



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

223 E BAY ST
SOUTHPORT NC 28461
November 20, 2025
6:00 PM

Agenda

Please turn off all cell phones

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 Agenda**
- E. Approval of Minutes**
 - 1. 1. Approval of June 19, 2025 Planning Board Regular Meeting Minutes
- F. Public Comment**
- G. Committee Reports**
- H. Old Business**
 - 1. Planning Board Rules of Procedure
 - 2. Planning Board Primer
- I. New Business**
 - 1. Text Amendments
 - 1. UDO Text Amendment ZTA-25-05 Vape / Tobacco Shops
- J. Staff Reports**
 - 1. Other Board and Committee Planning Items
 - 2. Special Projects
- K. Board of Aldermen Liaison Comments**
- L. Board Comments**
- M. Adjourn**



**City of Southport
Planning Board Regular Meeting
Southport Community Building
223 E Bay St
Southport NC 28461
06/19/2025
6:00 pm
MINUTES**

Present Members: Chair Sue Hodgin, Will Hewett, Fred Fiss, Larry Ashley, John Bove, Bob Lambert, Kevin Locklin,

Staff Present: Tom Zilinek, City Engineer, Maureen Meehan, Planning Services Director, Penny Tysinger, Planner, Wendell Biddle, Planner, ChyAnn Ketchum, Public Information Officer, Tori Deviney, City Clerk

Absent: None

A. Call to Order

Chair Sue Hodgin called the meeting to order at 6:00 p.m.

B. Invocation

Mr. Hewett provided the invocation

C. Pledge of Allegiance

Chair Hodgin led members in the recitation of the Pledge

D. Approval of Minutes

1. Approval of April 15 Planning Board Meeting Minutes

Chair Hodgin asked if there were any additions or corrections that needed to be addressed; she shared a correction that was needed on pg. 7, third paragraph, second line, "stretching from Bald Head Limited to East West Partners," and place a

hard paragraph afterwards to begin the current CZ-25-01: Waterway Community – Conditional Rezoning Application.

Mr. Hewett motioned to accept and approve the April 15 Planning Board Regular Minutes, seconded by Larry Mr. Ashley and the motion carries unanimously

Chair Hodgkin shared that cyber issues concerning the May Planning Board Meeting recording delayed the Board from receiving and approving those minutes; and shared that they would be available in the coming month for approval by the Board.

E. Approval of Agenda

A motion was made by Bob Lambert and seconded by Will Hewett to approve the agenda and the motion carries unanimously

F. Public Comment

Chair Hodgkin asked City Clerk Tori Deviney if there were any public speakers who wished to speak.

Not being any Chair Hodgkin closed the floor to speakers.

A motion was made by Will Hewett and seconded by Larry Ashley to approve closing the Public Comment and the motion carries unanimously

G. Old Business

1. Zoning Text Amendment ZTA-25-02 – Article 6: Stormwater regulations Ordinance – Tom Zilinek, City Engineer

City Engineer, Tom Zilinek, shared a presentation regarding Article 6: Stormwater regulations Ordinance; he spoke to City requirements that protect, maintain, and enhance Public Health and General Welfare; Mitigating runoff through flood control; Groundwater recharge and pollutant reduction factors for new development; he shared what was included in the Ordinance and spoke to its features concerning the quantity, quality, and scope of the Ordinance; the compliances listed under two categories, minor and major development; he shared the conditions included under minor development; and those conditions under major development; and the requirements for each; he addressed the methods of implementation for each, and spoke to the details encompassed therein; he spoke to the differences between the proposed Ordinance and the current version of the Ordinance; and outlined the pivotal changes; he shared the

benefits of the proposed Ordinance as it would preserve woodland areas, soil from erosion and sedimentation, and protect use and transfer of topsoil; and additional items such as lot coverage limits, impervious coverage limits, and floor area ratio limits; he turned the floor back for any questions from the Board.

Chair Hodgkin spoke to the work that had been completed to draft the proposal; and addressed concerns established retention ponds and like structures that were covered under a Homeowners' Associations (HOA), and if the proposed changes to the Ordinance would pose any impact on them.

City Engineer Zilinek shared the only requirement for those property owners would be the annual maintenance permits, implemented as a retroactive process; and the need to show a completion of their due diligence to adhere to the Ordinance unless they are expanding the size of the development for which they would need to comply with the new quantity and quality regulations.

Chair Hodgkin addressed floodwater issued regarding clean-up and removal.

City Engineer Zilinek shared the process which includes a maintenance sheet that would be distributed to every HOA, completed quarterly, and would be returned to the City within a set time limit.

Chair Hodgkin addressed the need for why this measure was pertinent today and addressed the large amount of rainfall the City had received over the last year; and the need to enact the Ordinance to ensure that properties are protected from stormwater runoff.

