





Board of Commissioners Workshop Agenda  
Monday, November 24, 2025  
City Hall - 6:30 PM  
Internet Access Guest Password - WiFi2345

Page

**1. Call to Order - Mayor Jeff Winecoff**

**2. Pledge of Allegiance**

**3. Approval of Workshop Agenda**

- |     |   |         |
|-----|---|---------|
| 3.1 | General Text Amendments to the UDO - TX-2025-04<br><a href="#">2025-09-24 UDO Amendments_BOC Staff Report.pdf</a>    | 2 - 23  |
| 3.2 | Conditional Zoning Text Amendment- TX-2025-05<br><a href="#">2025-09-24 Conditional Zoning_BOC Staff Report.pdf</a>  | 24 - 28 |

**4. Adjourn**



**To:** City of Boiling Spring Lakes Board of Commissioners  
**From:** Anchorpoint Planning: Wes MacLeod, AICP, ASLA  
**Date:** September 24, 2025  
**Re:** Unified Development Ordinance (UDO) Amendments

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## INTRODUCTION

The following amendments to the Unified Development Ordinance (UDO) have been initiated by the City of Boiling Spring Lakes in coordination with local development partners and stakeholders and as result of pending legislative activity in the General Assembly. These updates are the result of collaborative discussions aimed at identifying practical solutions to streamline the development review process, provide greater flexibility in residential project design, and align regulatory standards with the intent of proposed legislation.

The amendments address specific procedural inefficiencies, clarify dimensional and design requirements, and modify the planned residential development (PRD) district standards to better support market-responsive housing options. Collectively, these changes reflect an ongoing commitment to ensuring the City's land development regulations remain responsive, predictable, and supportive of high-quality development outcomes. Following review and recommendation, the proposed amendments will be sent to the Board of Commissioners for final approval.

The amendments were thoroughly reviewed by the Planning Board during their meetings held on August 12<sup>th</sup> and September 9<sup>th</sup>. Following review and incorporation of comments, the Planning Board recommended approval of the following amendments.

## AMENDMENTS

Each proposed amendment is outlined below, including a brief summary of the proposal. Language proposed for removal is depicted by a red double strike through and language proposed for insertion is shown in black underline.

1. *Remove the requirement for a foundation survey due to duplicative efforts. An as-built survey is required following completion of a project.*

### Sec. 9-1. Purpose and applicability.

(D) ~~A foundation survey shall be submitted to the UDO administrator by the applicant upon completion of the building foundation to ensure that setbacks and building orientation match~~

~~the approved site plan. If the survey is not received within ten (10) days of the foundation inspection, and/or the survey shows that the placement of the building is incorrect, a stop-work order shall be issued, and all construction shall be halted until the problem is remedied.~~ Prior to the issuance of a zoning compliance certificate and a certificate of occupancy or certificate of completion by building inspections, the UDO administrator, or designee, shall conduct a final zoning inspection. A final as-built survey, completed by a licensed surveyor, shall also be required, and shall indicate the location of all site improvements and impervious square footage and percentage. Accessory structures greater than 400 square feet shall also provide a final as-built survey. If the final as-built survey shows that the placement of the building(s) is/are incorrect, as outlined in section 5-7 table of area, setback, living area and height requirements, then the provisions of article 4-4 and 4-5 shall be followed.

#### **Sec. 7-7. Lake regulations.**

(M) *Patricia lake (the big lake):* The setback on this lake shall be from the normal water level. The normal water level for Patricia Lake is thirty-one (31) feet above sea level, i.e., the water level is at the top of the dam spillway. The as-built survey ~~for the foundation footprint~~ shall indicate that the minimum setback is based on the dam spillway elevation.

2. ***Planned Residential Zoning District (PRD) modifications. Include flexibility for the location of housing types to be modified within an approved project so long as there is no increase in density or unit counts. Reduce the minimum lot width to align with housing options more common in today's market. Allow for staff approval of subdivision plats following a duly approved PRD project. PRD projects require initial approval by the Planning Board and Board of Commissioners.***

#### **Sec. 5-3. Primary zoning districts.**

- (H) *PRD planned residential development district:* This floating zoning district allows for a single development operation or a definitely programmed series of development operations according to an approved master development plan. All PRDs require an amendment to the city's official zoning map, master development plan approval, followed by ~~the major subdivision approval process as specified in this article~~ staff review and approval of associated major or minor subdivision plats or site plans. The minimum amount of land (unified control to be planned and developed as a whole) required for a PRD district shall be at least ten (10) contiguous acres and shall include the creation of at least five (5) new lots. ~~Single-family, two (2) family, and multi-family residential housing types are permitted. The minimum living area per dwelling unit is seven hundred fifty (750) square feet (minimum square footage requirement does not apply to any structures subject to regulation under the North Carolina Residential Code for one (1) and two (2) family dwellings).~~

#### **Sec. 8-25. Purpose.**

For purposes of this section, a planned residential development (PRD), is planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved master development plan. All PRDs require an amendment to the city's official zoning map, master development plan approval, followed by ~~the major subdivision approval process as specified in this article~~ staff review and approval of associated major or minor subdivision plats or site plans. Planning Board approval of subsequent plat or plan submittal is not required.

## Sec. 8-27. PRD review.

Planned residential development districts may hereafter be established by amendment to the city's official zoning map in concurrence with approval of a master development plan, according to the following procedures:

- (1) An application for a planned residential development shall be accompanied by three (3) hard copies and one (1) digital copy of a master development plan. The UDO administrator shall receive a complete application for a planned residential development, including a master development plan, a minimum of ~~thirty (30) calendar~~ days prior to the meeting at which the PRD will be reviewed. The planned residential development master development plan shall include all items contained in appendix B.
- (2) The technical review committee, as needed, shall review the master development plan and provide any received written ~~recommendation~~ comments to the planning board prior to the planning board meeting at which the master development plan is to be reviewed.
- (3) The UDO administrator shall, in writing, provide a recommendation to the planning board ~~within not more than sixty (60)~~ 45 days following receipt of the complete application for a PRD and associated master development plan. Copies of said master development plan will be included with the UDO administrator's recommendation.
- (4) Following receipt of recommendation from the planning board, the board of commissioners shall approve, conditionally approve, or deny the PRD master development plan.
- (5) The application for a planned residential development shall also be accompanied by an application to amend the zoning map (rezoning) to the planned residential development zoning district. The rezoning application shall be submitted concurrently with the prd master development plan. The procedure for such shall be followed as outlined in article 4. The approved master development plan shall provide the framework for development in the planned residential development.
- (6) Upon approval of the zoning map amendment and master development plan, an applicant may submit an application for a major or minor subdivision as provided in this article. The master development plan shall outline the dimensional standards and density for approval of the ~~major~~ subdivision. Following approval of the master development plan, all subdivision are to be approved administratively by staff, including major subdivision preliminary plats.

