



CITY OF SOUTHPORT
PLANNING BOARD
REGULAR MEETING AGENDA
Community Building 223 E. Bay St.
December 21, 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. November 16, 2023
- E. Approval of Agenda**
- F. Public Comment**
- G. Old Business**
 - 1. Text Amendment- Conditional Zoning
 - 2. Text Amendment-Mixed Uses in Highway Commercial Zoning District
- H. New Business**
- I. Other Business**
 - 1. Comprehensive Plan Update
- J. Announcements**
- K. Member's Information**
 - 1. Attendance Record and Member's Roster
- L. Adjourn**



Planning Board Minutes
Community Building 223 E. Bay Street
November 16, 2023
6:00 P.M.

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

Members Absent: Dick Sloan

Staff Present: Mo Meehan, City Planner
Tanya Shannon, Deputy Clerk
Allayna Dail, Community Relations Assistant

Board of Aldermen Karen Mosteller and John Allen
Liaisons:

A. Chair Sue Hodgins called the meeting to order at 6:01 p.m.

B. Mr. Donnie Joyner gave the Invocation.

C. Chair Hodgins led the Pledge of Allegiance.

Chair Hodgins appointed Mr. Locklin as a Voting Member in the absence of Mr. Sloan.

D. Motion to approve the October 19, 2023 Meeting Minutes by Mr. Joyner and second by Vice-Chair Hewett. **Unanimous vote; Motion carried.**

E. Motion to approve the Meeting Agenda with an amendment to remove Item G (3) Text Amendment Mixed Use In HC, by Vice-Chair Hewett and seconded 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.**

Since there was no public comment, Chair Hodgins requested a motion to close public comment. A Motion was made by Vice-Chair Hewett and seconded by Mr. Joyner. **Unanimous Vote; Motion Carried.**

G. Old Business: Text Amendment -Section 3.9.b.5 Setback Exception and Encroachment

Ms. Meehan provided an overview of the proposed amendment, and the applicant, Mr. Cameron Smith, was also in attendance to review the suggested revisions. She explained the various options available for the amendment. Mr. Joyner inquired whether this change would impact many properties and expressed that changes to the Unified Development Ordinance should be made only if necessary. Mr. Joyner asked if this revision was necessary and if there were a lot of requests for these exemptions, to which Ms. Meehan responded that it was not enforced previously, but now it will be, and several lots will be affected. Some lots will be able to make setbacks while others will not. Mr. Joyner raised a concern about privacy fences on some lots, which may be slightly off the lot line, and Ms. Meehan confirmed that they may indeed be on the lot line.

Vice-Chair Hewett brought up the topic of generators and air conditioners and their placement near the electrical panel. He questioned whether it was necessary to have them placed there and suggested that smaller, more efficient units could be placed closer to the panel. He also recommended that if this were to happen, the lines should be buried. Vice-Chair Hewett believes that having these items closer to the electrical panel would improve the situation, especially since everything is crammed on one side of the house.

Mr. Fiss, a builder, disagreed with Vice-Chair Hewett regarding the placement of a generator. He stated that the generator did not need to be near the electrical panel and gave an example of building one that was 50 feet away. He also mentioned that he is not willing to place any equipment less than 2 feet from the property line for a 33 ft lot or any other lot due to safety concerns, and that adjusting footprints and mini-splits may be an option. Mr. Locklin agreed with Mr. Fiss and used a constitutional analogy to explain his belief that changing the placement rules could potentially lead to other issues, and he feels that alternatives already exist.

Mr. Scott Jones emphasized that minor setbacks on the 33-foot lots should not overshadow the importance of the 8-foot setbacks. He expressed his concern that any wording should not penalize people with enough space and suggested that it should be phrased in a way that doesn't punish them.

Mr. Pender expressed his concerns about the units' size and proximity to the property line. He mentioned that the property is already built out, and there is insufficient space to keep the equipment too close to the property line. He was unsure how to handle a situation where something needed to be that close to the property line. On the other hand, Mr. Joyner disagreed and suggested using R-10 lots in the language, which may not work well on a 33-foot lot. Ms. Meehan brought up the issue of the request for all lots, PUDs, and subdivisions and clarified that there is already a 30-inch encroachment on the existing property.