City Engineer Zilinek shared reasons why the proposed Ordinance was a timely matter; and that before his arrival as City Engineer, two years ago, there was not an Ordinance that addressed this matter; and he outlined reasons for why the Ordinance is an important addition to the City's Codes and Ordinances.

Chair Hodgkin affirmed Mr. Zilinek's comments, and the length of time and work exhausted to draft the proposed Ordinance; she expressed gratitude to the Planning Board for their contributions, City Staff for their efforts to bring this proposal to fruition; she asked City Engineer Zilinek to speak more about the enforcement and the process.

City Engineer Zilinek spoke to the portions included in the proposed Ordinance that discuss enforcement; how matters regarding non-compliance would be handled; the process that a notification would be distributed to residents to have them submit their quarterly reports; and noted that any reports received showing infractions, or were not up to standard, the City would provide a 14-day window for the resident to present a plan for to correct any issues; he spoke in addition to these measures of implementing spot-inspections and shared additional approaches to curtail infractions; the time limits for when corrections needed to be completed within; and to the clauses throughout the proposal that the demonstrate where the City can effectuate repairs and charge for the costs of completing those repairs.

Chair Hodgkin expressed that she wanted that language on record for those that did not receive the 139 pages of the proposal; she enquired about the difficulties enforcement might place on Staff and asked if the current process was working as designed.

City Engineer Zilinek spoke to the current process; that it was working as designed; and shared that quarterly reports were not a big issue; and once the list was compiled it would just require checklist showing the distribution and collection of quarterly reports; and discussed the notification distribution that would alert residents to submit their maintenance report.

Chair Hodgkin shared her gratitude to Staff and the Planning Board for their efforts and asked if any other Board members had any questions for City Engineer Zilinek.

Mr. Fiss sought clarity concerning regulation for minor developments regarding the amount of soil that could be brought in; and sought clarity regarding changes to lot grades.

City Engineer Zilinek shared those items were included in the land disturbance portion of the proposal, but stressed that these items would be directly considered in the next phase of the proposal; and at that time, applicants would need to provide a site plan, grading plan, and documents showing how they plan to change or augment the soil; he expressed concern that in a small town, any change to a grade plan could augment already established plans and create stormwater runoff into neighbors yards; he shared this language was not in the proposal currently, but would be addressed at length in future phases of the plan;

to include assurances that all soil imported from outside the City be tested for pollutant control.

Mr. Fiss enquired about the current language of the Ordinance; in its current form, would it allow for a resident to raise the grade to 18” without consideration to stormwater runoff; and asked for clarity regarding the timeframe for when these changes would be addressed in future Ordinance proposals.

City Engineer Zilinek stated that currently there is not a rule that prohibits grade changes from occurring; he shared that the Ordinance covering these types of issued is already drafted, but wanted to approach it piecemeal to not encumber the Board with too much to consider at once; he ensured that it will be addressed in the next phase of the proposed Ordinance language in the upcoming months.

Mr. Bove shared the importance of maintaining and managing stormwater runoff; that HOAs are left with the responsibility of ensuring that rules are followed; and enquired about the difficulty for HOAs to enforce rules; and emphasized that future phases of the proposed Ordinance would provide a clearer articulation of the rules.

Chair Hodgkin asked if there were any more questions or comments from the Board.

Mr. Ashley expounded upon Mr. Bove’s remarks and conveyed his appreciation for the work that had been put into drafting the proposal.

Mr. Fiss enquired about the number of current lots and properties that would be covered.

City Engineer Zilinek shared that he had only just begun to compile a list of those properties and lots but shared they would likely be in the range of 20 – 25; he spoke to the current stormwater manual the City is operating on and the need to update the language throughout; and shared this was the more pressing item to focus on.

Mr. Fiss enquired about older lots and properties and the effects the proposed Ordinance would require of them.

City Engineer Zilinek shared that the proposed Ordinance would be concerned with things going forward; he spoke to the capital improvements and the timeframe to completion.

Chair Hodgkin likened these projects to highway projects and the time it takes to complete them.

A motion was made by Mr. Bove and seconded by Mr. Ashley to adopt and forward the Unified Development Ordinance (UDO) Zoning Text Amendment ZTA-25-02 – Article 6: Stormwater regulations Ordinance to the Board of Aldermen for review and consideration and the motion carries unanimously.

Chair Hodgkin requested the Statement of Consistency and Recommendation for Zoning Text Amendment ZTA-25-02 – Article 6: Stormwater regulations Ordinance be read.