## Sec. 8-29. PRD design standards.

- (A) All PRD development and subsequent subdivision shall substantially comply with part II transportation/street standards and part III, street lighting.
- (B) Density is the number of dwelling units per acre. Density shall be calculated based on net buildable area. Net buildable area is the total land area within the PRD project property boundary less 404 wetlands ~~defined by the state coastal area management act and/or United States Army Corps of Engineers.~~
  - (1) The maximum allowable density for any PRD project shall be twenty (20) dwelling units per acre.
- (C) *Dimensional requirements.* Design and layout of lots within a PRD is intended to allow for flexibility beyond the minimum dimensional requirements of the city's conventional zoning districts.
  - (1) Yards forming the outer boundary of a planned residential development shall be in conformance with the minimum requirements of the applicable residential district. The following dimensional requirements apply to all single-family developments located in a planned residential.
    - (2) *Minimum required lot width:* ~~sixty (60)~~ 40 feet. Cul-de-sac lots located in the PRD district shall not have less than ~~forty (40)~~ 20 feet of frontage on the cul-de-sac and the minimum lot

width at the building setback line shall not be less than ~~sixty (60)~~40 feet. Flag lot configurations are discouraged, but shall be considered on a case by case basis.

(3) *Minimum lot frontage*: forty (40) feet, except on the radius of a cul-de-sac where such distance may be reduced to twenty (20) feet if the project uses zero lot line development.

(4) *Minimum required front yard setback*: ~~twenty (20)~~10 feet.

(5) *Minimum required rear yard setback*: twenty (20) feet.

(6) *Side yard setback*: Shall be a minimum of five (5) feet if not utilizing the zero lot line provision. ~~Five (5) feet side yard setbacks are allowed only if the lot(s) are eight thousand (8,000) square feet or less.~~ No above ground utility units shall be placed inside the five (5) foot side setback. Corner lot side yard setbacks shall be a minimum of ~~twenty (20)~~10 feet.

(7) *Maximum height*: forty (40) feet.

(8) *Corner visibility*: In a corner lot, within the area formed by a triangle twenty-five (25) feet from the intersection of right-of-way lines, there shall be no obstruction to vision between a height of two (2) feet and a height.

(D) Unit counts and residential use types. The location of residential use types within the PRD may be modified subject to developer desires without further approval; provided, however, in no case shall the total unit count, density, or development intensity be increased above the approved maximum number for the development. For example, if the developer desires to move an allotted number of multi-family or single-family units to a different location or phase within the development, then they may do so without further approval so long as the overall density or unit count is not increased.

#### **Sec. 5-7. Table of area, setback, living area, and height requirements.**

Zoning District	Minimum Lot Area (SF) [1]	Minimum Lot Width (feet) [1]	Minimum Front Setback (feet) [2]	Minimum Side Setback (feet)	Minimum Rear Setback (feet)	Minimum Living Area per Dwelling (SF)	Maximum Building Height (feet)
PRD Planned Residential District	N/A	N/A	N/A	N/A	N/A	<del>750</del> [3]	40

- Subdivision plat review timeline and approval authority. Reduce plat review timelines to more closely align with proposals by the General Assembly. Require all final subdivision plats to be reviewed and approved by staff. Extend approval timeline from 24 to 36 months to allow for state and federal permits to be received prior to construction.***

#### **Section 8-3-3 Major subdivision preliminary plat review.**

(A) For every subdivision within the city's planning jurisdiction, which does not qualify for the minor subdivision procedure, the applicant shall submit a major subdivision application and preliminary plat which shall be reviewed by the technical review committee and approved by the planning board before any construction or installation of improvements may begin. The UDO administrator shall determine if the application is complete prior to initiating review. Three (3) hard copies of the preliminary plat one (1) digital copy shall be submitted to the UDO administrator at least ~~thirty (30)~~21 days prior to the planning

board meeting at which the applicant desires the planning board to review the preliminary plat. Preliminary plats shall meet the specifications in appendix B.

(B) The UDO administrator shall review the preliminary plat before the next regularly scheduled meeting of the planning board ~~which follows at least thirty (30) days~~ after the UDO administrator receives a complete application for a major subdivision preliminary plat.

(C) The technical review committee, ~~as needed~~, shall review the major subdivision preliminary plat and provide a written recommendation to the planning board prior to the planning board meeting at which the preliminary plat is to be reviewed.

(D) The UDO administrator shall, in writing, provide a recommendation to the planning board ~~within sixty (60) days~~ no later than 45 days following receipt of the complete application for a major subdivision preliminary plat. Copies of said plat will be included with the UDO administrator's recommendation.

(E) Approval of the preliminary plat shall remain valid for ~~twenty-four (24)~~ 36 months. Final plats can continue to be submitted for subsequent sections of the preliminary plat beyond the ~~twenty-four (24)~~ 36 months provided the first phase receives final approval during the initial ~~twenty-four (24)~~ 36 month period. The planning board may grant a one (1) year extension of the preliminary plat approval.

(F) *Preliminary plat review standards.* A preliminary plat shall be approved only upon a finding that all of the following standards are met standards are met:

- (1) The preliminary plat complies with all applicable standards in this article;
- (2) The preliminary plat complies with all other applicable standards in this article;
- (3) The preliminary plat complies with all requirements or conditions of any applicable development approvals; and
- (4) The preliminary plat complies with all other applicable city regulations.

