 3.12 Driveways for further discussion and was seconded by Vice-Chair Hewett. ***Unanimous Vote; Motion carried.***

2. Text Amendment-Table 3.1:Table of Uses, Mixed-Use Highway Commercial Zoning

Ms. Meehan provided an overview of the proposed amendment, which aims to expand housing options throughout the city. The amendment would allow mixed uses in the Highway Commercial (HC) zoning district, subject to specific standards. Currently, only PUD, O-I, BD, and CBD zoning districts allow mixed uses. The addition of mixed uses to the HC zoning district would significantly benefit the areas along Rob Gandy Boulevard SE, although it would be permitted in any HC zoning district.

Mr. Fiss inquired about applying for a variance to achieve the same request. Ms. Meehan clarified that a variance would not be applicable to a use, only to standards. Mr. Fiss questioned if the applicant could apply for special use instead. Ms. Meehan said that could be done, but no process is established for residential use in highway commercial. Chair Hodgkin noted a notation in the report where the applicants specifically looked at areas around Rob Gandy Blvd. and expanding housing

options throughout the city. She said that even if it is considered in one particular area, this could be potentially used in other areas as well. It would enable other parts of the city to expand on this use. Ms. Meehan said it would be in any HC-zoned area. Mr. Fiss said if Walmart wanted to put condos above the building, they could. MS. Meehan noted that is correct. It was discussed why a request for a zoning change could not be made first. Ms. Meehan said this request had no official project design, so it would not qualify for a zoning amendment.

Chair Hodgkin brought up the discussions that had taken place regarding the city's vision for the entry corridor. She emphasized the importance of introducing more affordable housing options and acknowledged the significance of public input and community dialogue in this process. She suggested that Conditional Zoning, already allowed in HC under the UDO, could be a viable option. Chair Hodgkin recommended that the staff present different options for discussion, bring in the applicant to discuss project plans and intentions, and receive public feedback at the next meeting.

Chair Hodgkin requested a Motion to table the discussion for further consideration. Mr. Joyner then motioned to table the proposed Text Amendment - Table 3.1: Table of Uses, Mixed-Use Highway Commercial Zoning to allow for discussions with the applicant and review of additional information. Vice-Chair Hewett seconded the motion. **Aye: Mr. Scott Jones, Mr. Joyner, Mr. Fiss, Mr. Chris Jones, Vice-Chair Hewett, and Mr. Sloan. Nay: Mr. Pender. Motion Carried 6-1.**

Vice-Chair Hewett requested that Staff also include evaluating the infrastructure in relation to the needs requested by the proposed mixed-use development and the number of people that may require these city services.

Mr. Pender decided it would be better to deny the proposed amendment than to table it for further review and discussion. Mr. Joyner made a Motion to recommend denying the proposed Text Amendment-Table 3.1:Table of Uses, Mixed-Use Highway Commercial Zoning to the Board of Aldermen and seconded by Mr. Pender. Motion failed.

Because the First Motion was on the floor and the Vote call had not been completed before the second Motion was made, the Board had to Vote on the first Motion Made. See previous motions above.

3. Zoning Map Amendment-558 Jabbertown Road

Gandy, LLC for JC Rentals LLC wants a zoning change from LI to MH for a .66-acre portion of land at 558 Jabbertown Road. The adjacent .66 acres are already zoned MH. The property is located on Jabbertown Road, adjacent to the Cottages at Prices Creek and Harbor Ridge mobile home park and falls within the Extraterritorial Jurisdiction. The land suitability analysis map shows most of the property is high suitability, with a portion classified as low suitability due to the proximity of Prices Creek. The future land use map designation is low and medium-density residential.

The applicant, Mr. Andrew Laing, 6217 Pebble Shore Lane, with the request, he explained this will allow for stick-built homes as well, and the front portion of the lot is already zoned MH, and he would like to continue that zoning all the way back to the rest of the acreage. He said the MH-zoned property is already on the West side, and the other side is a PUD; on the North side of the parcel, there is also a PUD and a proposed PUD on the East side. He feels that this amendment is a good candidate for rezoning. He stated that these smaller lots and homes would help with affordable housing.

Mr. Fiss inquired if any part of the area was located in a flood zone. In response, Mr. Laing stated that they had reviewed the area for wetlands and determined that it was not in a flood zone.

Mr. Fiss also asked if any demo homes had already been built, to which Mr. Laing replied that he had some ideas, but nothing was confirmed yet. He estimated that the houses would be around 1200-1500 square feet.

Furthermore, Mr. Joyner asked about the accessibility of the site from Rob Gandy or Jabbertown Road. Mr. Laing stated that the site would be accessible from Jabbertown. Mr. Joyner then asked if the site was located where the existing mobile home park is, to which Mr. Laing confirmed that it was on the west side of the parcel, next door to the mobile home park. Mr. Laing explained that he does not believe that this area would be more suitable for MH zoning versus Light Industrial. Mr. Joyner asked if notices would be sent to the Jabbertown Rd residents. Ms. Meehan said that notices would be mailed to the adjacent property owners before the Public Hearing at the Board of Aldermen's meeting. Mr. Locklin asked about how many houses are planned to be built. Mr. Laing said roughly 20-21.

Chair Hodgins asked if there were any further questions or comments. Being none, she asked if there was a Motion for how to proceed.

Mr. Pender made a Motion to recommend approval of the Zoning Map Amendment-558 Jabbertown Road to the Board of Aldermen and the Statement of Consistency, seconded by Mr. Sloan.
Unanimous Vote; Motion Carried.

Mr. Pender read the Statement of Consistency for recommendation for approval to the Board of Aldermen.

I. Other Business: Update on Comprehensive Plan:

Ms. Meehan said the Board of Aldermen approved the City Manager and Staff to move forward with contract negotiations with Stewart, a Raleigh Land Use Plan consulting group. It will then move to the Board of Alderman for final approval.

J. Announcements:

Chair Hodgins directed all to the city's website for all Halloween activities.

Chair Hodgins requested a Motion to adjourn, being there was no further business.

Adjournment: A Motion was made by Mr. Joyner and seconded by Vice-Chair Hewett to adjourn
Unanimous Vote; Motion Carried.

8:17 p.m.

Chair Sue, Hodgins

Deputy Clerk, Tanya Shannon



MEMORANDUM

To: Chair Sue Hodgin, Members of the Planning Board

From: Maureen Meehan, City Planner

Re: Text Amendment – Section 3.9.B Setback Exceptions and Encroachments

Date: November 16, 2023

A request to amend the Unified Development Ordinance Section 3.9.B. was submitted and presented to the Planning Board at the September 21, 2023, regular meeting. Please be advised, per Section 2.10.B.3, the Planning Board shall provide an advisory recommendation on any properly filed petition 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.

Background and Context

Applicant Cameron Smith requested that Staff bring a text amendment to the Planning Board to increase the encroachment allowed for specific mechanical equipment, including heating and air conditioning units, generators, pool equipment, and similar items, from 30 to 48 inches.

After discussion at the September 21, 2023, and October 19, 2023 meetings, Staff was asked to bring two options in addition to the original proposal to the November meeting. Further, site plans depicting the different scenarios were requested to be included. Below, you will find the existing text in the UDO, the original language as proposed by the applicant, and the two (2) options you requested in October. Site plans for each scenario are attached to this memo.

Existing Text Section 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 of not more than 30 inches.

Applicant Proposed Text Amendment to Section 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 of not more than 30 inches. Heating and air conditioning units, generators, pool equipment, and similar items may project not exceeding 48 inches into a required setback.

Text with 42” Encroachment Option

5. Sills, cornices, buttresses, ornamental features, gutters, eaves, heating and air conditioning units, and similar items may project into a required setback of not more than 30 inches. Heating and air conditioning units, generators, pool equipment, and similar items may project 42 inches into a required setback but not closer than 24 inches from the lot line.

Text with 36" from Property Line Option

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 and not closer than 36" from the property line.

Staff Recommendation

Staff find that the proposed language options appear consistent with the 2014 CAMA Land Use Plan and the Unified Development Order and respectfully request that a recommendation for approval of one of the options listed above and a statement of consistency be sent to the Board of Aldermen.

Attachments

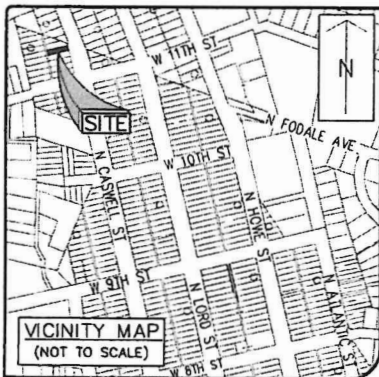
Site Plan for Text Amendment Scenarios

Consistency Statement

Previous Staff Report with Attachments

Attachment A

These site plans show both the existing 30" encroachment and the proposed 48" encroachment. There are examples for a 4' setback, 2 - 6' setbacks, an 8' setback, and a 10' setback.



LEGEND

● EIR	EXISTING IRON REBAR
---	ADJOINING PROPERTY LINE
---	BOUNDARY LINE
---	RIGHT-OF-WAY LINE
---	BUILDING SETBACK LINE

FOUNDATION CERTIFICATION
 I HEREBY CERTIFY THAT THE FOUNDATION SURVEY OF THE EXISTING SITE SHOWN HEREON IS BASED ON AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION AND ACCURATELY REPRESENTS THE OBSERVABLE EVIDENCE THEREOF AT THE TIME OF THIS SURVEY; THE PROPERTY IS AS RECORDED IN MAP CABINET 14 ON PAGE 214; THAT THE RATIO OF PRECISION IS 1:10,000+ AND THAT THIS SURVEY MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA* (21 NCAC 56.1600)

REPRODUCED FROM THE ORIGINAL SURVEY MAP BY THE SURVEYOR'S OFFICE. ANY REPRODUCTION OF THIS MAP WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR IS PROHIBITED.