Chair Hodgkin read the Statement of Consistency and Recommendation:

- The City of Southport Planning Board hereby recommends adoption of the proposed Zoning Text Amendment ZTA-25-02 – Article 6: Stormwater regulations Ordinance to the Board of Aldermen and finds that it is consistent with the City's 2014 CAMA Core Use Plan originally adopted in 2014 and subsequently amended by the Southport Board of Aldermen, more specifically policy 5.2. Southport recognizes the value of water quality to the protection of fragile areas and to the provision of clean water for recreational tourism purposes and supports the control of stormwater runoff to aid in the preservation of water quality.

H. New Business

1. Zoning Map Amendment ZMA-25-02 – Local Historic District Overlay – Maureen Director Meehan, Planning Services Director; Penny Tysinger, Historic Preservation Planner

Chair Hodgkin introduced the agenda item and spoke to its context.

Planning Services Director, Maureen Meehan, presented the Zoning Map Amendment, Unified Development Ordinance, establishment of the Historic District overlay; she expressed her gratitude for being able to present this item to the Board as it had taken a long time to create; she introduced two members of

the Historic Preservation Commission (HPC), Mr. Josh Cline McGee and Ms. Bonnie Bray; Historic Preservation Planner, Penny Tysinger, who assisted in the process; and shared the complete list of the members serving on the HPC.

Historic Preservation Planner, Penny Tysinger, presented the next step in HPCs Historic District Overlay; a flow chart to illustrate the local historic district designation process; the history of the HPC to its adoption and formation; a report concerning the local district designation process; she spoke to the process to review the documents under consideration on the webpage; their part in the process; she provided an outlined review concerning the Planning Board who would need to provide their recommendation; and shared the Board of Aldermen would review the overlay next; the schedule for meetings of the HPC; and provided additional graphics that illustrated the boundaries of the national register, local district, and provided an overview of the overlay and the boundaries of the district; she spoke to the 331 properties were surveyed and shared that 247 were designated Contributing Properties and 84 Non-Contributing Properties; that the Local District is predominantly single family residential; including 60 commercial buildings, 11 religious and institutional facilities, one Ft. Johnston, two cemeteries, and four parks; she shared a zoning map that includes this historical district and details concerning the zoning of the district; she spoke to regulations in addition to design standards as they are adopted; the process of the Quasi-Judicial Hearing; and the normal permitting process, and adopted with a statement of consistency; and the process to finalize the plan to be placed before the Board of Aldermen; she turned the floor back to the board for questions and comments.

Mr. Ashley addressed the amount of work that went into the plan, and gratitude for the work.

Mr. Bove enquired about the difference between residences marked national register and the study listed (green or purple on the map).

Ms. Tysinger addressed the zoning map and provided clarity between the residences marked national register and the study listed; showing that these places could register for the national register but were not as of now listed.

Chair Hodgkin emphasized Larry Mr. Ashley's comments about the scope and detail of the work; that she had been hearing a lot of positive feedback concerning

the project; and emphasized the overall time it had taken to get to this point; and expressed her gratitude to the efforts of everyone included; and the citizen's desire to preserve the City's historic character; and the past attempts to achieve this milestone.

Mr. Fiss shared his excitement for the overlay.

A motion was made by Kevin Locklin and seconded by John Mr. Bove to accept the official designation of Zoning Map Amendment ZMA-25-02 – Local Historic District Overlay to be forwarded to the Board of Aldermen for review and adoption.

The motion carried unanimously.

The Statement of Consistency was read by Mr. Ashley:

- The City of Southport Planning Board hereby recommends adoption of the proposed Zoning Map Amendment ZMA-25-02 – Local Historic District Overlay to the Board of Aldermen and finds that it is consistent with the City's 2014 CAMA Core Land Use Plan originally adopted November 13, 2014, and subsequently amended by the Southport Board of Aldermen, more specifically policy 7.1. Southport will protect its resources as a valuable cultural and economic asset. Further, this map amendment is reasonable due to the physical conditions of the properties within the proposed overlay, benefits the landowners and community as a whole and is in the public interest to preserve the historic character of the City.

I. Other Business

1. Planning Services Director Updates – Planning Services Director, Maureen Meehan

Director Meehan provided an update on the Southport Multi-Modal Project Acceleration Plan; she shared they had been awarded a new grant from NCDOT to support the project and ensured the Board that it would outline clear steps for implementation for a walkable and cyclable community; spoke to the project scope and the plans scheduled ahead; to obtaining additional funding sources; reviewing the Parks and Recreation Master Plan; and shared the website information where residents can obtain further information about the plan, and that they could provide their contact information to receive email updates; she shared a legislation update concerning SB 205 (in its third iteration) has been

pulled into sections of HB 765 of the Omnibus Zoning Bill concerning swimming pools; she shared that the Bill now contains language regarding land use regulations; and the change of duties now covered by the Board of Aldermen would be placed before City Administration to conduct.

Chair Hodgkin enquired about where the Bill was currently.

Director Meehan shared that it was with the House Committee.

