



ORDINANCE TO AMEND ARTICLE 4 AND ARTICLE 5 OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO) OF THE CITY OF BOILING SPRING LAKES, NORTH CAROLINA

WHEREAS, the City has enacted a Unified Development Ordinance that controls land development within the City's incorporated areas; and

WHEREAS, in order to promote the public health, safety, and general welfare and to promote the best interests of the City and community, it is necessary from time to time for the City Board of Commissioners to consider appropriate revisions, modifications, and additions to the City's Unified Development Ordinance; and

WHEREAS, N.C.G.S. Chapter 160D-703 authorizes municipalities to establish conditional zoning districts; and

WHEREAS, the Board of Commissioners finds that providing a conditional zoning option will increase flexibility in land development proposals, allow site-specific conditions to address project impacts, promote compatibility with surrounding development, enhance predictability in the development review process, and further the goals and policies of the adopted Comprehensive Plan; and

WHEREAS, the Planning Board initially reviewed and deliberated the options, and voted 5 to 0 to recommend to the City Board of Commissioners to approve the proposed text amendments; and

WHEREAS, pursuant to N.C. General Statutes and City ordinances, a public hearing, properly noticed, was held on October 7, 2025, where public comment was heard and considered by the City Board of Commissioners; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BOILING SPRING LAKES, NORTH CAROLINA THAT UNIFIED DEVELOPMENT ORDINANCE ARTICLE 4 AND ARTICLE 5 IS HEREBY AMENDED AS FOLLOWS:

Sec. 4-6. Conditional Zoning Procedure

4-6-1 Application and Conditional Zoning Review Procedure

- (A) The application for a conditional rezoning approval shall also be accompanied by an application to amend the zoning map (rezoning) to the conditional development zoning district. The rezoning application shall be submitted concurrently with the conditional zoning master development plan. The approved master development plan shall provide the framework for development in the conditional zoning district. All applications must include a master development plan, supporting information and text which specifies the use or uses intended for the property, dimensional standards, and any development standards to be approved concurrently with the rezoning application. Development standards include such things as parking, landscaping, design guidelines, and buffers.
- (B) Applications and proposals for conditional zoning approval within the following nonresidential zoning districts (C-1, C-1A, C-C, and I-1) shall not be subject to a minimum size threshold. No conditional zoning proposals shall be considered within the CON or REC zoning districts. Within residential districts (R-1, R-2, R-3, R-3A, R-4, R-5, R-6), a minimum 10-acre contiguous tract is required for any conditional zoning request. Such tract may consist of individually-owned parcels under single site control through a duly established agent agreement.
- (C) An application for conditional zoning approval shall be accompanied by 3 hard copies and one (1) digital copy of a conditional zoning master development plan.
- (D) 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. The master development plan shall include the submission requirements contained in Appendix B. For nonresidential projects, the master development plan may be prepared in accordance with the requirements for major site plans to satisfy the site plan approval process thus necessitating only the issuance of a zoning permit following approval.
- (E) The UDO Administrator or his/her designee will review the conditional zoning master development plan and may require a Technical Review Procedure. Comments and review statements shall be included in the UDO Administrator's staff report to the Planning Board which shall be provided no later than 45 days following receipt of a complete application.
- (F) The Planning Board shall provide a recommendation to the Board of Commissioners within 30 days following receipt of the application for a conditional zoning district proposal and associated master development plan.
- (G) Following receipt of recommendation from the Planning Board, the Board of Commissioners shall approve, conditionally approve, or deny the conditional zoning master development plan.
- (H) When evaluating an application for the creation of a conditional zoning district, the Planning Board and Board of Commissioners shall consider the following:
 - (1) 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.
 - (2) The potential impacts and/or benefits on the surrounding area, adjoining properties.
 - (3) The report of results from the public input meeting.

4.6.2 Public Input Meeting

- (A) Prior to the Planning Board meeting on the rezoning application, the applicant must conduct one (1) public input meeting and file a report of the results with the UDO Administrator.
- (B) The report for the Planning Board meeting will include a summary of the public input meeting.
- (C) 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.

- (D) The notice shall include the time, date, and location of the meeting as well as a description of the proposal.
- (E) The applicant's report of the meeting shall include:
 - (1) A copy of the letter announcing the meeting
 - (2) A list of adjoining property owners contacted
 - (3) An attendance roster
 - (4) A summary of the issues discussed
 - (5) The results of the meeting including changes to the project's proposal, if any.

4.6.3 Conditions to Approval of Petition

- (A) In approving a petition for the reclassification of property to a conditional zoning district, the Planning Board may recommend, and the Board of Commissioners may request that the applicant add reasonable and appropriate conditions to the approval of the petition.
- (B) Any such conditions shall be in accordance with NCGS § 160D-703 and 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 Commissioners 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.
- (C) The petitioner shall consider and respond to any such conditions after the Planning Board meeting and within seven (7) days prior to the staff report for the Board of Commissioner meeting being published. If the applicant does not agree with the Planning Board or staff's recommendations of additional conditions, the Board of Commissioners shall have the authority to accept any or all of the conditions forwarded from the review process. All conditions shall be consented to in writing by the applicant.
- (D) 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.

4.6.4 Effect of Approval

- (A) 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 district's classification, 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.
- (B) Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning map 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" (for example "C1-CZ").
- (C) No zoning or building permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and applicable site plan and/or subdivision plat. Residential projects shall follow the subdivision approval process of Article 8 following the approval of conditional zoning request. Staff review and approval of associated major or minor subdivision plats following conditional zoning approval shall be required. Planning Board approval of subsequent plat submittal is not required Nonresidential projects may comply with the site plan

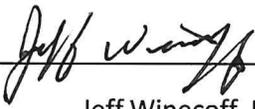
requirements of Article 9 by including said requirements on the approved master development plan. Accordingly, resubmittal of a minor or major site plan is not required.

- (D) 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.

Sec. 5-3. Primary zoning districts.

CZ conditional zoning district: A conditional zoning district is intended for a specified use or uses on small- and large-scale projects. All uses listed as part of any application must be in the same format and description as listed in the table of uses. All applications to establish a conditional zoning district must follow the regulations prescribed in Section 4-6 in addition to the standard zoning map amendment (rezoning) process as described in Section 4-1.

ADOPTED this 3rd day of March, 2026



Jeff Winecoff, Mayor

ATTEST:

Tanya Shannon

Tanya Shannon, City Clerk