GENERAL NOTES

- THIS IS A FOUNDATION SURVEY.
- BEARINGS FOR THIS MAP ARE REFERENCED TO MAP CABINET 14, PAGE 214.
- PROPERTY IS ZONED: SP-MF (MULTI-FAMILY DISTRICT).
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- UNITS ARE U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
- AREA BY COORDINATE GEOMETRY.
- NO GRID MONUMENTS FOUND WITHIN 2000' OF SITE.
- THIS SURVEY PERFORMED AND MAP PREPARED WITHOUT BENEFIT OF A TITLE REPORT. THIS SURVEY SUBJECT TO ANY FACTS AND EASEMENTS WHICH MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
- FLOOD NOTE:** AS DETERMINED BY GRAPHIC PLOTTING, THIS PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE "X" (MINIMAL FLOOD RISK); PER FEMA FLOOD INSURANCE RATE MAP #3720209600 K, EFFECTIVE DATE AUGUST 28, 2018.
- COUNTY PARCEL ID: 221MA044.
- TOTAL SITE AREA: 0.14± ACRES
- MAP AND DEED REFERENCES SHOWN ARE PER THE BRUNSWICK COUNTY REGISTRY.
- SETBACKS SHOWN ARE AS FOLLOWS PER CLIENT PER CITY OF SOUTHPORT:
 FRONT: 25' SIDE: 4' REAR: 10'
- SITE ADDRESS: 1163 N. CASWELL AVE.
 SOUTHPORT, NC 28461.

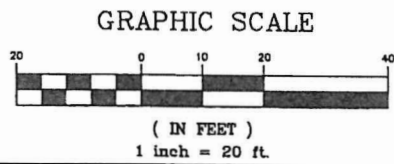
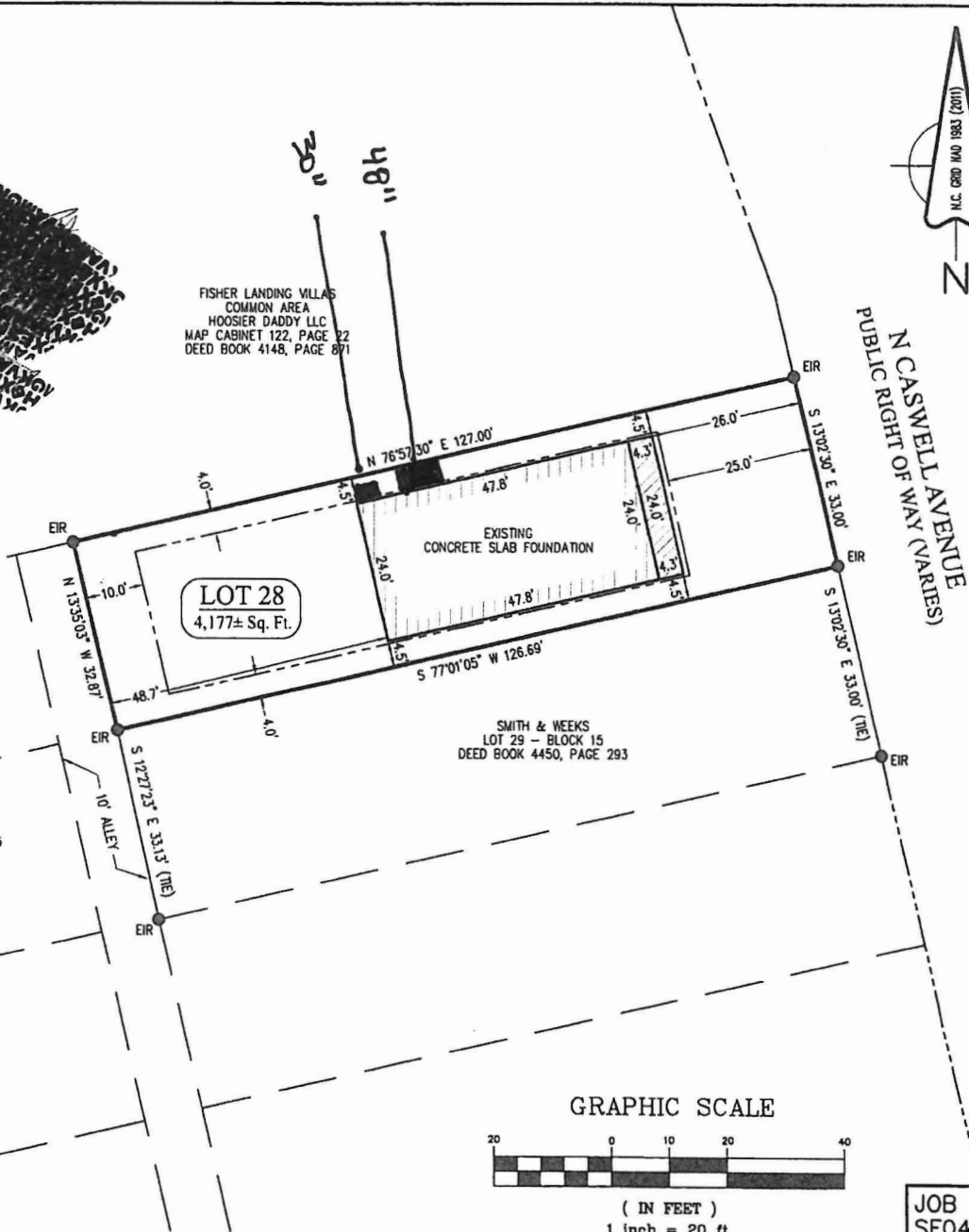


SMITH & WEEKS
 LOT 5 - BLOCK 15
 DEED BOOK 2039,
 PAGE 1404

SMITH & WEEKS
 LOT 4 - BLOCK 15
 DEED BOOK 3744,
 PAGE 1360

FISHER LANDING VILLAS
 COMMON AREA
 HOOSIER DADDY LLC
 MAP CABINET 122, PAGE 22
 DEED BOOK 4148, PAGE 871

SMITH & WEEKS
 LOT 29 - BLOCK 15
 DEED BOOK 4450, PAGE 293



JOB NO:
 SE04-034-02

NO. REVISION	DATE	BY	REASON
1/1			
PREPARED FOR:	DATE	BY	REASON
SMITH & WEEKS			
LOT 28 - BLOCK 15			
FOUNDED 1908			
BRUNSWICK COUNTY, NORTH CAROLINA			
SEPI			
SEPI ENGINEERING & CONSTRUCTION, INC.			
1111 N. CASWELL AVE. SUITE 200			
SOUTHPORT, NC 28461			
PHONE: (910) 394-4790			

NORTH CAROLINA

NEW HANOVER COUNTY

1. MICHAEL N. UNDERWOOD

SUPERVISOR FROM AN ACTUAL

DESCRIPTION AS SHOWN ON THE

CALCULATED BY COMPUTER

SURVEYED FOR

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20' PRIVATE ALLEY

LOT 6
6,0046 Sq.Ft.

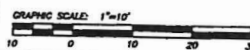
LOT 7

EXISTING FOUNDATION

15' FRONT SETBACK

FIRE FLY LANE (60' PUBLIC R/W)

TROUT LILLY LANE
(PUBLIC R/W VALES)



FOUNDATION SURVEY FOR:

DEAN EDWARD WARNECKE and RACHELLE LYN WARNECKE

LOT 6

THE COTTAGES OF PRICE'S CREEK

A CLUSTER HOME DEVELOPMENT

SOUTHVILLE TOWNSHIP BRUNSWICK COUNTY

CITY OF SOUTHPORT, NORTH CAROLINA

Buyer: Dean Edward Warnecke and Rachelle Lyn Warnecke

118 W 14th Street Unit A, Southport, NC 28461

Cell: 814-744-7283

Email: deanwarnecke@earthlink.net

Owner: deanwarnecke@earthlink.net

Surveyor: MICHAEL UNDERWOOD and ASSOCIATES, PA

103 CHIMNEY DRIVE, SUITE A

WILMINGTON, NC 28403

PH: (910) 615-0650

Form License No. C-0815



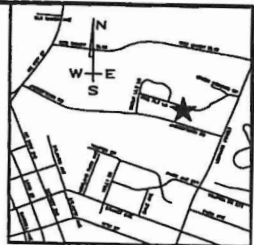
SURVEYED: S.G.

DRAWN BY: M.C.

DATE: MAY 2023

CHECKED BY: M.M.

SCALE: 1" = 10'



VICINITY MAP NO SCALE

NORTH CAROLINA

NEW HANOVER COUNTY

I, MICHAEL H. UNDERWOOD, CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE BY ME OR BY A LICENSED SURVEYOR DESCRIBED AS SHOWN ON THE FACE OF THIS PLAN. I HAVE CAUSED THE CALCULATIONS BY COMPUTER TO BE 1/10,000 OF AN INCH. THE SURVEYED AREAS ARE SHOWN BY BROKEN LINES. I HAVE CAUSED THE PLAN TO BE REFERENCED TO THE 1983 EDITION OF THE STANDARD OF PRACTICE FOR LAND SURVEYING. MY SIGNATURE, LICENSE NUMBER, AND EXPIRATION DATE ARE SHOWN BELOW.