Chair Hodgkin approved the beginning of the current text (not more than 30 inches) for the items listed but requested that no objects be placed closer than 2ft. in. She recommended, in the second sentence, to make a separate line that states no closer than 36 inches from the lot line and perhaps protect the non-conforming lots to reduce the cases that may go to the Board of Adjustments. Ms. Meehan agreed that no closer than 36 inches on the line would reduce the encroachment by a lot on the smaller lots. Chair Hodgkin commented that non-conforming lots are tough to deal with. Ms. Meehan stated that the Planning Department has been working with the builders to ensure that everything is in accordance with the UDO.

Mr. Joyner raised concerns about the wording of the 36-inch property line and the required setbacks. Ms. Meehan clarified that it was 1/2 foot for the small lots.

Mr. Pender inquired if the new regulations would affect larger lots. Ms. Meehan responded that it usually does not. He also asked if adjustments could be made on a lot-by-lot basis and if exemptions could be granted. Ms. Meehan stated that they were working with builders to provide assistance and bring hardship cases to the Board of Adjustments if needed. Mr. Pender suggested not changing anything, and Mr. Locklin concurred and asked what would be necessary. He said that if the changes would cause hardship as a whole, then working with the City could help accomplish good and potentially reduce hardships. He reiterated that since it does not apply to every lot, changing the regulations could lead to other issues.

Mr. Chris Jones asked if more applications for variances would be submitted to the Board of Adjustment in case nothing changed. Ms. Meehan was uncertain, but no cases have been presented yet.

Mr. Pender made a motion to deny the application for the text amendment and leave the UDO as it is, which was seconded by Mr. Locklin.

Mr. Scott Jones requested to reread the current UDO before a vote. Ms. Meehan read it out loud.

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.

Mr. Joyner suggested that if nothing changed and it went to the Board of Aldermen, a Public Hearing would be held, and changes would be made based on the recommendations.

With a Motion and Second on the Floor, and additional discussion held, Chair Hodgins called for a vote. Yay: Vice-Chair Hewett, Mr. Pender, Mr. Locklin, Mr. Joyner, Mr. Fiss, and Mr. Chris Jones. Nay: Mr. Scott Jones. ***Motion Carried 6-1.***

2. Text Amendment-Section 3.12.B.2 Driveways

Ms. Meehan explained that 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.

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 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.

Chair Hodgkin reviewed the minutes from the Board of Adjustments meeting that took place in September. She mentioned that she wanted to ensure that the current proposal is in line with the Board's decision to approve the variance allowing a reduced setback of up to 8ft. She also stated that the driveway width should be reduced to 50% or less of the width of the front of the property. Ms. Meehan confirmed that the proposed amendment covers all aspects related to the driveway. The Board reached consensus for the approval.

Vice-Chair Hewett Made a Motion to recommend approval of the Text Amendment Driveway Only Residential and Nonresidential Setback Text 3.12.B.4.e to be forwarded to the Board of Aldermen; Mr. Locklin seconded. **Unanimous Vote; Motion Carried.** Vice-Chair Hewett read the Statement of Consistency in favor of the approval.

H. Old Business: None

I. Other Business: Update on Comprehensive Plan

Ms. Meehan provided an update on the Comprehensive Plan. The Board of Aldermen appointed the Planning Board as the Steering Committee to oversee the project and recommend updates. The updates will be discussed during quarterly meetings, which will last approximately 1 to 1.5 hours each. The project is set to begin in the new year and will be managed by the Stewart Consulting Firm. Chair Hodgkin noted that she was very pleased with the impressive qualifications for Stewart.

J. Announcements: Chair Hodgkin wished everyone a Happy Thanksgiving.

Mr. Locklin was confirmed back to the Alternate Position.

Chair Hodgkin asked for a Motion to Adjourn as there was no other business to discuss.

A Motion was made by Vice-Chair Hewett to adjourn and seconded by Mr. Pender. **Unanimous Vote; Motion Carried.** Meeting adjourned at 6:59PM.

DRAFT



MEMORANDUM

To: Members of the Planning Board
From: Maureen Meehan, City Planner
Re: Conditional Zoning Text Amendment
Date: December 21, 2023

Background and Context

In January of this year, the City of Southport Planning Staff submitted this Zoning Text Amendment to modify the City's already adopted Conditional Rezoning process.

Key features of the request include:

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

After consideration, discussion, public input, and a public hearing, the Planning Board sent the amendment to the Board of Aldermen with a 5-2 vote in favor of the text amendment. A complete history of the changes and what was sent to the Board of Aldermen is included as an attachment to this report in the August 10, 2023 Staff Report.