#### **Sec. 8-3-4 Major subdivision final plat review.**

(A) Preparation of final plat and installation of improvements. Upon approval of the preliminary plat, the applicant may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements (section 8-8) in accordance with the approved preliminary plat. Prior to approval of a final plat, the applicant shall have installed the improvements specified in this article, or guaranteed their installation as provided in section 8-3-5. No final plat will be accepted for review by UDO administrator by written notice by the city attorney and city engineer (or consulting engineer) acknowledging compliance with required installation of improvements. The final plat shall constitute only that portion of the preliminary plat which the applicant proposes to record and develop at this time; such portion shall conform to all requirements of this article. All approvals of improvement guarantees ~~are in the sole discretion of the board of commissioners~~ must be reviewed by the city engineer and attorney prior to approval by the UDO Administrator.

~~(See Section 8-3-5). NOTE: Approval for major subdivision final plats subject to financial guarantees shall be the responsibility of the board of commissioners. An advisory recommendation of the planning board is not required.~~

(B) The applicant shall submit the final plat for the first stage of the subdivision to the UDO administrator not more than ~~twenty-four (24)~~ 36 months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void. For subdivisions developed in stages, each successive final plat for a stage of the subdivision shall be submitted for approval within ~~twenty-four (24)~~ 36 months of the date of approval of the previous final plat for a stage of the subdivision. The UDO administrator shall determine if the application is complete prior to initiating review.

- (C) The final plat shall be prepared by a registered land surveyor currently licensed and registered in the state of North Carolina by the North Carolina state board of registration for professional engineers and land surveyors. The final plat shall conform to the provision for plats, subdivisions, and mapping requirements set forth in NCGS 47-30 and the standards of practice for land surveying in North Carolina.
- (D) Three (3) hard copies one (1) digital copy of the final plat shall be submitted, one (1) of these shall be on reproducible material, two (2) shall be in accordance with NCGS 47-30, where applicable, and the requirements of the Brunswick County register of deeds.
- (E) The final plat shall meet the specifications in appendix B of this article.
- (F) The technical review committee, as needed, shall review the final plat ~~at least thirty~~ within (30) 21 days after the UDO administrator receives a complete application for a major subdivision final plat and shall provide a written comments to the UDO administrator.
- (G) The UDO administrator shall approve or disapprove the major subdivision final plat ~~within sixty (60)~~ no later than 45 days following receipt of the complete application. If the UDO administrator approves the final plat, such approval shall be shown on each copy of the plat.
- (H) If the final plat is disapproved by the UDO administrator, the reasons for such disapproval shall be stated in writing, specifying the provisions of this article with which the final plat does not comply. If the final plat is disapproved, the applicant may make such changes as will bring the final plat into compliance and resubmit the same for reconsideration by the technical review committee and UDO administrator.
- (I) The applicant shall file the approved final plat with the register of deeds of Brunswick County within thirty (30) days of the UDO administrator's approval; otherwise, such approval shall be null and void.
- (J) A final plat shall be approved only upon a finding that all of the following standards are met:
  - (1) The final plat is in substantial conformity with the approved preliminary plat (if applicable);
  - (2) The final plat complies with all applicable standards in this article;
  - (3) The final plat complies with all other relevant provisions of this article;
  - (3) The performance guarantee, where applicable, is approved by the city attorney and city engineer;
  - (4) The final plat complies with all other relevant city regulations; and
  - (5) The final plat includes all required certificates

#### **Sec. 8-3-5 Performance guarantee review.**

- (A) *Agreement and security required.* In lieu of requiring the completion, installation and dedication of all required improvements prior to final plat approval or approval, the city may enter into an agreement with the applicant whereby the applicant shall agree to complete all required improvements. The cost of completing the improvements should be estimated under seal by an engineer for the applicant and submitted to the city's engineer for review ~~and approval at least thirty (30) days before the final plat is reviewed by the board of commissioners~~ within 21 days of receipt of a complete application. Once said agreement is signed by both parties, and the security required herein is provided, the final plat may be approved by ~~the board of commissioners subject to review and recommendation by the technical review committee and~~ UDO administrator, if all other requirements of this article are met. To secure this agreement, the applicant shall provide, ~~subject to the approval of the board of commissioners,~~ either one (1) or a combination of the following guarantees equal to one and twenty-five one-hundredths (1.25) times the entire cost as provided herein:



- (1) Surety performance bond(s). The applicant shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bond(s) shall be payable to the city of Boiling Spring Lakes, and shall be in the amount equal to one and twenty-five one-hundredths (1.25) times the entire cost of installing all required improvements, as determined through cost estimates provided by the applicant, and ~~approved by the board of commissioners~~ reviewed by the city engineer. The duration of the bond(s) shall be until such time as the improvements are approved by the city engineer and/or accepted by the board of commissioners or appropriate agency. If a performance guarantee is likely to expire prior to the completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued. Such extension shall only be issued for the duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be one and twenty-five one-hundredths (1.25) times the cost of incomplete improvements as determined through cost estimates provided by the applicant. All cost estimates shall be signed and sealed by a licensed engineer.
- (2) Cash or equivalent security. The applicant shall deposit cash or an irrevocable letter of credit, either with the city of Boiling Spring Lakes or in escrow with a financial institution designated as an official depository of the city. The use of any instrument other than cash shall be subject to the approval of the ~~board of commissioners~~ city manager's office. The amount of deposit shall be equal to one and twenty-five one-hundredths (1.25) times the cost, as estimated by the applicant and approved by the city's engineer ~~and board of commissioners~~, of installing all required improvements.
- (B) If cash or other instrument is deposited in escrow with a financial institution as provided above, then the applicant shall file with the board of commissioners an agreement between the financial institution and himself guaranteeing the following:
  - (1) That such escrow account shall be held in trust until released by the ~~board of commissioners~~ city, and may not be used or pledged by the applicant or applicant in any other matter during the term of the escrow; and
  - (2) That in the case of a failure on the part of the applicant to complete said improvements, the financial institution shall, upon notification by the ~~board of commissioners~~ city, and submission by the ~~board of commissioners~~ city to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the city the funds estimated to complete the improvement, up to the full balance of the escrow account, or deliver to the city any other instruments fully endorsed or otherwise made payable in full to the city.
- (C) The developer/applicant for a project shall make a cash payment to the City for the costs of any and all off-site roadway improvements as a fee before a building permit will be issued for such project, unless the developer/applicant elects to make the improvements as part of the project's costs or other required bond and, in such case, developer/applicant shall bond the costs of such roadway improvements at one and twenty-five one-hundredths (1.25) times the total off-site roadway costs in favor of the city.
- (D) Default. Upon default, meaning failure on the part of the applicant to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the ~~board of commissioners~~ city, pay all or any portion of the bond or escrow fund to the city of Boiling Spring Lakes, up to the amount needed to complete the improvements based on the city engineer's estimate. Upon payment, the board of commissioners, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The city shall return to the applicant any funds not spent in completing the improvements.