MICHAEL H. UNDERWOOD AND ASSOCIATES, P.A.

- NOTES:
- 1.) SUBJECT PROPERTY "DOES NOT" LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION "X" (OTHER AREAS) BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON PANEL No. 2022, FLOOD INSURANCE RATE MAP NO. 2202000000, WITH A MAP REVISED DATE OF 05/28/08 FOR COMMUNITY NO. 330018, IN CITY OF SOUTHPORT OF BRUNSWICK COUNTY, STATE OF NORTH CAROLINA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED.
 - 2.) SETBACKS SUBJECT TO REVIEW BY RELEVANT PARTIES.
 - 3.) ALL DISTANCES ARE GROUND HORIZONTAL.
 - 4.) NO N.C.G.S. FOUND WITHIN 2000'.
 - 5.) PROPERTY ADDRESS: 415 FIRE FLY LANE
 - 6.) PARCEL ID: 222P0018

SURVEY REFERENCE:
BOOK 4748 PAGE 132
MAP BOOK 34 PAGE 353

LEGEND:

- E.C.P. EXISTING IRON PIPE
- E.C.M. EXISTING CONCRETE MONUMENT
- E.C.R. EXISTING IRON REBAR
- Q PROPERTY CORNER
- U.P.S. IRON PIPE SET
- N.P.S. NO POINT SET
- S.S.M. SANITARY SEWER MANHOLE
- X 18.54 EXISTING GRADE ELEVATION
- R/W APPROXIMATE
- E RIGHT-OF-WAY
- C CENTER LINE
- P PROPERTY LINE

SETBACKS: SEE MAP CARRIET 34 PAGE 353

FRONT = 15'
SIDELINE = 5'
REAR = 5'

GRAPHIC SCALE: 1"=10'

10 0 10 20 30

REVISION	DATE

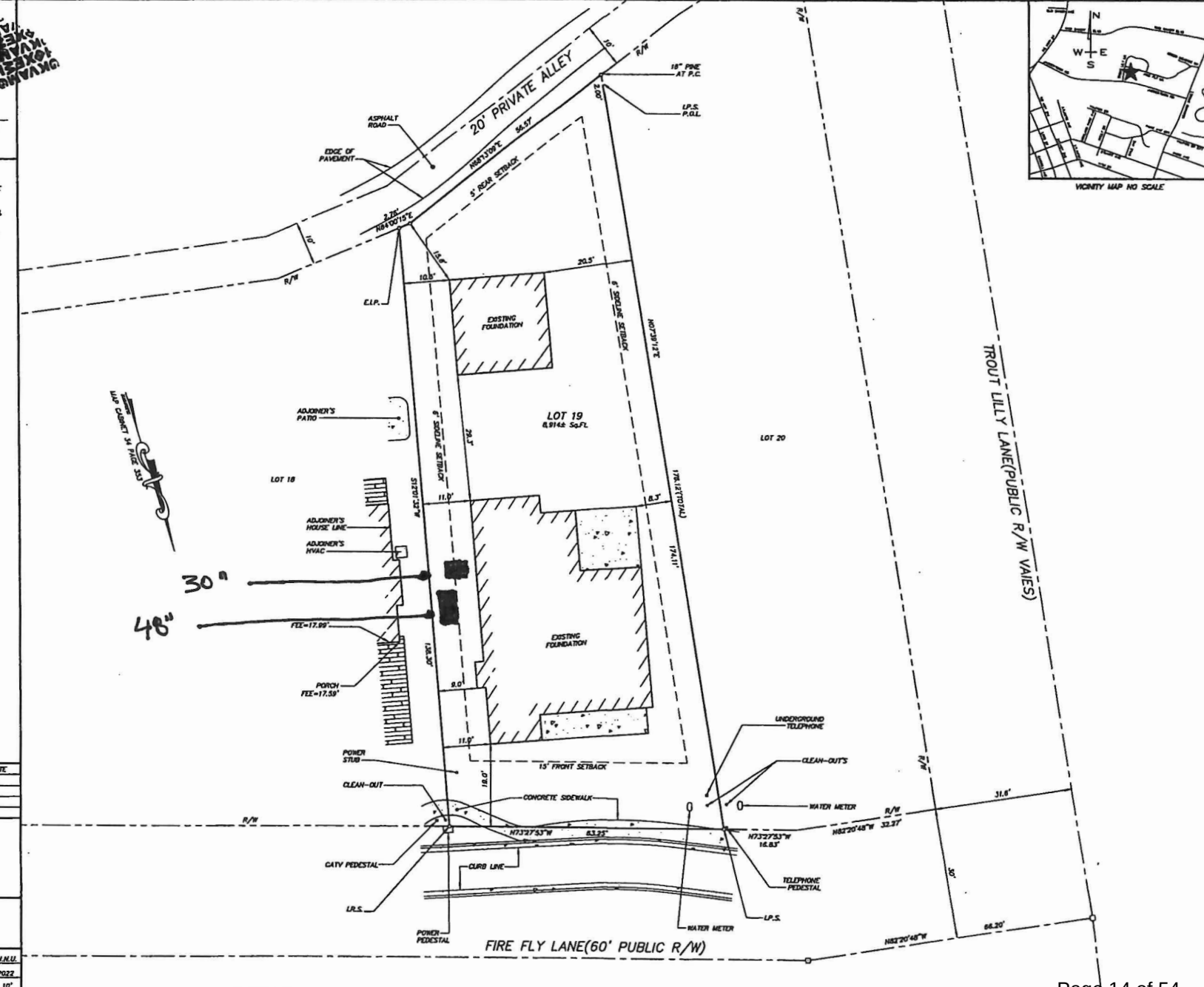
FOUNDATION SURVEY FOR:

LINDSAY P. MCGILL
LOT 19
THE COTTAGES OF PRICE'S CREEK
A CLUSTER HOME DEVELOPMENT
SMITHVILLE TOWNSHIP BRUNSWICK COUNTY
CITY OF SOUTHPORT, NORTH CAROLINA

c/o: Cameron Smith
C.L. Smith Construction, Inc.
3391 Southport Supply Road, Suite 204, NC 28422
Cell: 910-443-5000
Office: 910-253-0066
email: csm@clsmith.com

MICHAEL H. UNDERWOOD AND ASSOCIATES, P.A.
101 CHIMNEY DRIVE, SUITE A
WILMINGTON, NC 28403
PHONE: 910-815-0500
FAX: 910-815-0393
FIRM LICENSE NO.: C-0815

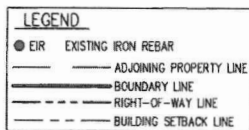
SURVEYED: M.H. APPROVED: M.H.U.
DRAWN BY: M.H. DATED: OCT. 2022
CHECKED BY: M.H.U. SCALE: 1" = 10'



Page 16 of 54

Attachment B

These site plans depict examples for the proposed text that allows a 42" encroachment but not closer than 24" from the lot line. There are examples for a 4' setback, 2 - 6' setbacks, an 8' setback, and a 10' setback.



I HEREBY CERTIFY THAT THE FOUNDATION SURVEY OF THE EXISTING SITE SHOWN HEREON IS BASED ON AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION AND ACCURATELY REPRESENTS THE OBSERVABLE EVIDENCE THEREOF AT THE TIME OF THIS SURVEY; THE PROPERTY IS AS RECORDED IN MAP CABINET 14 ON PAGE 214; THAT THE RATIO OF PRECISION IS 1:10,000+ AND THAT THIS SURVEY MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA* (21 NCAC 56.1600) THIS 16TH DAY OF SEPTEMBER, 2022.

MILES

SMITH & WEEKS
LOT 5 - BLOCK 15
DEED BOOK 2039,
PAGE 1404

SMITH & WEEKS
LOT 4 - BLOCK 15
DEED BOOK 3744,
PAGE 1360

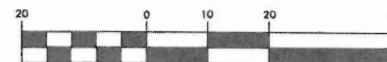
FISHER LANDING VILLAS
COMMON AREA
HOOSIER DADDY LLC
MAP *CABINET 122, PAGE 22
DEED BOOK 4148, PAGE 871

N CASWELL AVENUE
PUBLIC RIGHT OF WAY (VARIES)

GENERAL NOTES

1. THIS IS A FOUNDATION SURVEY.
2. BEARINGS FOR THIS MAP ARE REFERENCED TO MAP CABINET 14, PAGE 214.
3. PROPERTY IS ZONED: SP-MF (MULTI-FAMILY DISTRICT).
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
5. UNITS ARE U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
6. AREA BY COORDINATE GEOMETRY.
7. NO GRID MONUMENTS FOUND WITHIN 2000' OF SITE.
8. THIS SURVEY PERFORMED AND MAP PREPARED WITHOUT BENEFIT OF A TITLE REPORT.
THIS SURVEY SUBJECT TO ANY FACTS AND EASEMENTS WHICH MAY BE DISCLOSED
BY A FULL AND ACCURATE TITLE SEARCH.
9. FLOOD NOTE: AS DETERMINED BY GRAPHIC PLOTTING, THIS PROPERTY APPEARS TO
BE LOCATED IN FLOOD ZONE "X" (MINIMAL FLOOD RISK); PER FEMA FLOOD
INSURANCE RATE MAP #3720209600 K, EFFECTIVE DATE AUGUST 28, 2018.
10. COUNTY PARCEL ID: 221MA044.
11. TOTAL SITE AREA: 0.14± ACRES
12. MAP AND DEED REFERENCES SHOWN ARE PER THE BRUNSWICK COUNTY REGISTRY.
13. SETBACKS SHOWN ARE AS FOLLOWS PER CLIENT PER CITY OF SOUTHPORT:
FRONT: 25' SIDE: 4' REAR: 10'
14. SITE ADDRESS: 1163 N. CASWELL AVE.
SOUTHPORT, NC 28461.