Once the amendment was presented to the Board of Aldermen at their June 8, 2023, meeting, there was public comment and a duly advertised public hearing on July 8, 2023. The Board of Aldermen, at their regular board meeting on August 10, 2023, after discussion and consideration, voted to send the proposed conditional zoning text amendment back to the Planning Board. Specific direction included ensuring that the City was following the UNC School of Government's process for conditional zoning, requiring a pre-application meeting, and holding the required public input meeting prior to application submittal with documentation of how the input was included in the plan.

Board of Aldermen Proposed Changes

This text amendment was prepared in part by referencing the Chapter 160D Conditional Zoning guidance document from the UNC School of Government. This document outlines the procedure

to follow when considering conditional rezoning and offers considerations for modifications or additions to the standard procedure.

The following proposed language maintains the requirement for a public input meeting, and the report for such meeting must be filed with the UDO administrator and adds the requirement of a pre-application meeting rather than an optional pre-application meeting.

2.11.B.2 – Pre-Application Meetings. This is an addition to the original language and mirrors pre-application language found in other sections of the UDO.

1. Pre-Application Meetings. Applicants must request a pre-application meeting with the UDO Administrator prior to submission of an application to discuss the procedural and substantive matters related to the proposed application.

2.11.C.1 and 2. – Public Input Meeting. This is an update to the original language that requires the public input meeting to be held after the pre-application meeting and prior to the submission of an application. The report filing timeline was removed since the public input meeting and documentation will be submitted at the time of the application rather than prior to the public hearing. Additional language was added to the reporting requirement to reinforce the inclusion of public input into the proposal.

1. After the pre-application meeting and prior to scheduling a public hearing on the rezoning application submission of a rezoning application, the applicant must conduct one (1) public input meeting and file a report of the results with the UDO Administrator. ~~If the report is not filed at a time sufficient for the project to receive proper notice in accordance with public hearing requirements, the case shall be placed on the next available agenda.~~
2. The report for the public hearing will include a summary of the public input meeting and how public input was incorporated into the proposal.

Staff Recommendation

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

Attachments

- Proposed Language with Updates
- August 10, 2023, Board of Aldermen Packet – including the full Staff Report and language proposed by the Planning Board.

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

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

Amendment: ZTA-22-01

Statement of Consistency and Recommendation:

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

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

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

2.11 CONDITIONAL REZONING

A. PURPOSE

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

B. APPLICATION AND CONDITIONAL ZONING REVIEW PROCEDURE

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

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

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

C. PUBLIC INPUT MEETING

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

D. CONDITIONS TO APPROVAL OF PETITION

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

E. EFFECT OF APPROVAL

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

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

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

F. REVIEW OF APPROVAL OF A CONDITIONAL ZONING DISTRICT

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

Appendix A: Submission Requirements

A. Submission Requirements

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

B. Master Development Plan

1. General Project Information

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

2. Land Use

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

3. Traffic, Parking, Movement

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

4. Environmental Standards

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

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

5. Landscaping & Tree Preservation

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

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

C. Conditional Rezoning

1. General Project Information

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

2. Land Use

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

3. Traffic, Parking, Movement

- a) **Approximate** location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
- b) Location of roads appearing on officially adopted plans.
- c) **Approximate** Location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.
- d) **Approximate** total square footage of existing and proposed impervious surfaces.

- e) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.
 - i. If trip generation calculations are found to exceed Traffic Impact Study threshold, a Traffic Impact Study shall also be submitted following the process outlined in Section 3.13.
- ~~f) Location and dimensions of parking and loading spaces and drive aisles, including handicapped parking.~~
- ~~g) Location and dimensions of existing and proposed sidewalks and accessible accessways.~~
- ~~h) Location and dimensions of all trash containers and required screening.~~
- 4. Environmental Standards
 - a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
 - b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
 - c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
 - d) **Approximate** location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.
 - e) **Approximate** location and size of stormwater basins or other comparable stormwater management mechanisms.
- 5. Landscaping & Tree Preservation
 - a) Locations, dimensions, and size of required buffers, street yards, foundation planting, parking facility planting areas.
 - b) Location, species, and size of all ~~regulated and~~ specimen trees as defined by this ordinance.
 - c) Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.
 - d) Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.
 - e) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.
- 6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

D. Minor Site Plan

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

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

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

2. Land Use

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

3. Traffic, Parking, Movement

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

4. Environmental Standards

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

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

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

E. Major Site Plan & Special Use Permit

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

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

2. Land Use

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

3. Traffic, Parking, Movement

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

4. Environmental Standards

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

management mechanisms.