- (E) Release of guarantee security. The ~~board of commissioners~~city may release a portion of any security posted as the improvements are completed, not to exceed once per month. If the ~~board of commissioners~~city engineer approves said improvements, then it shall immediately release any security posted.

4. ***Technical Review Committee (TRC) clarifications. Provide additional information regarding the applicability of the TRC during the development review process.***

**Sec. 3-3. Powers and duties.**

The UDO administrator or designee may convene the TRC to review and provide recommendations on applications for site-specific development approval including, but not limited to, special use permits, subdivision plats, variances, development agreements, and rezoning's. No staff member shall make a recommendation on an administrative, legislative, or quasi-judicial decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member, or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. ~~When TRC review is required in accordance with development approval, such review~~ shall be ~~mandatory~~ subject to the discretion ~~and the responsibility~~ of the UDO administrator.

**Sec. A.3 Definitions.**

***Technical review committee***

The purpose of the Technical Review Committee is to facilitate communication and coordination between departments responsible for development review. A committee established to review technical aspects of proposed development. The Technical Review Procedure may be used to review all applications for any application for development approval. Such procedure shall consist of a review by the appropriate technical staff and departments at the discretion of the UDO Administrator. Any findings or recommendations shall be provided to the applicant and applicable approval authority for review purposes. The UDO Administrator may request the participation of professional experts or a representative from consulting agencies, county, regional, or state agencies if the UDO Administrator determines that such entities can provide expertise concerning the proposed development. Such committee may provide recommendations through digital communications or during a scheduled in-person meeting at the discretion of the UDO Administrator.

5. ***Clarification for the definition of multi-family to include townhomes, condos, and apartments. In addition, clarify that the minimum acreage size is not applicable to multi-family projects that have been approved as part of a Master Development Plan.***

***Multi-family residential***

A tract or tracts of land containing one or more multi-family dwellings.

***Dwelling, multi-family***

A building containing three (3) or more dwelling units, except where permitted as an accessory use. Multi-family dwellings shall include townhomes, condos, or apartments where three (3) or more dwelling units are located in a building.

#### **Sec. 6-40. Multi-family residential (including townhouses).**

- (A) In the C-1 and C-C zoning district, multi-family residential uses are only permitted on a contiguous tract or tracts of land consisting of five (5) or more contiguous acres. Development subject to an approved Master Development plan is exempt from this requirement.
- (B) A multi-family residential use shall be located on a tract or tracts of land under single, individual, corporate, firm partnership, or association ownership, or under common control evidenced by duly recorded contracts or agreements; planned and developed as an integral unit in a single development operation or in a definitively programmed series of development operations. The development shall have a unified or coordinated design of buildings and/or a coordinated organization of service areas and common open space.
- (C) Any multi-family residential use having more than one hundred (100) dwelling units shall be equipped throughout with two (2) separate and approved fire apparatus access roads. However, multi-family residential projects having up to two hundred (200) dwelling units may be allowed to provide a single approved fire apparatus access road when all buildings (including nonresidential occupancies) are equipped throughout with approved automatic sprinkler systems installed in compliance with state and local fire codes or deviations approved by the North Carolina state fire marshal.
- (D) The maximum allowable density for any multi-family residential use shall be twenty (20) units per acre.
- (E) *Design standards.* Multi-family residential uses shall meet the all applicable design and performance standards or requirements as noted in [articles 7, 8 and 9](#), in addition to the following:
  - (1) Any group of buildings forming a courtyard shall provide adequate access for emergency vehicles to enter such courtyard in compliance with state and local fire codes or deviations approved by the North Carolina state fire marshal.
  - (2) The use of features such as plazas, patios and courtyards should be used when practical. The features and spaces should enhance the development's role as an integral part of the community.
  - (3) Sidewalks and/or paths shall be constructed within the development to link the interior of the development with residential buildings within the development and to other destinations such as, but not limited to, adjoining streets, mailboxes, trash disposal areas, onsite amenity areas and the like.
  - (4) There shall be maintained at least fifteen (15) feet of separation between individual and unattached buildings. Townhomes shall be exempt from this requirement and shall be subject to the most current version of the North Carolina Building Code.

#### **6. *Update language pertaining to dimensional requirements for easements. The specific requirements for utility easements are determined at the discretion of the provider, rather than the City.***

##### **8-6-4 Easements.**

- (A) Easements for underground utilities shall be provided, where necessary, ~~across lots or centered on rear or side lot lines and shall be at least twenty (20) feet minimum width for water and sanitary sewer lines and as required by the companies involved for telephone, gas, power lines, and cable TV. The technical review committee (TRC) will determine whether one (1) easement is sufficient or whether~~

~~several easements are necessary to accommodate the various facilities, and the subdivider shall provide the required easements.~~

(B) Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the ~~lines of the stream and of sufficient width as will be adequate for the purpose~~ regulations of the authority having jurisdiction at the time of development. All easements, including width, shall conform with all state and federal requirements. A professional engineer shall design all major drainage networks. A registered surveyor may design all incidental drainage.