Mr. Ashley enquired about changes to HB 765, and would it require administrative reviews for large projects; and if the new regulation would require additional Staff to implement the new procedures.

Director Meehan shared that it did not spell out site plan reviews but spoke to subdivisions reviews; that major subdivisions would fall under administrative reviews; and shared that she did not see a reason for additional Staff to conduct the work; She addressed the mural that had been mentioned in a previous Board of Aldermen meeting who expressed concerns that it was not within the regulation written for murals; she noted that the Board of Aldermen requested the discussion be brought back before the full Board for reexamination; and the need to review the vague text of the sign/mural as it is open to interpretation; and to delineate whether it qualified to be a mural or a wall sign; she stressed that the sign will be going before the UDO Committee for review and further consideration.

Vice Chair Locklin spoke to the interpretation of the language on the mural; and shared that a colloquy needed to occur to discuss what had been done with the mural/sign; he shared that Director Maureen and the City Manager's decision that the mural/sign did not comply with the ordinance as written needs readdress; and that a further discussion should take place before the general public for transparency; and addressed the language of the Ordinance referencing what constitutes a sign in contrast to a mural.

Director Meehan shared the Ordinance language with the Board of Aldermen provided background on sign dimensions, content, and the artwork displayed was in congruence with the Ordinance guidelines.

Discussion ensued regarding the difference between wall signs and murals; the intent to preserve the historic character of the City; the City Manager's objection

to the sign refuting it as a mural in favor of a wall sign; the content being favorable with the overall character of the City; laws concerning signs and murals; and examples from other municipalities; colors and aesthetics representing of the community; and the vague language portrayed on the mural/sign.

Vice Chair Locklin spoke to the mural/sign and stated it was following the Ordinance; and stated that they should confer with the City's attorney for further interpretation of the law regarding murals and wall signs.

Mr. Ashley read the Ordinance to the Board and discussed signage that would be out of context per the law.

Chair Hodgkin asked if there were any additional questions for Director Meehan; she stated that the best option concerning the mural/sign discussion would be to move it back before the UDO Committee for review and report back to the Planning Board in the future.

Mr. Ashley asked whether the item should be placed in a holding pattern until further discussion; he expressed concerns that should the rule be amended to allow for the sign as it is would require the owner of the sign to make costly changes; he expressed concern for the sign-owner and if a process was in place to ensure that the sign could remain in its current form until a final decision was made.

Director Meehan shared that they were waiting for the UDO Committee to come in compliance with the size requirement and due to the rain they were not able to change the paint, but they will be addressing it in the future; she shared that regarding the holding pattern, since the permit is received, it is allowed to remain in its current form until a final decision is made.

2. Planning and Zoning Update – City Planner, Wendell Biddle

City Planner, Wendell Biddle, shared that this month's Board of Adjustment had been cancelled and there were no variance or special use permit applications pending review; Staff have not received any major or minor site planning applications, but shared they had been in conversations with agencies regarding pre-application meetings and to expect July's Planning Board to contain more development review updates; he shared they are working with several text

amendments to go before the UDO Committee with a proposed text amendment meeting scheduled for July 10; they are still awaiting confirmation from several members of the committee but ensured that July 10 is the day for now; he shared that with the loss of ETJ they have lost three zoning districts and the ability to zone several different land uses; Table 3.1 will be the primary text amendments for the committee to review big projects going forward; other proposed text amendments up for review are food truck ordinance, regulation of flagpoles, and increase in standards on multi-level structures.

Mr. Bove enquired about manufactured homes and their status in relation to the text amendments mentioned.

City Planner Biddle shared that manufactured homes had been rolled into Table 3.1 as they were not the only land use lost.

Chair Hodgkin asked Mr. Biddle to repeat the things mentioned in other proposed text amendments.

City Planner Biddle shared they proposed text amendments up for review are food truck ordinance, regulation of flagpoles, and increase in standards on multi-level structures.

Mr. Ashley enquired about drive-throughs and whether they would be included in this round of amendments.

City Planner Biddle shared that drive-through were not being considered in the scope for this round of text amendments due to the quantity of work covered under the proposed amendment but assured that they would be addressed in upcoming amendments.

Mr. Locklin emphasized the need to address them in upcoming proposed amendments.

City Planner Biddle shared the already extensive list they are working to resolve; and stated that adding drive-throughs to it would only elongate belabor the already projected plans they had committed to; he assured them that it would be addressed in the coming months.

Mr. Fiss asked about Right of Ways violations and requested an update.

City Planner Biddle addressed the 80-90 Right of Way violations that were an issue; he shared that number had decreased exponentially to 22 violations after working with the Right of Way Committee who provided authority to Staff and the City Manager to address them using their best judgement; he shared they are now going door-to-door to address each violation and work with resident to have them resolved amiably.