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

Page 18

[illegible]

NORTH CAROLINA

NEW HANOVER COUNTY

1. MICHAEL N. UNDERWOOD, P.E., is the duly licensed Professional Engineer, State of North Carolina, who has supervised the preparation of this plan. He is not responsible for the accuracy of the information shown on this plan, nor for the results of the use of the same. He is not responsible for the results of the use of the same. He is not responsible for the results of the use of the same.

NOTES:
1.) SUBJECT PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION "X" (OTHER AREAS OF FLOOD HAZARD) BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON PARCEL NO. 2087, FLOOD INSURANCE RATE MAP NO. 3720200200, WITH A MAP REVISED DATE OF 08/25/08, FOR COMMUNITY NO. 370018, IN CITY OF SOUTHPORT OF BRUNSWICK COUNTY, STATE OF NORTH CAROLINA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED.
2.) SETBACKS SUBJECT TO REVIEW BY RELEVANT PARTIES.
3.) ALL DISTANCES ARE GROUND HORIZONTAL.
4.) NO N.C.E.S. FOUND WITHIN 200'.
5.) PROPERTY ADDRESS: 311 FIRE FLY LANE
6.) PARCEL ID: 222P0008
7.) AREA CALCULATED BY COORDINATE METHOD.

SURVEY REFERENCE
BOOK 3780 PAGE 689
MAP BOOK 34 PAGE 353

LEGEND:
E.I.P. EXISTING IRON PIPE
E.C.M. EXISTING CONCRETE MONUMENT
E.I.R. EXISTING IRON REBAR
O. PROPERTY CORNER
I.P.S. IRON PIPE SET
N.P.S. NO POINT SET
S.S.M. SANITARY SINKER MANHOLE
± APPROXIMATE
R/W RIGHT-OF-WAY

SETBACKS: SET MAP CABINET 34 PAGE 353
FRONT = 15'
SIDELINE = 6'
REAR = 5'

GRAPHIC SCALE: 1"=10'
0 10 20 30

FOUNDATION SURVEY FOR:

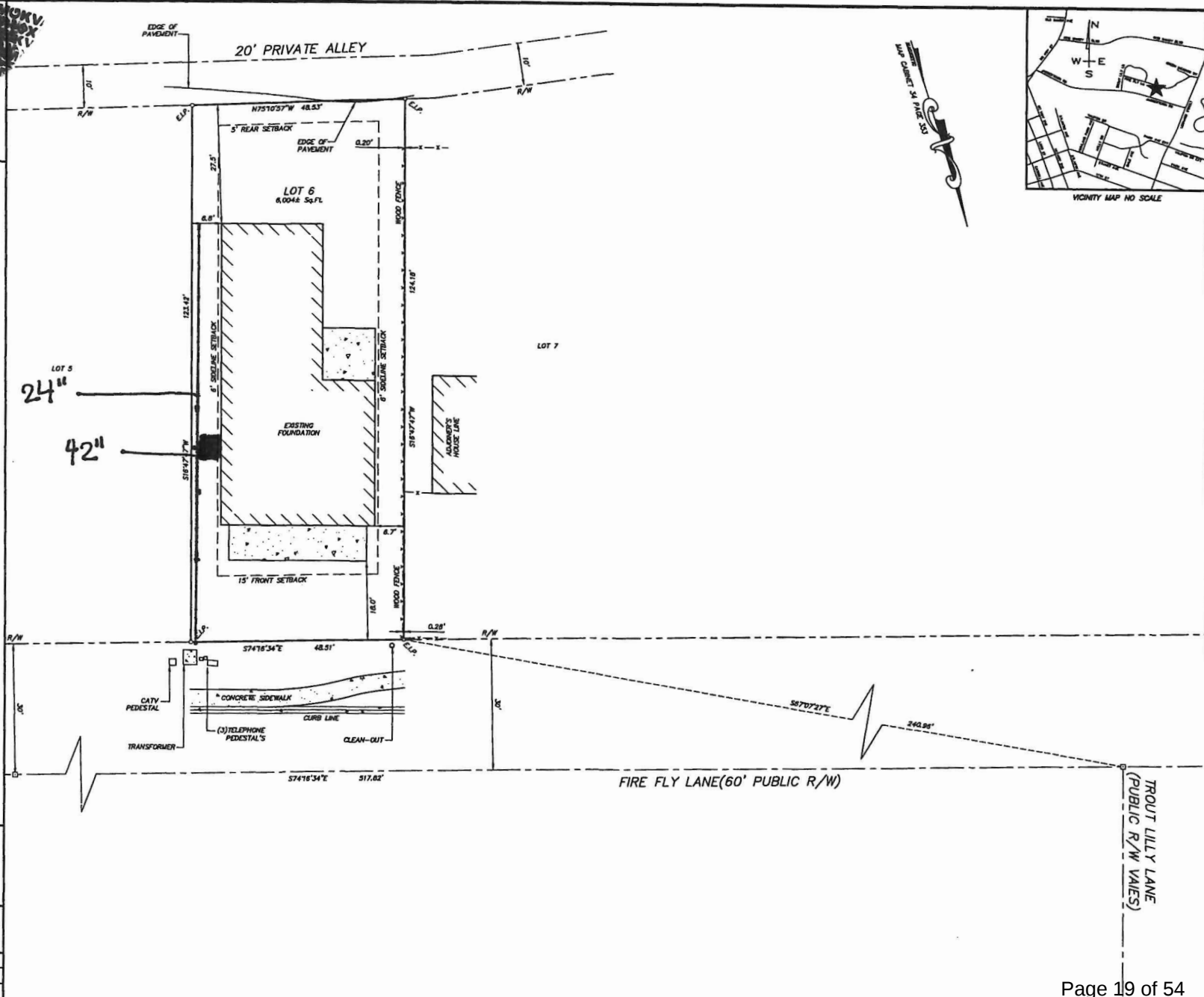
DEAN EDWARD WARNECKE and RACHELLE LYN WARNECKE
LOT 6
THE COTTAGES OF PRICE'S CREEK
A CLUSTER HOME DEVELOPMENT

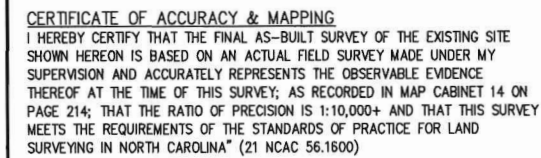
SMITHVILLE TOWNSHIP BRUNSWICK COUNTY
CITY OF SOUTHPORT, NORTH CAROLINA

Buyer: Dean Edward Warnecke and Rachelle Lyn Warnecke
119 W 14th Street Unit A, Southport, NC 28481
Cell: 914-374-7383
Email: deanwarnecke@earthlink.net
rachelwarnecke@earthlink.net

MICHAEL UNDERWOOD and ASSOCIATES, P.A.
102 CINEMA DRIVE, SUITE A
WILMINGTON, NC 28403
PH: (910)815-0650
Firm License No.: C-0615
mua-office@mua-nc.com

SURVEYED: S.G. APPROVED: M.N.U.
DRAWN BY: M.C. DATE: MAY 2023
CHECKED BY: M.N.U. SCALE: 1" = 10'