7. ***Revise sidewalk requirements for subdivisions of 10 or more lots to only require installation on one side of the road. This will help reduce overall impervious surface coverage, while still allowing developers to construct sidewalks along both sides of the road at their discretion. In addition, it will reduce potential encroachment of vehicles parked in driveways that may extend into the sidewalk area.***

#### **Sec. 8-7. Required improvements.**

(A) Each subdivision of this article shall contain the following improvements, where applicable:

- (8) For subdivisions of ten (10) or more lots, sidewalks as provided in section 8-~~18~~19.

#### **Sec. 8-19. Sidewalks.**

(A) Sidewalks shall be required on one side of the street for all subdivisions that cumulatively propose the creation of ten (10) or more lots.

~~(B) Sidewalks shall be required on both sides of the street for all subdivisions that cumulatively propose the creation of more than fifty (50) lots.~~

~~(C) Where residential developments have cul-de-sac or dead-end streets, such streets shall be connected to the closest local or collector street or to cul-de-sac in adjoining subdivisions via a sidewalk or multi-use path, except where deemed impractical by the UDO administrator.~~

~~(D)~~ Sidewalks required shall ~~be constructed to a minimum width of five (5) feet, and shall~~ consist of a minimum thickness of five (5) inches of concrete reinforced with steel concrete reinforcing wire. All sidewalks shall be placed in the right-of-way and shall meet ADA standards. All proposed standards are subject to review and recommendation by the TRC.

8. ***Remove the school site reservation provision as the City does not currently have school sites identified in the Comprehensive Plan. In addition, as part of the TRC process, the school district is notified of any large residential housing projects.***

#### **~~Sec. 8-12. Reservation of school sites.~~**

~~When a preliminary subdivision plat is submitted for approval, in which according to the comprehensive plan a school site should be reserved, the board of commissioners shall notify the county board of education that the subdivision has been submitted for approval and that under the article a school site may be reserved therein. In reviewing the subdivision and giving approval thereto, the board of commissioners shall consult the board of education in determining the exact size and location of any school site to be reserved therein. Before the preliminary plat of the subdivision is approved, the board of education shall determine whether or not it wishes to have a school site reserved in the subdivision. If the board of education wishes to have a school site reserved in the subdivision, the subdivision as finally approved shall reserve a school site of a size and location agreeable to the board of education and the board of commissioners. The board of education shall then have eighteen (18) months beginning on the~~

~~date of final plat approval of the subdivision within which to acquire the site. If the board of education has not either purchased or begun proceeding to acquire the site within eighteen (18) months after the subdivision is finally approved, the subdivider shall be immediately notified that he may proceed with the disposition of the land in question in accordance with the subdivision procedures and provisions of this Article~~

9. ***Update requirements for public and private streets. Allow private streets to be installed at the discretion of the developer. Allowance for private streets within subdivisions aligns with the requirements of similar jurisdictions in the area. There is potential for reduced maintenance expenses on behalf of the City due to privately maintained streets.***

#### **Sec. 8-14. Applicability.**

New streets ~~will generally be dedicated to the city or NC department of transportation~~ shall be designed and constructed in accordance with the requirements of this ordinance. Public or private streets may be utilized at the discretion of the applicant. ~~Private streets are generally only permitted in minor subdivisions or within attached dwelling developments and are also regulated by this section.~~

#### **Sec. 8-16. Conformance with the comprehensive transportation plan (CTP).**

The location and design of streets shall be in conformance with the adopted city of Boiling Spring Lakes comprehensive transportation plan (Brunswick County CTP). ~~Where conditions warrant, right-of-way width and pavement width in excess of the minimum street standards may be required.~~

#### **Sec. 8-17. Street standards—public streets.**

- (A) All streets within the proposed subdivision and any street upon which any lot within the proposed subdivision has its required frontage and which is not a city or state maintained street shall be graded and paved by the developer in accordance with the most recent version of the NCDOT subdivision roads minimum construction standards. The standards of construction shall be per NCDOT requirements. A certified letter from a registered professional engineer qualified in the work shall be submitted to the city prior to placement in stone base and prior to installation of asphalt. The letter shall certify the results of a NCDOT quality proof roll as witnessed by that professional engineer. Proof rolling identifies areas of poor compaction, high moisture content that is indicated by the truck tires "pumping" as it passes over the soil and areas where organic material may be present.
- (B) All streets must comply with applicable state and local fire codes or deviations approved by the North Carolina state fire marshall.
- (C) The proposed street layout within a subdivision shall be coordinated with the existing street system of the surrounding area, and where possible, existing principal streets shall be extended. No street shall be created which does not provide continuous connection to the existing public street system.
- ~~(D) Where, in the opinion of the planning board, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of the property and a temporary turnaround shall be provided.~~
- ~~(E) Any development of more than one hundred (100) residential units or additions to existing developments such that the total number of units exceeds one hundred (100) shall be required to provide vehicular access to at least two (2) public streets unless such provision is deemed impractical by the UDO administrator or city engineer due to topography, natural features, or the configuration of adjacent developments.~~

- (~~F~~D) Where new development is adjacent to vacant land likely to be divided in the future, all streets, bicycle paths, and access ways in the development's proposed street system shall continue through to the boundary lines of the area under the same ownership as the subdivision, as determined by the UDO administrator or the city engineer, to provide for the orderly subdivision of such adjacent land or the transportation and access needs of the community. In addition, all redevelopment and street improvement projects shall take advantage of opportunities for retrofitting existing streets to provide increased vehicular and pedestrian connectivity.
- (~~G~~E) In general, permanent culs-de-sac and dead-end streets are discouraged in the design of street systems,. Where culs-de-sac or dead-end streets are used, a turnaround at the closed street end shall be provided which meets or exceeds fire code requirements.
- (~~H~~F) Where a tract of land to be subdivided adjoins a major thoroughfare, the subdivider may be required to provide a marginal access street parallel to the major thoroughfare or reverse frontage on a local street for the lots to be developed adjacent to the major thoroughfare. Where reverse frontage is established, private driveways shall be prevented from having directing access to the major thoroughfare.
- (~~I~~G) *Street Names.* Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided, and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix, such as street, road, drive, place, court, and the like. Street names shall be subject to the approval of the UDO administrator after review by the Brunswick County GIS department and the Brunswick County sheriff's office.