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

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

5. Landscaping & Tree Preservation

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

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

F. Preliminary Plat

1. General Project Information

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

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

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

2. Traffic, Parking, Movement

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

b) Location of roads appearing on officially adopted plans.

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

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

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

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

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

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

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

3. Other Land Use

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

b) Location and labeling of minimum building setback lines.

c) Signage.

d) Outdoor Lighting Plan.

4. Environmental Standards

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

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

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

d) Existing and proposed topography.

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

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

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

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

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

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

5. Landscaping & Tree Preservation

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

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

7. Required Certifications:

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

G. Final Plat

1. General Project Information

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

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

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

STAFF REPORT – ZTA 23-01

ZONING TEXT AMENDMENT APPLICATION

CONDITIONAL ZONING & APPENDIX A

APPLICATION SUMMARY	
Presentation Date	August 10, 2023 City of Southport Board of Aldermen
Applicant	City of Southport Planning Staff
Relevant Ordinance Sections	Section 2.11 ‘Conditional Rezoning’ & Appendix A

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

REVIEW PROCESS

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

For the purposes of this Zoning Text Amendment, the Planning and Zoning Board considered the item at their regularly scheduled meetings in January, February, March, April, and May 2023, with additional special meetings in March and May. Furthermore, in accordance with the provisions

of Section 2.10 of the City of Southport Unified Development Ordinance which provides the Planning and Zoning Board the power to call a public hearing in their review of a Zoning Map or Text Amendment, a duly advertised public hearing was held on this Zoning Text Amendment at the Planning Board's March 16, 2023 meeting.

AMENDMENT DESCRIPTION

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

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

The following sections of this report break down the proposed changes line-by-line, with additional context provided where appropriate and necessary.

2.11.A Purpose

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

2.11.B Application and Conditional Zoning Review Procedure

Planning Staff propose numerous amendments within Section 2.11.B. The first proposed amendment is a clarification that a Master Development Plan is required to be submitted in conjunction with a Conditional Rezoning proposal, as opposed to in conjunction with a Zoning Map Amendment request. A Conditional Rezoning is a Zoning Map Amendment request itself, thus requiring a separate Zoning Map Amendment in conjunction is redundant and therefore not necessary. Further, the language is proposed to be amended to require the submission of a narrative providing an overview of the project including any proposed uses, dimensional

standards, self-imposed development standards or conditions, and so on. Importantly, this section also references the flexibility afforded to conditional rezonings in terms of increasing or reducing development standards, and explicitly requires that any deviations be specifically addressed in the submitted narrative.

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

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

Per feedback received from the Planning Board, the attached language has been updated to include rising open space thresholds as proposed residential units within a conditional rezoning increase. Specifically, for every 250 units included within a Conditional Rezoning, the required open space designation increases by 5%. This continues to rise for every 250 units up to 750, at which point any project larger than 750 residential units shall be required to designate at least 35% of the site as open space meeting the definition Section 4.14.C.1.b as a minimum requirement for a Conditional Zoning District.

NOTE: The above-referenced section was modified via the Planning and Zoning Board's motion to recommend approval. Previous language included the continued increase in minimum required open space by 5% per additional 250 units up to 50%. As noted previously, these standards are minimums and additional open space preservation is encouraged by the City's CAMA Land Use Plan.

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

30' would apply to the requested conditional rezoning regardless of the other specifics of the conditional rezoning request.

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

- 1) An explicit statement that density and proposed uses within a conditional rezoning proposal shall be reviewed for consistency with any and all adopted plans;
- 2) An explicit statement that a conditional rezoning proposal shall speak to any use standards applicable within the Ordinance and that those use standards may be used in the evaluation of a proposal that includes such use; and
- 3) A requirement that any conditional rezoning application originating from a residential district contain at least five contiguous acres, on one or multiple parcels. Non-contiguous acreage may be added to a request if the initial five-acre requirement is otherwise met. This section was subsequently updated to add clarification with regard to property owner consent to a conditional rezoning request, as well as a reservation to review non-contiguous acreage for its relationship to the overall project. Note that both the property owner consent requirement and ability to review in this context already exist, they are solely listed in the draft text for clarity.