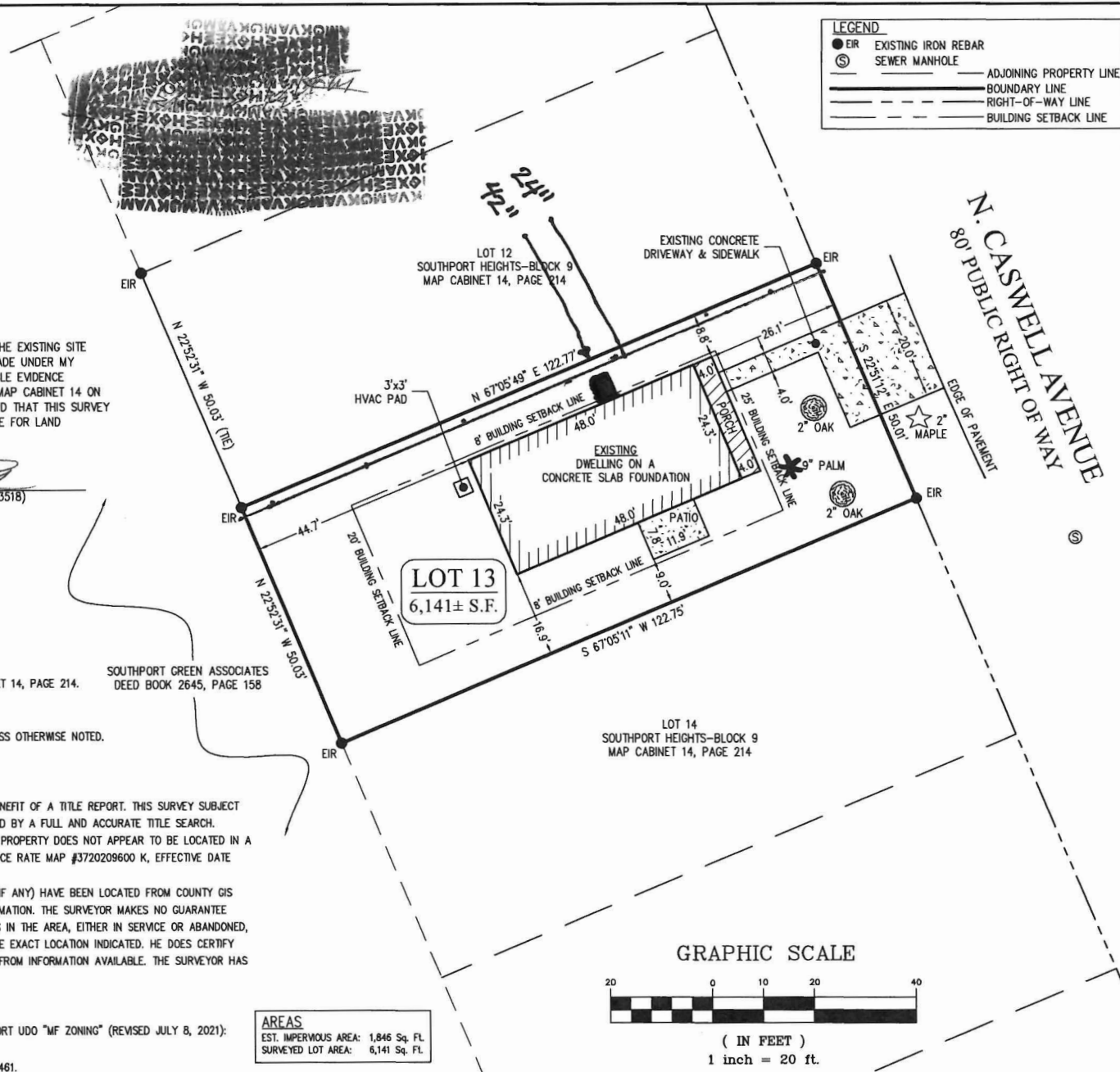




2023/05/16

MILES O. MCCALL III - PROFESSIONAL LAND SURVEYOR (L-3518)
THIS 16th DAY OF MAY, 2023

1. THIS IS A FINAL AS-BUILT SURVEY.
2. BEARINGS FOR THIS MAP ARE REFERENCED TO MAP CABINET 14, PAGE 214.
3. ELEVATIONS ARE REFERENCED TO NAVD 88.
4. PROPERTY IS ZONED: SP-MF (MULTI-FAMILY DISTRICT).
5. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
6. UNITS ARE U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
7. AREA BY COORDINATE GEOMETRY.
8. NO GRID MONUMENTS FOUND WITHIN 2000' OF SITE.
9. THIS SURVEY PERFORMED AND MAP PREPARED WITHOUT BENEFIT OF A TITLE REPORT. THIS SURVEY SUBJECT TO ANY FACTS AND EASEMENTS WHICH MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
10. FLOOD NOTE: AS DETERMINED BY GRAPHIC PLOTTING, THIS PROPERTY DOES NOT APPEAR TO BE LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD INSURANCE RATE MAP #3720209600 K, EFFECTIVE DATE AUGUST 28, 2018.
11. UTILITY STATEMENT: THE UNDERGROUND UTILITIES SHOWN (IF ANY) HAVE BEEN LOCATED FROM COUNTY GIS INFORMATION, EXISTING DRAWINGS & FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED, OR THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
12. COUNTY PARCEL ID: 221MA043.
13. TOTAL SITE AREA: 0.14± ACRES
14. SETBACKS SHOWN ARE AS FOLLOWS PER CITY OF SOUTHPORT UDO "MF ZONING" (REVISED JULY 8, 2021):
FRONT: 25' SIDE: 8' REAR: 20'
15. SITE ADDRESS: 1187 N. CASWELL AVE. SOUTHPORT, NC 28461.



JOB NO:
P303629058

[illegible]

NORTH CAROLINA
NEW HANCOCK COUNTY

I, MICHAEL A. UNDERWOOD, CERTIFY
SUPERVISOR FROM AN ACTUAL SURVEY
DEMONSTRATED SHOWN IN THE FACE
CALCULATED BY COMPUTER IS 1/10,000
SURVEYED ARE SHOWN BY BROKEN LINES
REFERENCED THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH THE (1915)
STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, WITNESS
MY ORIGINAL SIGNATURE AND SEAL ON THE 10TH DAY OF JUNE
A.D., 2023.

© 2023 MICHAEL UNDERWOOD AND ASSOCIATES, P.A. TAMU

- NOTES:
- 1.) SUBJECT PROPERTY "DOES NOT" LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION "X" (MODERATE RISK) BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP NO. 2205000001E, WITH A MAP REVISION DATE OF 02/02/16 FOR COMMUNITY NO. 10000 IN CITY OF SOUTHPORT, OF BRUNSWICK COUNTY, STATE OF NORTH CAROLINA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED.
 - 2.) SETBACKS SUBJECT TO REVIEW BY RELEVANT PARTIES.
 - 3.) ALL DISTANCES ARE GROUND HORIZONTAL.
 - 4.) NO A.C.I.S. FOUND WITHIN 2000'.
 - 5.) OWNERSHIP OF FENCE ALONG E IS UNKNOWN TO SURVEYOR.
 - 6.) PROPERTY ADDRESS: 8187 RIVER SOUND CIRCLE
 - 7.) PARCEL ID: 23080012
 - 8.) AREA CALCULATED BY COORDINATE METHOD.

SURVEY REFERENCE
BOOK #178 PAGE 138
BOOK #20 PAGE 183

LEGEND:
E.I.R. EXISTING IRON REBAR
P.C. PROPERTY CORNER
L.P.S. IRON PIPE SET
N.P.S. NO POINT SET
P.O.L. POINT ON LINE
A.P.P. APPROXIMATE
R/W RIGHT-OF-WAY
E PROPERTY LINE

SETBACKS: SEE MAP CANNOT TO PAGE 183
FRONT 30'
SIDE 10'
REAR 25'

GRAPHIC SCALE: 1"=10'
10 0 10 20 30

FOUNDATION SURVEY FOR:

JOHN BLAZEK and wife, KATHLEEN BLAZEK
LOT 88
THE LANDING
PHASE TWO

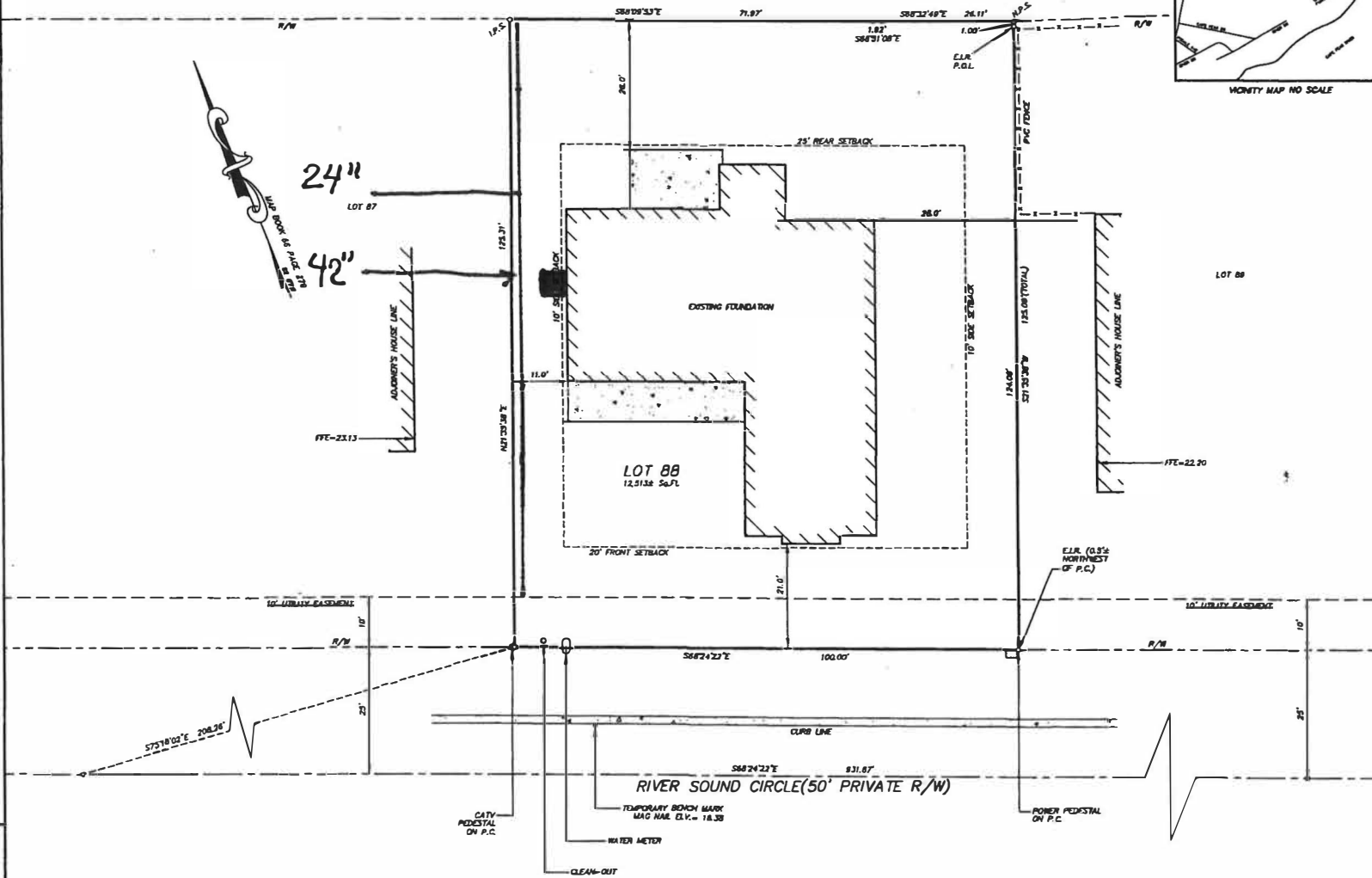
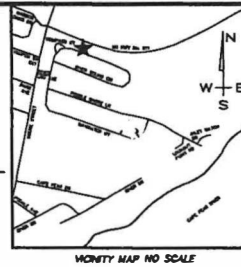
SOUTHVILLE TOWNSHIP BRUNSWICK COUNTY
CITY OF SOUTHPORT, NORTH CAROLINA