- (J) Minimum street right-of-way widths shall not be less than the following:

Street Type	Right-of-Way Width
Major Thoroughfares	120 feet
Minor Thoroughfares	80 feet
Collectors	50 feet
Local streets and cul-de-sacs	50 feet

- (K) Pavement widths and grade standards shall be in accordance with the standards of the NCDOT subdivision roads minimum construction standards for the street type.
- (L) Bicycle lanes and/or wide outside lanes shall be incorporated in the design of all minor collectors. On local streets low traffic speeds and volumes allow bicyclists and motorists to safely share the road. Sidewalks are not acceptable as substitutes for bike lanes. Bike lanes shall be a minimum of four (4) feet in width (excluding adjacent curb and gutter, if applicable).
- (M) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than sixty (60) degrees. Intersections which cannot be aligned should be separated by a minimum length of two hundred (200) feet between survey center lines.
- (N) Property lines at street intersections shall be round with a minimum radius of twenty (20) feet. At an angle of intersection of less than seventy-five (75) degrees, a greater radius may be required. Where a street intersects a highway, the design standards of the NCDOT, division of highways shall apply.
- (O) Alternative street designs may be approved by the UDO administrator with plans and street specifications prepared by a licensed professional engineer and reviewed by the appropriate TRC member(s). In no case shall right-of-way widths be less than twenty-six (26) feet and pavement widths less than twenty (20) feet.

**Sec. 8-18. ~~Street standards-private streets~~ Additional Private Street Standards.**

- (A) Any private street within an attached dwelling or multi-family development must meet the ~~design standards for public streets~~ street standards of Section 8-17.
- (B) Any private street within a minor residential subdivision must have a minimum right of way width of twenty (20) feet which includes the travel way and associated drainage facilities. Any underground utilities may be located within the road right of way or a separate utility right of way. NOTE: A private street within a minor residential subdivision may be required to provide a right of way of fifty (50) feet if the land and lots are arranged to allow the potential conversion of the road to a public road. If the lot arrangement, surrounding development pattern, zoning, and existing city plans indicate conversion is unlikely, the UDO administrator may allow a private road to reduce the right of way width to no less than twenty (20) feet. Future development will not be permitted to use the private street and will be required to upgrade such to the ~~public~~ street standards outlined herein. For this reason, it is encouraged that a minimum fifty (50) right of way be provided.
- ~~(C) Lots for single family detached dwellings may be created with access to a private street provided that:~~
- ~~(1) No more than four (4) lots may have their sole access to the private street;~~
- ~~(2) A new private street shall not be an extension of any existing public or private street; and~~
- ~~(3) A new private street shall not be aligned with an existing public road in such a way as may interfere with any planned extension of the public road.~~
- ~~(D) The intent of this subsection is primarily to allow the creation of not more than four (4) lots with frontage on a private street for single family development. Therefore, the city may not approve any project served by a private street authorized by this subsection in which one (1) or more of the lots thereby created is intended for:~~
- ~~(1) Two (2) family or multi family residential use; or~~
- ~~(2) Any other residential use or nonresidential use that would tend to generate more traffic than that customarily generated by four (4) single family residences.~~
- ~~(E) To ensure that the intent of this subsection is not subverted, the UDO administrator may, among other possible options, require that the approved plans show the types and locations of buildings on each lot or that restrictive covenants limiting the use of the subdivided property in accordance with this section be recorded before final plat approval.~~
- ~~(F) No final plat that shows lots served by private streets may be recorded unless the final plat contains the following notation: "Further subdivision of any lot shown on this plat as served by a private street may be prohibited by the city of Boiling Spring Lakes unified development article".~~
- (G) The recorded plat of any development that includes a private street shall clearly state that such road is a private street and must be accompanied by a private street maintenance agreement that is also recorded.

- 10. *Revisions to the Submission Requirements of Appendix B. Clarify wetlands may be delineated by an appropriate professional, rather than strictly the Army Corps of Engineers. Revise additional submittal standards to align with other local jurisdictions in the region.***

## Appendix B. Submission Requirements

### Section B.1 Table of plan/plat requirements

Information Required	Landscape Plan	Minor Site Plan	Major Site Plan	Preliminary Plat	Major Final Plat	Minor Final Plat	Master Development Plan
Proposed or approved name of development, project, subdivision, and/or phase.	✓	✓	✓	✓	✓	✓	✓
Location, including township, county, and state.	✓	✓	✓	✓	✓	✓	
Developer/applicant name(s), including mailing address(es) and telephone number(s).	✓	✓	✓	✓			✓
Property owner name(s), including mailing address(es) and telephone number(s).	✓	✓	✓	✓			✓
Name(s) of person(s) or firm(s) preparing the plat/plan, including mailing address(es) and	✓	✓	✓	✓	✓	✓	✓
Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable)	✓	✓	✓	✓	✓	✓	✓
Date of plat/plan preparation and of surveys.	✓	✓	✓	✓	✓	✓	✓
North arrow and orientation.	✓	✓	✓	✓	✓	✓	✓
Map scale, denoted graphically and numerically.	✓1	✓1	✓1	✓2	✓3	✓3	✓
Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.		✓	✓	✓	✓	✓	✓
Exact existing and proposed or pending property boundary lines by bearings and distances and the location of intersecting boundary lines of adjacent lands.				✓	✓	✓	
Approximate existing and proposed property boundary lines of the site and adjacent lands.							✓