Mr. Fiss enquired about the compliance matter regarding Kingsley Park.

City Planner Biddle shared that it would be going before an administration appeal for review; and that it will be heard as part of a quasi-judicial procedure for the Board of Adjustment.

Mr. Ashley enquired about the public feedback he had received from going door-to-door addressing Right of Way violations.

City Planner Biddle shared his experiences and provided feedback; he noted that since Staff had been granted authority to address issues, it has been a smooth process in having issues resolved.

Chair Hodgkin asked if there were any more questions for City Planner Biddle.

Mr. Locklin spoke to three vacancies coming up on the Planning Board; he stated these seats were set to expire on July 7, 2025; and recommendations would be submitted to the Board of Aldermen.

Mr. Askley thanked Chair Hodgkin for her leadership and commitment to Southport.

Chair Hodgkin shared that Will Hewett was leaving the Planning Board to move to Western North Carolina; she thanked him for his service from 2019 to 2025; she presented him with an award.

Mr. Locklin presented Mr. Hewett with a gift bag and thanked him for his commitment to Southport and wished him luck.

J. Announcements

Mr. Ashley thanked Staff for their hard work and dedication concerning the conditioned zoning and spoke to the challenges they faced and their determination to accomplish the tasks.

Chair Hodgkin shared the Planning Board would not meet again until after July 4, 2025.

K. Adjourn

A motion was made by Mr. Ashley for a motion to adjourn and was seconded by John Mr. Bove.

The motion carried unanimously, and the meeting adjourned at 11:10 a.m.

X

Lawrence Ashley
Chair

X

Tori Deviney
City Clerk

City of Southport, NC
Planning Board
Rules of Procedure
11/07/2025

Draft



Table of Contents

Article I – Purpose and General Rules	1
Article II – Power and Duties	2
Article III – Appointments and Terms	2
Article IV – Officers and Duties	3
Article V – Planning Staff	4
Article VI – Rules of Conduct for Members	5
Article VII - Meetings	6
Article VIII – Legal Counsel	13
Article IX - Recommendations	13
Article X - Administration	13
Article XI – Orientation and Training	14
Article XII – Ethical Principles in Planning	15
Article XIII – Suspension of Rules	17
Article XIV - Amendments	17
Article XV – Adoption	18

City Of Southport
Planning Board Rules of Procedures

Article I – Purpose and General Rules

A. Purpose

These Rules of Procedures are established to create uniformity during Planning Board meetings and to provide guidance to members and alternates in the day-to-day operations regarding the handling of Planning and Development business for the City of Southport. They supplement NC statute and City of Southport Ordinances, providing additional and particular guidance when needed. These rules do not articulate North Carolina Open Meeting Laws or NCDEQ Records Retention Laws herein. As a general rule, professional staff will ensure all state and local requirements are met. Planning Board Members are expected to be familiar with and adhere to the NC Planning and Development Regulations as stated under NCGS 160D and the City of Southport Ordinance under Chapter 13.

B. General Rules

The Planning Board of the City of Southport, North Carolina, hereinafter referred to as the "Board," shall be governed by North Carolina General Statute, Article 3, Chapter 160D, Boards and Organizational Arrangements, and other general and special acts relating to planning and related activities in the City of Southport as well as by Chapter 13, Section II of the Code of Ordinances of the City of Southport, North Carolina, adopted by the Board of Aldermen on June 13th, 2002 and subsequent amendments thereto and the City’s Unified Development Ordinance.

The Planning Board also shall operate according to the most recent edition of *Suggested Procedural Rules for Local Appointed Boards*, and the *Quasi-Judicial Handbook: A Guide for Boards Making Development Regulation Decisions*, 2024 Edition, both published by the University of North Carolina Institute of Government – Center for Public Leadership and Governance. In instances where the Planning Board conducts quasi-judicial proceedings, the Planning Board will operate

according to provisions of North Carolina General Statute 160D. In cases where the Rules and Procedures conflict with any Federal or North Carolina State Statute, or City Ordinance, said statutes and ordinances shall govern.

Insert Open Meeting Law reference here.

It is the responsibility of the user to visit any links included to learn more about particular laws, ordinances and policies.

Article II – Power and Duties

- A. The duties and powers of the Planning Board are as specified in Chapter 13, Section II of the City of Southport, North Carolina Code of Ordinances.
- B. During any meeting, the alternate member shall serve in place of absent members or vacant seats and shall be considered members during the duration of the meeting. Seated alternates will be referred to as ASMs (Alternate Seated for Members). ASMs shall have the same rights as members while temporarily seated for absent members or vacancies during any Planning Board meeting.