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

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

2.11.C Public Input Meeting

Following feedback received from the Planning Board, the proposed language maintains the requirement that the public input meeting shall be held, and the report from such meeting filed

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

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

2.11.D Conditions to Approval of Petition

The requested amendments in Section 2.11.D are primarily aimed toward providing clarity in existing processes. In Section 2.11.D.1, it makes clear that the UDO Administrator may make recommendations on potential conditions in addition to the Planning Board. Further amendments include rewriting the timeline for an applicant to respond to conditions and clarification that such response shall occur in writing, regardless of the nature of the response, so that such response can be included within the agenda packet for consideration by the Board of Aldermen. Finally, included at the conclusion of this section is an additional statement clarifying that modifications to conditions of approval shall require the entire conditional rezoning process to begin again.

2.11.E Effect of Approval

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

2.11.F Review of Approval of a Conditional Zoning District

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

Appendix A

Currently, Appendix A exists as a table, with rows representing various requirements for information to be displayed on site plan documents, and columns representing various case types and the applicability of each piece of information to each case type. Given the amendments

discussed above, Appendix A already requires an update just in the context of conditional rezonings. However, due to Staff experience and feedback from the Planning Board and applicants broadly, Staff propose eliminating the table and giving each case type its own section of Appendix A, which will aid in ensuring that it is abundantly clear which requirements apply to which case types and aid in the creation of checklists.

Included within the draft Ordinance language is a reconstructed Appendix A, which references six case types: Master Development Plans/PUDs, Conditional Rezonings, Minor Site Plans, Major Site Plans, Subdivision Preliminary Plats, and Subdivision Final Plats. Proposed amendments to the specific language within Appendix A include the allowance of approximation for some information within a Conditional Rezoning (more closely mirroring existing PUD requirements) and an explicit requirement on traffic generation figures being included in a site plan and references to the City's Traffic Impact Study requirement as laid out in Section 3.13.

NOTE: Section C of Appendix A, referencing Conditional Rezonings, was modified through the Planning and Zoning Board's motion to recommend approval to remove the requirement that a tree survey include the location, species, and size of all regulated trees as defined by the Ordinance (Appendix A, Section C.5.b). As noted within Appendix A, the UDO Administrator, Planning and Zoning Board, and Board of Aldermen reserve the right to request any additional information they deem pertinent. Additionally, further processes after the approval of a Conditional Rezoning will require the identification of all regulated trees.

EVALUATION AND CONTEXT

Unified Development Ordinance Compliance

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

2014 CAMA Core Land Use Plan Compliance

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

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

Completing the LUP [Land Use Plan], illustrating the City's vision for the future, does not ensure that its objectives will be met. The City must continuously work at accomplishing

plan implementation and maintaining an effective planning program. One important concept is 'smart development.'

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

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

Principle 2 - Full Use of Urban Services: The same frugality of land development supports efficient use of public and private infrastructure. Smart development means creating neighborhoods where more people will use existing services like water lines and sewers, roads, emergency services, and schools. Inefficient land use, whether within or outside urban areas, places a financial strain on communities trying to provide for the construction and maintenance of infrastructure needs.

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

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

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

- independence of movement, especially for the young and the elderly who can conveniently walk, cycle, or ride transit;
- safety in commercial areas, through around-the-clock presence of people;

- reduction in auto use, especially for shorter trips;
- support for those who work at home, through nearby services and parks; and
- a variety of housing choices, so that the young and old, singles and families, and those of varying economic ability may find places to live.

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

Principle 6 - Implementation: Southport's ability to adopt smart development principles will depend on the ability and willingness of developers to apply the principles. Frustrating, costly, and time-consuming delays due, in part, to inflexible standards, regulations, and processes will discourage innovative approaches to development and design. Providing for flexibility and certainty in the application of standards, and administrative approval of "minor" variances, can help promote creative development that complies with the principles. Effective use of Planned Unit Developments (PUD's) can also relieve some of the regulatory barriers for developers and lighten the administrative load for planners (See pages 128-130 of the 2014 CAMA Core Land Use Plan).

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

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

As Conditional Rezoning requests come forward, they are evaluated for their consistency with the future land use map and the goals, objectives, and policies within the CAMA Core Land Use

Plan. A non-exhaustive list of policies that may be relevant in the review of a hypothetical conditional rezoning from a use perspective include the following:

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

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

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

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

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

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

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

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

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

optimizing resources, and preserving wetlands, wildlife habitat, and other environmentally sensitive areas.