Information Required	Landscape Plan	Minor Site Plan	Major Site Plan	Preliminary Plat	Major Final Plat	Minor Final Plat	Master Development Plan
Tax parcel numbers of all existing tracts comprising the site and adjacent tracts.	✓	✓	✓	✓			✓
Names of owners of adjacent tracts, including applicable book and page numbers.		✓	✓	✓	✓	✓	✓
Names and boundaries of adjacent subdivisions of record or under review.		✓	✓	✓			✓
Total acreage of all tracts comprising the plan or plat and adjacent tracts.		✓	✓	✓			✓
Current zoning of site and adjacent tracts.	✓	✓	✓	✓			✓
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.		✓	✓	✓			✓
Boundaries of municipal limits, extraterritorial jurisdiction limits, and township limits.	✓	✓	✓	✓	✓	✓	✓
Proposed lot lines, lot and block numbers, and approximate dimensions.				✓			
Lots numbered consecutively throughout the subdivision.					✓	✓	
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-		✓	✓	✓	✓	✓	

Information Required	Landscape Plan	Minor Site Plan	Major Site Plan	Preliminary Plat	Major Final Plat	Minor Final Plat	Master Development Plan
tenth of a foot and all angles to the nearest minute.							
Accurate locations and descriptions of all monuments, markets, and control points in accordance with N.C.G.S. 39-32.1, 39-32.2, 39-32.3, and 39-32.4				✓	✓	✓	
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.	✓	✓	✓				✓
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.	✓	✓	✓				✗
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.		✓	✓	✓	✓	✓	
Location of roads appearing on officially adopted plans.				✓	✓		✓
Total square footage of existing and proposed impervious surfaces.	✓	✓	✓	✓			
Names, cross sections, approximate grades, and pavement widths of proposed road rights-of-way, including design engineering data for all corners and curves.		✓	✓	✓			

Information Required	Landscape Plan	Minor Site Plan	Major Site Plan	Preliminary Plat	Major Final Plat	Minor Final Plat	Master Development Plan
Type of street dedication, either public or private.		✓	✓	✓	✓	✓	✓4
Where any street is to be dedicated to the public but has not yet been accepted into the local or state street system before lots are sold, a statement explaining the status of the street shall appear on the plat.					✓	✓	
Location, direction, dimensions, and description of existing driveways and private roads.		✓	✓	✓	✓	✓	✓4
Location and dimensions of parking and loading spaces and drive aisles, including handicapped parking.	✓	✓	✓				
<del>Designation of curb and gutter or non-curb within internal parking areas and along adjacent streets and right-of-ways, including curb and gutter plans.</del>		✗	✗	✗			✗
Location and dimensions of existing and proposed sidewalks and accessible access ways.	✓	✓	✓		✓	✓	
Location and dimensions of existing and proposed pedestrian and/or bicycle paths, riding trails, cart paths, etc.	✓	✓	✓	✓			✓
Location and dimensions of existing and proposed bridges.	✓	✓	✓	✓			✓
Location and dimensions of all trash containers and required screening.	✓	✓	✓				
FEMA-designated flood hazard areas, including flood zone designations and map panels.	✓	✓	✓	✓	✓	✓	✓
Location and description of <del>areas of environmental concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.</del>	✓	✓	✓	✓	✓	✓	✓

Information Required	Landscape Plan	Minor Site Plan	Major Site Plan	Preliminary Plat	Major Final Plat	Minor Final Plat	Master Development Plan
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.	✓	✓	✓	✓			
Topographic information showing vertical contour every two (2) feet.	✓		✓	✓			
Water courses and water bodies, including rivers, streams, creeks, ponds, and lakes.	✓	✓	✓	✓	✓	✓	✓
Location and dimensions of natural buffers.	✓	✓	✓	✓			✓
Location, dimensions, and description of all areas to be dedicated to the public or to a property owners association.		✓	✓	✓	✓	✓	
<del>Location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.</del>		✗	✗	✗			
Location and size of stormwater basins or other comparable stormwater management mechanisms.	✓	✓	✓	✓			✓
Location and setback of minimum building setback lines.		✓	✓	✓	✗	✗	
Total number and type of dwelling units, by development phase.		✓	✓	✓	✓	✓	✓5
Total number of lots proposed and acreage of smallest lot.		✓	✓	✓	✓	✓	✓5
Residential density, in units per acre.		✓	✓	✓	✓	✓	✓5
Total floor area for each type of use.		✓	✓	✗			✓5
Total area in passive open space.		✓	✓	✓	✓	✓	✓5
Total area in developed active recreational open space.		✓	✓	✓	✓	✓	✓5

Information Required	Landscape Plan	Minor Site Plan	Major Site Plan	Preliminary Plat	Major Final Plat	Minor Final Plat	Master Development Plan
Total number of off-street parking and loading spaces, including handicapped parking spaces.		✓	✓	✓			
<del>A note placed on the plan stating: "Any deviation in this plan shall require approval of the proper approving body."</del>	✗	✗	✗	✗			
A Traffic Impact Analysis, in accordance with Section 7.17, where applicable, shall accompany the plan or plat.		✓	✓	✓			
A copy of an approved NCDOT driveway permit for any street or driveway proposed to intersect with a state-maintained road or any street or driveway that requires amendment to an existing driveway permit.		✓	✓	✗			
A copy of a sedimentation and erosion control plan submitted to NCDEQ which complies with NCGS 113A, Article 4 where land disturbing activity exceeds one acre.			✓	✓	✓		
A copy of any proposed deed or master restrictions, proposed articles of incorporation and by-laws of property owners association, or any other similar covenant. Such restrictions are mandatory where private recreation areas, open spaces, roads, or other amenities are established.				✓	✓	✓	
All certifications required by Appendix B, Section B.2				✓	✓	✓	✓
<del>Any other information considered pertinent by the applicant, UDO Administrator, TRC, Staff, Planning Board, or Board of Commissioners.</del>	✗	✗	✗	✗			✗