Article III – Appointments and Terms

- A. Planning Board members shall be appointed by the Board of Aldermen via affirmative majority vote.
- B. Each appointed member will be sworn in by the City Clerk or their designee before acting on any matters that come before the planning Board.
- C. The Planning Board shall consist of Seven (7) members and one (1) alternate. Seat term ending dates shall be established in order to rotate term ending years thus allowing for experienced members to remain on the Planning Board at all times.

- D. Alternate members should adhere to the same qualifications, term durations and meeting attendance as members of the Planning Board. The role of the alternate is as follows:
 - a. The alternate member shall attend all Planning Board meetings and other Planning Board functions.
 - b. If a primary member of the Planning Board is absent from a meeting, the alternate shall, for the duration of the meeting, function as a primary member of the Planning Board with full voting responsibilities
 - c. If all primary members of the Planning Board are in attendance at a meeting, the alternate member may participate in discussions, questioning presenters and the like, but are not voting members.
 - d. The Planning Board Chairperson must be a primary member not an alternate member.

- E. Seat terms are for a period of three years, with no term limits, and have established term ending dates. If appointed to a vacant seat midterm, the term shall end at the established term-ending date. At expiration, each new term ending date shall be three years forward on June 30.

- F. The Board of Aldermen is responsible for making mid-term appointments to fill vacant seats.

- G. In cases where appointments are not made by the Board of Aldermen by June 30th, those members whose seats expire on June 30th of that year will continue to serve as full members until such time that the Board of Aldermen appoint members to those expiring seats and those members are sworn in.

Article IV – Officers and Duties

- A. Officers. The members of the Planning Board shall elect a Chairman and Vice-Chairman during the Board's first regular meeting of a new calendar year or at the next regular meeting following the vacancy of the Chairman or Vice-Chairman

- B. Chair. The Chair shall have the following powers and duties:
 - i. To preside at all meetings and public hearings of the Board;

- ii. To decide all points of order and procedure;
- iii. To entertain and answer questions of parliamentary law or procedures;
- iv. To call a brief recess at any time;
- v. To call an emergency meeting subject to NCGS 143-318.12;
- vi. To appoint members to all standing and temporary committees and/or to investigate any matters as may be directed by the Chair or Planning Board;
- vii. To certify rulings of the Board;
- viii. Shall exercise full voting rights on all matters under consideration only in case of a tie and instances where there are only three (3) other voting members present.

C. Vice-Chair. The Vice-Chair shall serve as acting Chair in the absence or disability of the Chair. At such times, they shall have and exercise the same powers and duties as the Chair.

Article V – City Staff

A. Planning Services Director

- i. The Planning Services Director, who reports directly to the City Manager, shall serve as Technical Advisor and staff liaison to the Planning Board and participate in Planning Board meetings. The Planning Services Director shall not be eligible to vote. The Planning Services Director performs technical and professional duties providing management, direction, and oversight of the Town's planning responsibilities while serving as a technical advisor to the Planning Board.
- ii. The Planning Services Director will keep the Planning Board up to date on all development activities including Board of Adjustment items within the city of Southport as well as all Board of Aldermen directives.
- iii. The Planning Services Director will keep the Planning Board up to date on all relevant North Carolina legislative bills being considered or put into law and their impact on the Unified Development Ordinance or other relevant areas.

B. Clerk.

- i. The Clerk shall be appointed by the City Manager, or their designee and may include an officer or an employee of the city.
 - ii. The Clerk, subject to the direction of the Chair and the Board, shall keep all minutes and records of all business transacted at any meeting of the Planning Board, provide notice of the regular and special meetings to members, and any other such duties normally carried out by the Clerk.
 - iii. The Planning Board Chair or his or her designee may have the opportunity to review the minutes of the Planning Board meeting prior to their submission to the Planning Board for approval.
 - iv. On all quasi-judicial matters, the Clerk to the Planning Board also may administer oaths to all witnesses.
- C. City Attorney
- i. The Planning Board, through the Chair or through a motion from the Planning Board, or the Chair, may request legal assistance from the City Attorney outside the items outlined in Article VIII. Questions are to be submitted in writing and contained in the meeting agenda. Responses from the City Attorney shall be in writing and included for discussion in the agenda for the next Planning Board meeting.

Article VI – Rules of Conduct for Members

- A. Attendance - In order for the Planning Board to carry out its duties and responsibilities, it is necessary for both members and alternates to attend Planning Board meetings. If any member has unexcused absences for two (2) consecutive regular meetings, the Chairman may direct the Clerk to notify such member in writing of their absences.