CLIENT:
Cliff Smith
CL Smith Construction, Inc.
3301 Southport Supply Road, Southport, NC 28422
(704) 810-4330 (Office) (704) 810-2533 (Mobile)
www.CliffSmithConstruction.com

MICHAEL UNDERWOOD and ASSOCIATES, P.A.
101 CHURCH DRIVE, SUITE A
BRUNSWICK, NC 28405
PHONE: 810-810-0650
FAX: 810-810-0650
FIRM LICENSE NO.: C-0615

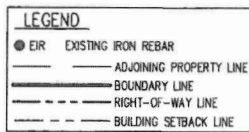
DESIGNED BY: M.A.U. APPROVED BY: M.A.U.
DRAWN BY: M.C. DATE: JUNE 2023
CHECKED BY: M.A.U. SCALE: 1" = 10'

NC HWY No. 211
FERRY ROAD SE
(100' PUBLIC R/W)



Attachment C

These site plans depict examples for the proposed text that allows a 30" encroachment but not closer than 36" from the lot line. There are examples for a 4' setback, 2 - 6' setbacks, an 8' setback, and a 10' setback.



I HEREBY CERTIFY THAT THE FOUNDATION SURVEY OF THE EXISTING SITE SHOWN HEREON IS BASED ON AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION AND ACCURATELY REPRESENTS THE OBSERVABLE EVIDENCE THEREOF AT THE TIME OF THIS SURVEY; THE PROPERTY IS AS RECORDED IN MAP CABINET 14 ON PAGE 214; THAT THE RATIO OF PRECISION IS 1:10,000+ AND THAT THIS SURVEY MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA" (21 NCAC 56.1600)

THIS 16TH DAY OF SEPTEMBER, 2022.

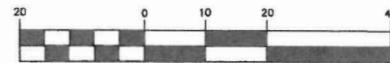
3. THIS IS A FOUNDATION SURVEY.
2. BEARINGS FOR THIS MAP ARE REFERENCED TO MAP CABINET 14, PAGE 214.
3. PROPERTY IS ZONED: SP-MF (MULTI-FAMILY DISTRICT).
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
5. UNITS ARE U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
6. AREA BY COORDINATE GEOMETRY.
7. NO GRID MONUMENTS FOUND WITHIN 2000' OF SITE.
8. THIS SURVEY PERFORMED AND MAP PREPARED WITHOUT BENEFIT OF A TITLE REPORT.
THIS SURVEY SUBJECT TO ANY FACTS AND EASEMENTS WHICH MAY BE DISCLOSED
BY A FULL AND ACCURATE TITLE SEARCH.
9. FLOOD NOTE: AS DETERMINED BY GRAPHIC PLOTTING, THIS PROPERTY APPEARS TO
BE LOCATED IN FLOOD ZONE "X" (MINIMAL FLOOD RISK); PER FEMA FLOOD
INSURANCE RATE MAP #3720209600 K, EFFECTIVE DATE AUGUST 28, 2018.
10. COUNTY PARCEL ID: 221MA044.
11. TOTAL SITE AREA: 0.14± ACRES
12. MAP AND DEED REFERENCES SHOWN ARE PER THE BRUNSWICK COUNTY REGISTRY.
13. SETBACKS SHOWN ARE AS FOLLOWS PER CLIENT PER CITY OF SOUTHPORT:
FRONT: 25' SIDE: 4' REAR: 10'
14. SITE ADDRESS: 1163 N. CASWELL AVE.
SOUTHPORT, NC 28461.

FISHER LANDING VILLAS
COMMON AREA
HOOSIER DADDY LLC
MAP CABINET 122, PAGE 22
DEED BOOK 4148, PAGE 871

SMITH & WEEKS
LOT 5 - BLOCK 15
DEED BOOK 2039,
PAGE 1404

SMITH & WEEKS
LOT 4 - BLOCK 15
DEED BOOK 3744,
PAGE 1360

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

JOB NO: SE04-039-02

 SEPI SOUTH EASTERN PAVING, INC. 1001 W. MAGNET DRIVE, SUITE 100 WILMINGTON, NORTH CAROLINA 28403 PHONE (910) 338-4292	SMITH & WEEKS LOT 28 - BLOCK 15 CITY OF WILMINGTON WILMINGTON, NORTH CAROLINA 28403	PREPARED FOR: ROYAL HUGHES 501 BRANSON CL #200 MT PLEASANT, SC 29546 PHONE (803) 316-4290	NO. _____ REVISION _____ DATE _____ BY _____ TYPED _____ DRAWN BY _____ CHECKED BY _____ DATE _____ SCALE _____ SHEET NO. _____
	FOUNDATION SURVEY		

NOTES:

- 1.) SUBJECT PROPERTY "DOES NOT" LIE WITHIN A AREA AS DEFINED BY THE FEDERAL EMERGENCY S&D DESCRIBED PROPERTY IS LOCATED WITHIN DESIGNATION "C" OTHER AREAS OF FLOOD HAZARD EMERGENCY MANAGEMENT AGENCY (FEMA), ON P. 10 OF 10/20/2000 15. 3222000200 15. 06/20/2015 FOR COMMUNITY NO. 370001, IN SOUTHEASTERN PROPERTY STATE OF NORTH CAROLINA. FLOOD INSURANCE RATE MAP FOR THE AREA. DASH PRELIMIS IS SITUATED.
- 2.) DEBATED INSURANCE REVIEW BY RELEVANT P.
- 3.) ALL DISTANCES ARE GROUND HORIZONTAL.
- 4.) NO N.C.G.S. FOUND WITHIN 2000'.
- 5.) PROPOSED ADDRESS 1511 FIRE FLY LANE.
- 6.) PARCEL ID: 32220006
- 7.) AREA CALCULATED BY COORDINATE METHOD.

SURVEY REFERENCE

BOOK 3700 PAGE 880

MAP BOOK 34 PAGE 353

LEGEND:

E.I.D.	EXISTING IRON CONCRETE
E.C.M.	EXISTING CONCRETE MONUMENT
E.I.R.	EXISTING IRON REBAR
P.C.	PROPERTY CORNER
P.S.	EXISTING IRON PIPE SET
N.P.	NO POINT SET
SMH	SANITARY SEWER MANHOLE
±	APPROXIMATE
---	RIGHT-OF-WAY

R/W/S: SET-OF-MAP-CARNEY

BOOK 3700 PAGE 880

MAP BOOK 34 PAGE 353

FRONT = 15'

REAR = 6'

SIDELINE = 5'

SETBACKS: SEE MAP CABINET 34 PAGE 35J
FRONT = 15'
SIDELINE = 6'
REAR = 5'

10

GRAPHIC SCALE: 1"=10'