Information Required	Landscape Plan	Minor Site Plan	Major Site Plan	Preliminary Plat	Major Final Plat	Minor Final Plat	Master Development Plan
Digital data of all graphical submissions, including plats, site plans, landscaping plans, utility plans, lighting plans, stormwater plans, master plans, etc. in one or more of the following formats: AutoCAD .DWG or DXF versions 12.x through 18.x; MicroStation DGN versions 5.x through 8.x.; ESRI .SHP, MDB, or GDB.	✓	✓	✓	✓	✓	✓	✓
Detailed <u>as-built</u> 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. (NOTE: Type of construction materials and brand of appurtenances will require approval from the City of Boiling Spring Lakes/ Brunswick County Utilities) Plans shall include profiles based on mean sea level datum for gravity sanitary and storm sewers. (NOTE: Detailed plans may be submitted after site plan or preliminary plat are approved and must be approved by the City prior to the issuance of building permits or approval of a final		✓	✓	✓		✓	
A note indicating providers of natural gas, telephone, cable television, and electric service.				✓	✓	✓	
Architectural drawings (including, but not limited to, floor plan, roof		✓	✓				

Information Required	Landscape Plan	Minor Site Plan	Major Site Plan	Preliminary Plat	Major Final Plat	Minor Final Plat	Master Development Plan
plan, and exterior building elevations)							
Locations, dimensions, and size of required buffers, street yards, foundation planting, screening, and internal parking lot planting areas.	✓	✓	✓				
Location, species, and size of all significant trees pursuant to Section 7.29	✓	✓	✓	✓			
Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.	✓	✓	✓	✓			
Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.	✓	✓	✓				
Approximate locations and species of all existing trees at least 8" DBH. The canopy drip line of those trees shall be delineated. If groves of protected trees exist that will not be removed or disturbed, it is permitted to label the grove as such on the map, stating the approximate number of protected trees and species mix, without specifying data on each individual tree.	✓	✓	✓	✓			
Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.	✓	✓	✓	✓			

**11. *Revise plat certificates to align with proposed procedural amendments for subdivisions.***



## Section B.2 Plat certifications

(D) Certification of Approval of the Preliminary Plat ~~by the Boiling Spring Lakes Planning Board.~~

The Boiling Spring Lakes ~~Planning Board~~ hereby approves or approves conditionally the \_\_\_\_\_ Subdivision. If approved conditionally, the specific conditions shall be listed.

\_\_\_\_\_

\_\_\_\_\_\Planning Board Chairman or UDO Administrator, City of Boiling Spring Lakes Date

(K) Certificate of Performance Guarantee for Required Improvements.

"A financial guarantee approved by the City of Boiling Spring Lakes ~~Board of Commissioners~~ in the amount of \$ \_\_\_\_ (equal to 125% of probable cost) has been posted with the City to assure completion of all required improvements in the case of default on the part of the Owner(s)/Developer(s)/Responsible Party(ies).

\_\_\_\_\_

~~Mayor, City of Boiling Spring Lakes~~ UDO Administrator

\_\_\_\_\_

Date Seal or Stamp



**To:** City of Boiling Spring Lakes Board of Commissioners  
**From:** Anchorpoint Planning: Wes MacLeod, AICP, ASLA  
**Date:** September 24, 2025  
**Re:** Conditional Zoning Amendment

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## **INTRODUCTION**

As part of a larger conversation regarding City's development regulations, the Board has indicated an interest in providing an avenue for considering more flexibility in future proposals that may wish to incorporate commercial and residential uses within the same tracts.

In order to broaden the types of proposals that may be presented while allowing the City the discretion to balance additional flexibility with preservation of commercial areas to serve the current and future needs of the community, staff recommend the inclusion of Conditional Zoning as a tool for future development requests.

At their meeting held September 9<sup>th</sup>, after review, the Planning Board voted to recommend approval of the proposed conditional zoning amendment to the Board of Commissioners.

## **WHAT IS CONDITIONAL ZONING?**

Conditional zoning utilizes site specific standards and conditions to regulate future development based upon a legislatively approved rezoning. In North Carolina, traditionally, any conditions imposed on a development approval came as a result of a special use approval process. That process utilizes a quasi-judicial procedure for applicants seeking approval. While this process is still available to potential applicants, it can be burdensome for staff and decision makers to navigate. In addition, development applicants can be weary of the process and the requirements associated with the quasi-judicial hearing. Because of the complex hearing process, neighbors, who are notified of the hearing by statute, may be confused as to their rights for participating in the decision making process. By law, only the attendees who have special standing per statute are allowed to participate in the deliberations. This inevitably results in some level of alienation and confusion among the attending public.

The conditional zoning procedure utilizes a legislative approval process, allowing any attendees to participate and provide feedback to the development applicants. Moreover, during the required public/legislative hearing any and all comments by the public may be

taken into account by the decision makers. This is a stark difference between the quasi-judicial zoning process whereby only the testimony by individuals with standing that meet the requirements for competent, material, and substantial evidence may be taken into consideration. A few key differences between the conditional zoning and special use approval process are provided below.

Conditional Zoning	Special Use
Legislative Decision based on citizen input.	Quasi-judicial decision based upon substantial, competent, and material evidence and citizens with standing.
Broad discretion to approve or deny a proposal.	Must approve a proposal if burden of proof is met.
Limited recourse following decision on a proposal – elected board’s wisdom is not questioned.	Decision commonly appealed to Superior Court.
No limit on discussion of the proposal.	No undisclosed ex parte communication.
Limited conflict of interest concerns – financial and familial.	Stringent conflict of interest provisions – financial, familial, ex parte, and impartial decision maker.

Conditional zoning strives for “win-win” development solutions. This is due to the negotiated conditions attached to a potential project. Such scenarios result when the development applicant may be able to seek an approval that otherwise would not be permitted in favor of providing some additional benefits to the community based upon public feedback. An example may be the permitting of reduced setbacks in favor of providing a more robust stormwater facility than would otherwise be required.

Key downsides of conditional zoning include the staff time required for administration, approvals which may become null and void due to inactivity.

## AMENDMENTS

The proposed amendment is outlined below. Language proposed for removal is depicted by a red double strike through and language proposed for insertion is shown in black underline.

### 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.
- (I) The Board of Commissioners 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 Commissioners holds its organizational meeting following a municipal general election unless no person spoke against the rezoning at the public hearing.

#### 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.