Faithful attendance at the meetings of the Planning Board is considered a prerequisite for the maintenance of membership on the board. A vacancy shall exist on the board if a member is absent from twenty-five (25) percent or more of the board's meetings within a twelve (12) month period of time and said vacancy may be declared and filled by the Board of Aldermen. (City UDO 2.3C (check))

- B. Conflict of Interest - If a member determines that they may have a conflict of interest on a particular issue, either according to these Rules of Procedure or according to NCGS 160D-109(b), they shall declare the nature of such conflict and

ask to recuse themselves from voting only on the issue related to the conflict. The remaining Planning Board members and ASM by majority vote, shall determine whether such conflict exists and if the member may be excused from further deliberations on the matter. Members have a duty to vote and may not be excused from voting due to an unwillingness to vote where no conflict of interest is found.

(NCGS 160A-75)

- C. Neither Planning Board members nor Alternates shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Planning Board which may result in a private benefit to themselves, their immediate relatives, or is a personal business interest. A member may be excused from voting on a particular issue under the following circumstances:
 - a. If the matter at hand involves the member's own official conduct.
 - b. If the member has such close personal ties to the applicant that he cannot reasonably be expected to exercise sound and impartial judgment on behalf of the public's interest.
 - c. If the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- D. A challenge to either the existence of a conflict of interest or an undisclosed conflict of interest may be filed by any interested party with the Planning Board. Such a challenge may be an appeal for a review of the findings of the Planning Board or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Planning Board shall be supported by competent evidence and shall be submitted at a properly convened meeting of the Planning Board. The Planning Board shall hear evidence, and the finding of the Board shall require a majority vote of the remaining members.

Article VII - Meetings

- A. Regular Meetings. Regular meetings of the Planning Board will normally be held on the third Thursday of each month at 6:00pm in the Board of Aldermen Chambers in the Community Building, 223 E. Bay Street, Southport, NC. The Chairman may change the location of a regular meeting to another place conveniently located in the City of Southport with notice.

- B. Special Meetings and Emergency Meetings. Special meetings and Emergency meetings of the Board may be called at any time by the Chair in conformance with G.S. 143-318.12, and the place and subject of the meeting shall be given. This notice may either be telephonic, written or via email, and shall be given by either the Secretary or the Chair of the Board.

- C. Broadcasting and Recording of Meetings – All Regular, Special and Emergency meetings of the Planning Board, where a quorum is assembled for deliberations and the conducting of business, shall always live-stream and record meetings on the City’s broadcast channel, unless otherwise determined by the City Manager. The City Manager shall have the discretion to waive the broadcast requirements should there be any issues relating to staff availability or the cooperation of the live streaming and recording technological devices.

- D. Cancellation of Meetings. Whenever there is no business to come before the Board, the Chair may dispense with the regular meeting by giving notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.

- E. Quorum. Four (4) members of the Planning Board shall constitute a quorum. A quorum of the Board must be present, including via remote access, at a meeting if the Board is to transact any business other than to adjourn. The Chair may not call a meeting to order until such a quorum is present unless, after waiting a reasonable time past the meeting’s scheduled starting time, the Chair determines that there is no hope of obtaining a quorum. In that case, the Chair shall call the meeting to order, note the lack of a quorum, and adjourn the meeting. If a quorum ceases to be present at any time during a meeting, the Chair shall note the lack of a quorum, order the cessation of business, and adjourn the meeting.

- F. Conduct of the Meeting
 - i. The Planning Board meeting agenda will be determined by the Planning Services Director and the Planning Board Chair. The Clerk, in concert with the Chair and Planning Services Director, will develop the agenda package and distribute meeting materials to the Planning Board members no later than 72 hours before the meeting is scheduled. Items not identified on the agenda

will not be considered during a Planning Board meeting unless approved by the majority vote of the Planning Board members present at the meeting.

- ii. Public Meetings. All meetings of the Board shall be open to the Public and be subject to all provisions of the North Carolina Open Meetings Law.
- iii. Meetings shall be conducted in accordance with Robert's Rules of Order Newly Revised. Where provisions of these Articles conflict with Robert's Rules of Order, procedures outlined in these Articles shall govern.
- iv. Order of Business. The board's business shall be placed on the agenda according to the Order of Business listed below. However, by general consent of the board, items may be considered out of order.
 - a. Call meeting to order
 - b. Invocation
 - c. Pledge of Allegiance
 - d. Public comment on Planning Board related items
 - e. Approval of Agenda
 - f. Approval of minutes
 - g. Committee reports
 - h. Old Business
 - i. New Business (Examples)
 - 1. Rezoning
 - 2. Conditional Rezoning
 - 3. Major Subdivision
 - 4. Major Site Plans
 - 5. Text Amendments
 - 6. Other types of business
 - j. Staff Reports
 - k. Board of Aldermen Liaison Comments
 - l. Board Comments
 - m. Adjournment

G. Zoning Map, Development Ordinance Text Amendments, and other items. The procedure for considering such amendments shall be:

- i. The administrative procedures for review and consideration of zoning map and Zoning Ordinance text amendments are specified in the Zoning Ordinance and G.S. 160D-601 and 160D-602. In addition to the notice and

posting requirements stated therein, a retail advertisement, placed by City Staff, shall be published in a local newspaper of general circulation once prior to the Board meeting at which such amendment is scheduled to be considered. The advertisement shall be no less than seven (7) calendar days before the date of the Board meeting.