10 0 10 20

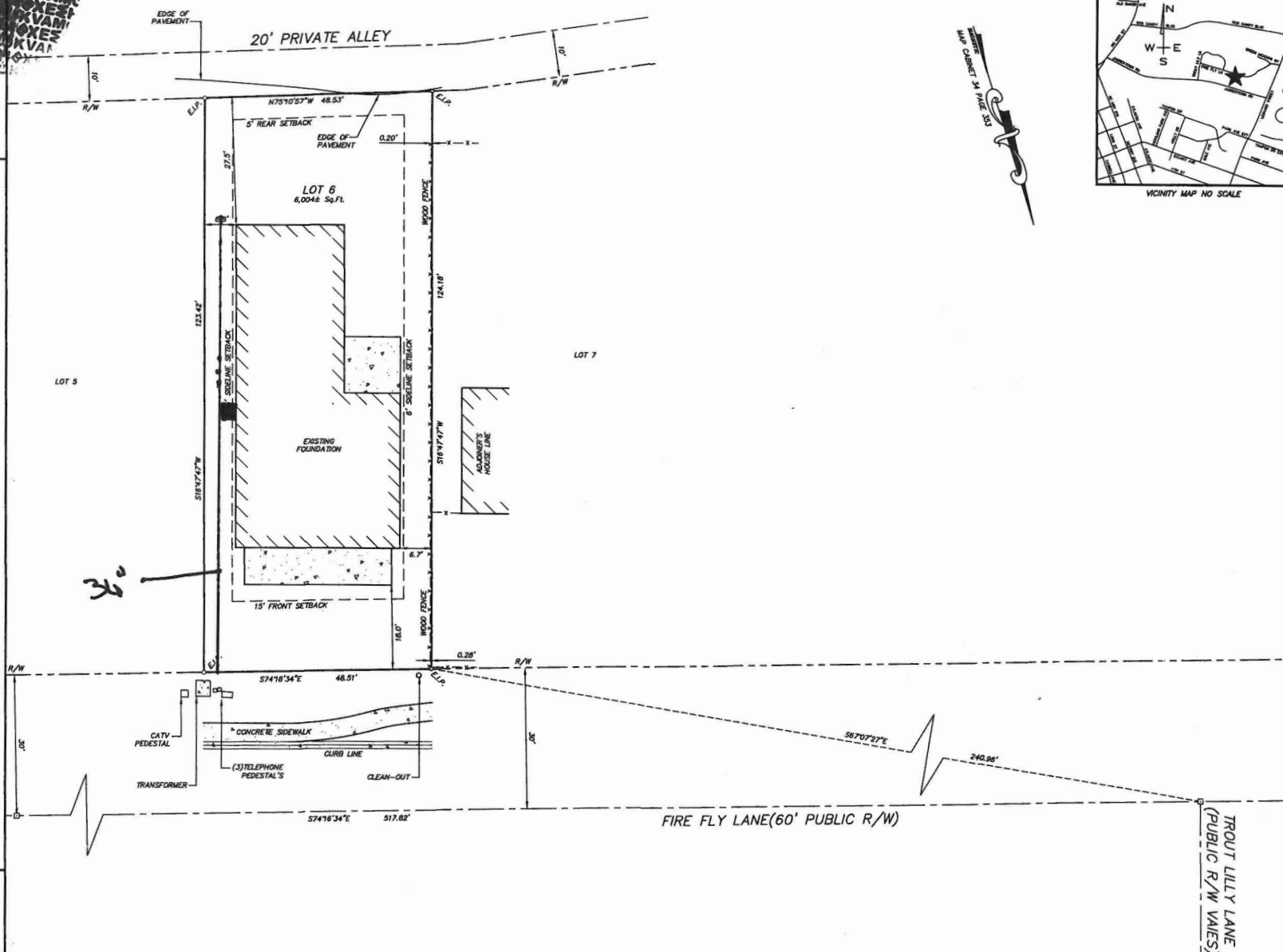
DEAN EDWARD WARNECKE and RA
LOT 8

THE COTTAGES OF PRICE
A CLUSTER HOME DEVELOPMENT
SMITHVILLE TOWNSHIP
CITY of SOUTHPORT, NORTH CAROLINA

Buyer: Dean Edward Warncke and Rachelle Lynn
118 W 14th Street Unit A, Southport, NC
Cell: 814-214-7363
Email: dwarncke@yahoo.com
Email: rachellewarncke@southport.com

MICHAEL UNDERWOOD and ASSOCIATES, PA
102 CINEMA DRIVE, SUITE A
WILMINGTON, NC 28403

PH.: (910) 815-0650
Firm License No.: C-0615



Page 25 of 54

NORTH CAROLINA
NEW HANOVER COUNTY

I, MICHAEL H. UNDERWOOD, CERTIFIED SURVEYOR FROM AN ACTUAL SURVEY, DESCRIBE THE PROPERTY AS SHOWN ON THIS MAP. THE DISTANCES CALCULATED BY COMPUTER IS 100' SURVEYED ARE SHOWN BY BROKEN LINES. REFERENCED THAT THIS PLAT, AND STANDARDS OF PRACTICE, ARE MY OWN AND NOT THOSE OF ANY OTHER PERSON OR FIRM.

MICHAEL H. UNDERWOOD, P.L.S.
LICENSE NUMBER L-3962
SEAL ON STAMP

© 2023 MICHAEL UNDERWOOD AND ASSOCIATES, PA

NOTES:
1.) SUBJECT PROPERTY "JACKSON" LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION "X-COMBINED AREAS" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON PANEL NO. 3028, FLOOD INSURANCE RATE MAP NO. 3220300001E, WITH A MAP REVISED DATE OF 06/28/18 FOR COMMUNITY NO. 330038, IN CITY OF SOUTHVILLE OF BRUNSWICK COUNTY, STATE OF NORTH CAROLINA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED.
2.) SETBACKS SUBJECT TO REVIEW BY RELEVANT PARTIES.
3.) ALL DISTANCES ARE GROUND HORIZONTAL.
4.) NO A.C.G.S. FOUND WITHIN 2000'.
5.) OWNERSHIP OF FENCE ALONG E IS UNKNOWN TO SURVEYOR.
6.) PROPERTY ADDRESS: 6167 RIVER SOUND CIRCLE
7.) PARCEL ID: 23089012
8.) AREA CALCULATED BY COORDINATE METHOD.

SURVEY REFERENCE:
BOOK 1278 PAGE 1138
MAP BOOK 30 PAGE 185

LEGEND:
E.L.R. EXISTING IRON RODS
P.C. PROPERTY CORNER
R/P.S. RIVER PIPE SET
N.P.S. NO POINT SET
P.O.L. POINT ON LINE
A. APPROXIMATE
R/W. RIGHT-OF-WAY
C. PROPERTY LINE

SETBACKS: SEE MAP CABBET 20 PAGE 185
FRONT 20'
SIDE 10'
REAR 25'

GRAPHIC SCALE: 1"=10'
10 0 10 20 30

FOUNDATION SURVEY FOR:

JOHN BLAZEX and wife, KATHLEEN BLAZEX
LOT 88
THE LANDING
PHASE TWO

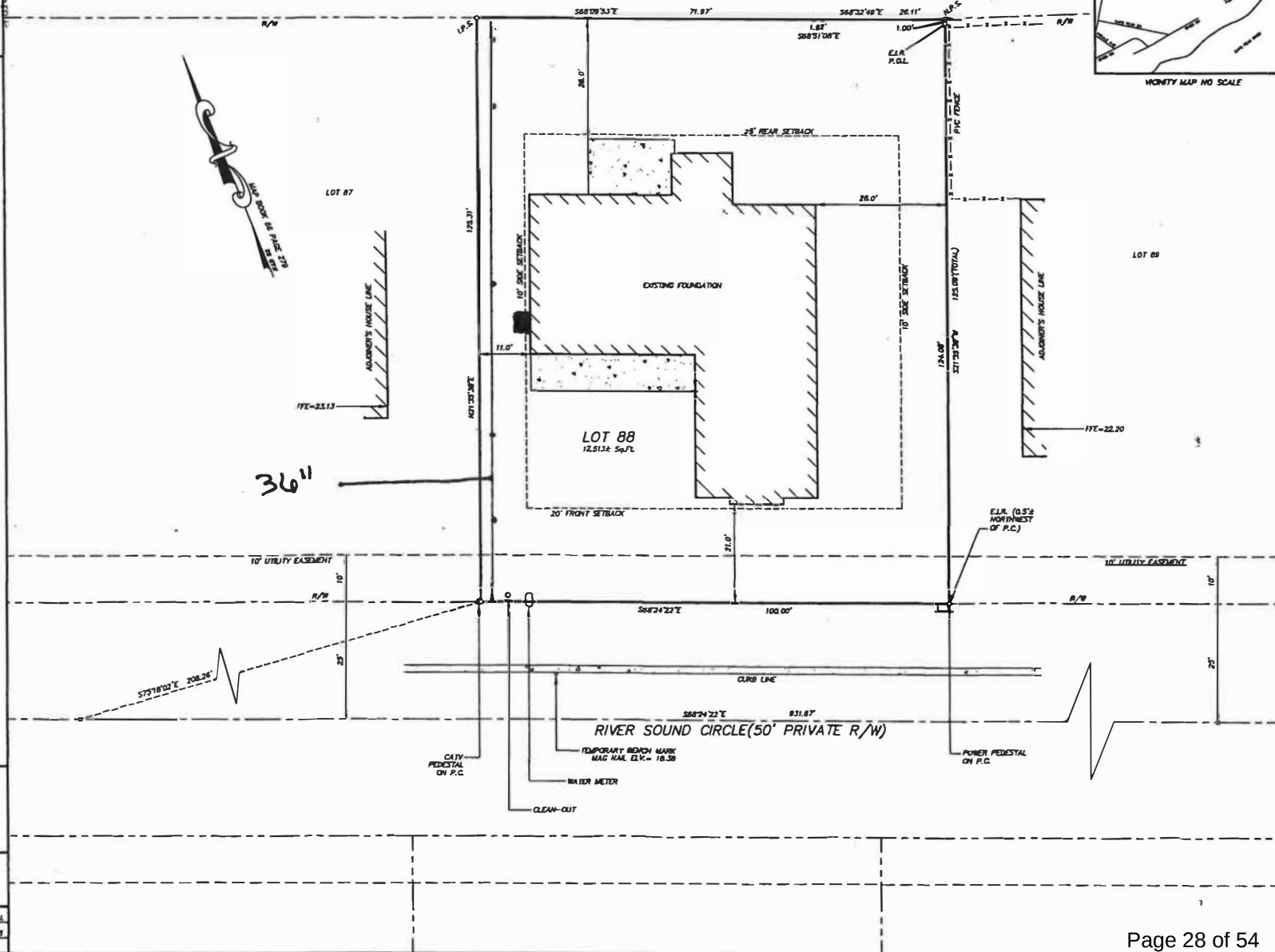
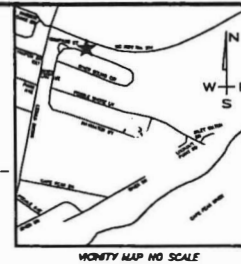
SOUTHVILLE TOWNSHIP BRUNSWICK COUNTY
CITY OF SOUTHPORT, NORTH CAROLINA

CLIENT:
Cameron Smith
CL Smith Construction, Inc.
3301 Southport Supply Road, Southport, NC 28422
(704) 910-4433-2000 (Office) 910-253-0000
www.cl-smithconstruction.com
www.SouthportTheLanding.com

MICHAEL UNDERWOOD AND ASSOCIATES, PA
102 CHESA DR., SUITE A
WILMINGTON, NC 28403
PHONE: 910-715-0650
email: mu@muandassociates.com
FIRM LICENSE NO.: C-0615

SURVEYED: S.G. APPROVED: M.H.U.
DRAWN BY: H.C. DATE: JUNE 2023
CHECKED BY: M.H.U. SCALE: 1" = 10'

NC HWY No. 211
FERRY ROAD SE
(100' PUBLIC R/W)





**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

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.