STAFF'S RECOMMENDATION

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

PLANNING BOARD'S RECOMMENDATION

At their May 18th, 2023 meeting, the City of Southport Planning and Zoning Board voted 5-2 on a motion to recommend approval of the Zoning Text Amendment as outlined in this report. Importantly, and as noted previously in the Staff Report, the Planning and Zoning Board's motion to recommend approval included two modifications regarding minimum open space provision within Conditional Rezoning proposals and the inclusion of regulated trees within required application materials in a Conditional Rezoning application. Furthermore, the Planning and Zoning Board's motion to recommend approval included the adoption of the attached consistency statement. A sample consistency statement is also provided for consideration by the Board of Aldermen.

**City of Southport Board of Aldermen
Statement of Plan Consistency
(As per NC General Statute 160D-604)**

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

Amendment: ZTA-22-01

Statement of Consistency and Recommendation:

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

Mayor Joseph P. Hatem
City of Southport, NC

Dorothy Dutton, City Clerk
City of Southport, NC

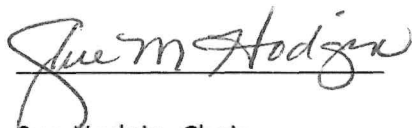
**City of Southport Planning & Zoning Board
Statement of Plan Consistency
(As per NC General Statute 160D-604)**

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

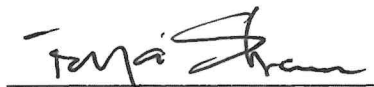
Amendment: ZTA-22-01

Statement of Consistency and Recommendation:

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



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



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

2.11 CONDITIONAL REZONING

A. PURPOSE

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

B. APPLICATION AND CONDITIONAL ZONING REVIEW PROCEDURE

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

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

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

C. PUBLIC INPUT MEETING

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

D. CONDITIONS TO APPROVAL OF PETITION

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

E. EFFECT OF APPROVAL

1. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the conditional zoning district, the approved master development plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the zoning maps.

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

F. REVIEW OF APPROVAL OF A CONDITIONAL ZONING DISTRICT

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

Appendix A: Submission Requirements

A. Submission Requirements

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

B. Master Development Plan

1. General Project Information

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

2. Land Use

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

3. Traffic, Parking, Movement

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

4. Environmental Standards

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

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

5. Landscaping & Tree Preservation

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

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

C. Conditional Rezoning

1. General Project Information

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

2. Land Use

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

3. Traffic, Parking, Movement

- a) **Approximate** location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.
- b) Location of roads appearing on officially adopted plans.
- c) **Approximate** Location of roads, streets, and circulation patterns; including any proposed or required bicycle or pedestrian facilities.
- d) **Approximate** total square footage of existing and proposed impervious surfaces.

- e) Trip generation calculations in accordance with the most recent version of the ITE Trip Generation Manual.
 - i. If trip generation calculations are found to exceed Traffic Impact Study threshold, a Traffic Impact Study shall also be submitted following the process outlined in Section 3.13.
- ~~f) Location and dimensions of parking and loading spaces and drive aisles, including handicapped parking.~~
- ~~g) Location and dimensions of existing and proposed sidewalks and accessible accessways.~~
- ~~h) Location and dimensions of all trash containers and required screening.~~
- 4. Environmental Standards
 - a) FEMA-designated flood hazard areas, including flood zone designations and map panels.
 - b) Location and description of CAMA Areas of Environmental Concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.
 - c) Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.
 - d) **Approximate** location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.
 - e) **Approximate** location and size of stormwater basins or other comparable stormwater management mechanisms.
- 5. Landscaping & Tree Preservation
 - a) Locations, dimensions, and size of required buffers, street yards, foundation planting, parking facility planting areas.
 - b) Location, species, and size of all ~~regulated and~~ specimen trees as defined by this ordinance.
 - c) Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.
 - d) Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.
 - e) Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected plants, trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.
- 6. Any other information considered pertinent by the applicant, UDO Administrator, Planning Board, or Board of Aldermen.

D. Minor Site Plan

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

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

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

2. Land Use

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

3. Traffic, Parking, Movement

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

4. Environmental Standards

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

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

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

E. Major Site Plan & Special Use Permit

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

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

2. Land Use

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

3. Traffic, Parking, Movement

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

4. Environmental Standards

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

management mechanisms.