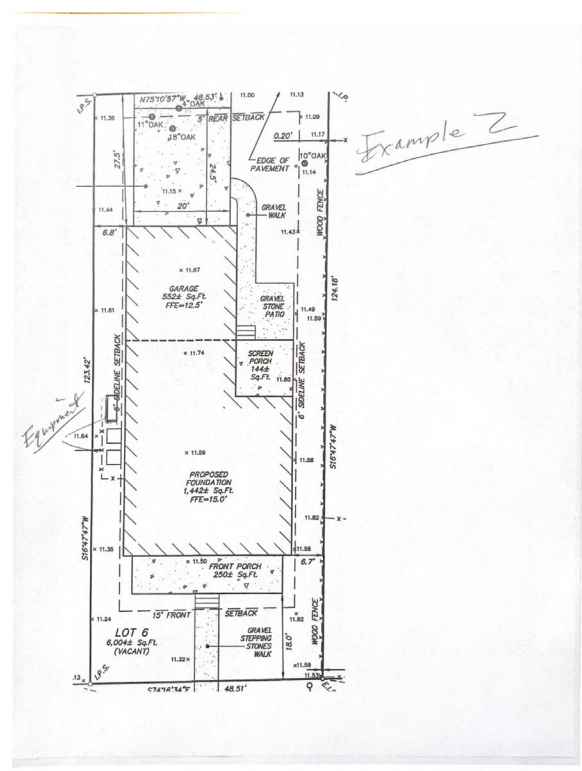
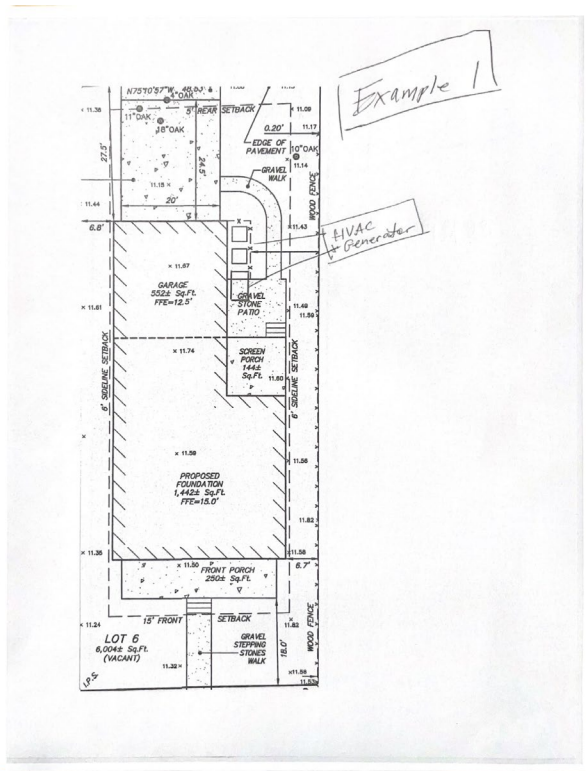
Currently, Section 3.9.B.5 of the UDO states, "Sills, cornices, buttresses, ornamental features, gutters, eaves, heating and air conditioning units and similar items may project into a required setback not more than 30 inches."

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

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.



MEMORANDUM

To: Chair Sue Hodgins, Members of the Planning Board

From: Maureen Meehan, City Planner

Re: Text Amendment – Section 3.12.B.2 Driveways

Date: November 16, 2023

A request to amend the Unified Development Ordinance Section 3.12.B.2 was submitted and presented to the Planning Board at the October 19, 2023, regular meeting. Please be advised, per Section 2.10.B.3, the Planning Board shall provide an advisory recommendation on any properly filed petition 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.

Background and Context

The Board of Adjustment requested that Staff bring forward a text amendment to the Planning Board after a variance hearing on the driveway standards. The applicant's request for a variance included the following two exceptions: Section 3.12.B.4.d) In no case may the total width of all driveways exceed 50% of the total property frontage. (the lot frontage for the subject property was less than 75') and 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. This variance was the first of several that would be brought forward to the Board of Adjustment.

After discussion at the October 19, 2023 meeting, Staff was asked to bring forward a second option and the original proposal to the November meeting. Below, you will find the existing text in the UDO, the original language proposed by the Board of Adjustment, and the option requested in October.

Existing Text Section 3.12.B.2

Before a zoning permit is issued for the construction, reconstruction, or change in use of any building or land. "Construction, reconstruction, or change in use" refers to those improvements made to the site involving overall structure size or to changes in use that 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.).

Board of Adjustment Requested/Pre-2020 Adopted Text for 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 that 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.).

Driveway Only Residential and Nonresidential Setback Text Option 3.12.B.4.e)

No nonresidential 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. Residential driveways for single- and two-family dwelling units shall not be located within two (2) feet of side lot property lines.

Staff Recommendation

Staff find that this request by the Board of Adjustment is reasonable due to the changes and amendments necessary at the permitting stage for single-family or two-family site plans. If the changes cannot be made, these requests have triggered variances to site plans that have been engineered. The changes and/or variance requests extend timeframes for permitting on top of increasing costs for the property owner.

Further, Staff finds that the proposed language appears consistent with the 2014 CAMA Land Use Plan and the Unified Development Order and respectfully requests that a recommendation for approval of the request by the Board of Adjustment and a statement of consistency be sent to the Board of Aldermen.

Attachments

Consistency Statement

Previous Staff Report with Attachments



**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 3.12 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.).

STAFF REPORT

ZONING TEXT AMENDMENT APPLICATION

SECTION 3.5 TABLE OF PERMITTED AND SPECIAL USES

APPLICATION SUMMARY	
Presentation Date	November 16, 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.

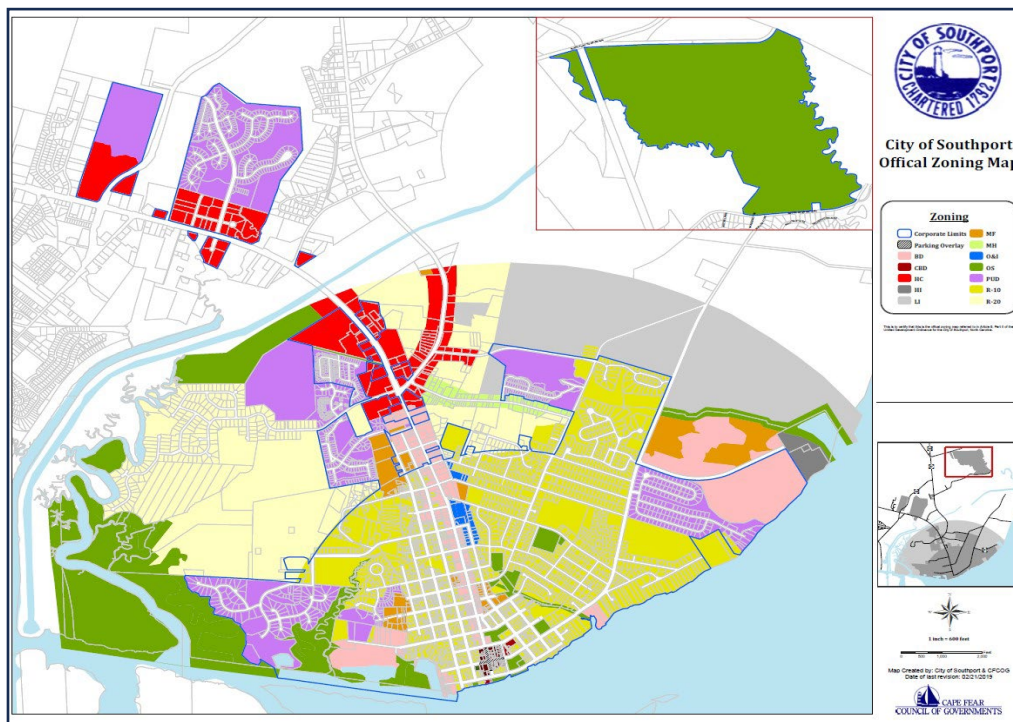


Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													Use Stand ard
	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
MIXED USES						PS	PS	PS	PS	PS				3.7.F

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:

Maween Meehan

UDO Administrator

Date

9/22/23

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	P			
Will Hewett Vice-Chair	P	P	P	P	P	P	P	P	P	P	P	P			
Fred Fiss	P	P	P	P	P	P	P	P	P	A	P	P			1
Christopher Jones	P	P	P	P	P	P	P	P	P	A	P	P			1
Scott Jones	P	P	P	P	P	P	P	P	P	P	P	P			
Donnie Joyner	P	P	A	P	P	A	P	P	P	P	A	P			3
Dick Sloan	P	P	P	P	P	P	P	P	P	P	P	P			
Roy Pender					P	P	P	P	P	A	P	P			1
Kevin Locklin					P	A	P	P	P	A	A	P			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

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		