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

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

5. Landscaping & Tree Preservation

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

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

F. Preliminary Plat

1. General Project Information

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

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

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

2. Traffic, Parking, Movement

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

b) Location of roads appearing on officially adopted plans.

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

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

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

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

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

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

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

3. Other Land Use

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

b) Location and labeling of minimum building setback lines.

c) Signage.

d) Outdoor Lighting Plan.

4. Environmental Standards

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

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

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

d) Existing and proposed topography.

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

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

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

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

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

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

5. Landscaping & Tree Preservation

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

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

7. Required Certifications:

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

G. Final Plat

1. General Project Information

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

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

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

STAFF REPORT

ZONING TEXT AMENDMENT APPLICATION

SECTION 3.5 TABLE OF PERMITTED AND SPECIAL USES

APPLICATION SUMMARY	
Presentation Date	December 21, 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.

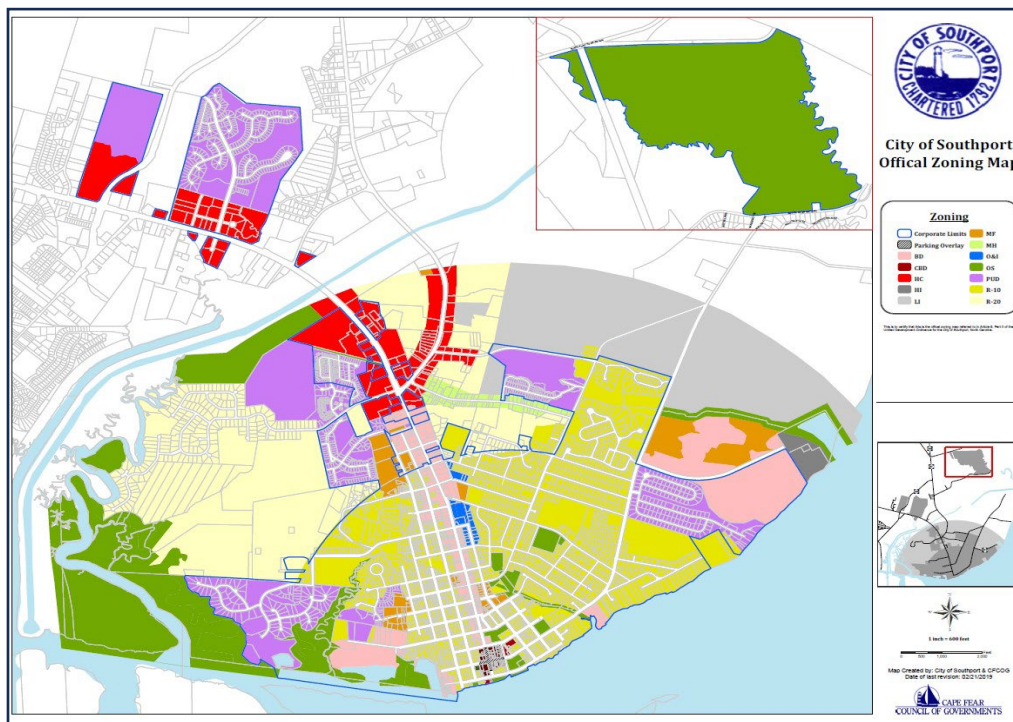


Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													Use Stand ard	
	Uses	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
MIXED USES							PS	PS	PS	PS	PS				3.7.F

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 an 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

► RECEIVED ◀

PERMIT No. ZETA-23-05 FEE: \$ 250⁰⁰ Date Received: SEP 19 2023

Applicant's Name: SAG HODINBS
 Mailing Address: 613 LOCKWOOD FERRY City: BOLIVIA
 State: NC Zip Code: 28422 Phone: 919-422-9732
 Email: TRIATCOAST@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).

Parcel 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

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	P		
Will Hewett Vice-Chair	P	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	P		1
Christopher Jones	P	P	P	P	P	P	P	P	P	A	P	P	P		1
Scott Jones	P	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	P		3
Dick Sloan	P	P	P	P	P	P	P	P	P	P	P	P	A		1
Roy Pender					P	P	P	P	P	A	P	P	P		1
Kevin Locklin					P	A	P	P	P	A	A	P	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		
Karen Mosteller kmosteller@cityofsouthport.com	310 N. Atlantic Ave	(704) 560-2443	Board of Aldermen Liaison		