- ii. The recommendations of the planning staff shall be delivered to Board members at least 72 hours prior to the meeting at which such amendments will be considered.
- iii. At the conclusion of the public hearing regarding such amendment, the Board shall determine whether:
 - a. to recommend that Board of Aldermen approve the requested amendment;
 - b. to recommend that Board of Aldermen deny the requested amendment;
 - c. to recommend that Board of Aldermen approve an amended request;
 - d. to defer its recommendation; or
 - e. to refer the request to Board of Aldermen without recommendation in the event of a tie vote.

H. Public Address to the Board. The following applies to members of the general public with public comment and does not apply to an applicant in relation to his/her case.

The Planning Board encourages the public and residents to speak or present questions, comments and inquiries in a brief and concise manner identifying specifically concerns or requests for action. A time limit is allotted so that a broad perspective of multiple speakers can be accommodated and the Planning Board can address the matters before it.

- i. Sign-up for Non-Agenda Items. Those members of the public who wish to address the Board regarding Planning-related items, shall print their name on the “sign-up sheet” to be made available by the Secretary immediately prior to each Board meeting.
- ii. If a group or organization is present to speak on any agenda item, they are asked to have only one to two (2) designated representatives address the Board.

- iii. Time. All speakers, whether speaking on agenda or non-agenda items, at Public Comment, will be limited to five (5) minutes and may not yield time to other people.
- iv. Addressing the Board. All persons before addressing the Board shall state their name and address for the record. A speaker's comments or questions must be a relevant topic within the purview of and be directed towards the Board. No speaker may directly address the applicant, city staff or members of the audience. Comments shall be directed toward the Chairman of the Board; Planning Board members may, through the Chairman, seek information from the speaker, city staff, or audience.
- v. Emails, while they may be submitted, will not be read during Public Comment. Or Emails must be submitted at least 24 hours in advance of the meeting in order to be read into the record during Public Comment

I. Voting.

- i. Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members present. No member shall be excused from voting except on matters involving their own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present or has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.
- ii. Members and ASMs have a duty to vote on all issues unless excused by the Board. Any member or ASM who refuses to vote without an acceptable cause shall have their vote counted as a negative with regard to zoning matters. As a rule, refusal to vote on any matter, except zoning matters, shall count in the affirmative. (Citation?)
- iii. Alternates shall not be permitted to vote should a member's recusal be accepted by the Board. ASMs not recused shall be expected to vote.
- iv. Voting shall be done by voice or hand. The Chairman shall vote only in case of a tie and instances where there are only three (3) other voting members present. Only members present at the time a vote is taken shall be eligible to

vote. If an issue before the Planning Board is carried over from one meeting to another, a member may be able to vote on the issue if he or she did not attend the previous meeting at which item was discussed.

J. Procedural Motions

- i. Action by the Board shall proceed by a motion, followed by a second to the motion. Any member, excluding the Chair, may make a motion or a second. A member may make only one motion at a time. A substantive motion is out of order while another substantive motion is pending. The Chair shall state the motion and then open the floor to debate on it. The Chair shall preside over the debate according to the following general principles:
 - a. The member who makes the motion is entitled to speak first.
 - b. A member who has not spoken on the issue shall be recognized before someone who has already spoken.
 - c. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

In addition to substantive motions, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption. In order of priority, the procedural motions are as follows:

- a. To Adjourn. The motion may be made only when action on a pending matter concludes; it may not interrupt deliberations of a pending matter.
- b. To Take a Recess. This motion is not debatable and the length of time for the recess shall be stated in the motion.
- c. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived.
- d. To Suspend the Rules. For adoption, the motion requires a vote equal to the number required for a quorum.
- e. To Divide a Complex Motion and Consider It by Parts.
- f. To Defer Consideration. A substantive motion can defer consideration to the next public meeting date.

- g. Call of the Previous Question. The motion is not in order until there has been at least twenty (20) minutes of debate, or every member has had an opportunity to speak once.
 - h. To Refer to a Committee. Sixty (60) days after a motion has been referred to a committee, any member may compel consideration of the measure by the entire board, regardless of whether the committee has reported the matter back to the board.
 - i. To Amend. An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the motion's intent. The motion may be amended and an amendment may be amended, but no further amendments may be made.
 - j. To Reconsider. A member who voted with the prevailing side must take the motion. It must be made at the same meeting as the vote was taken. It cannot interrupt deliberation on a pending matter but is in order at any time before actual adjournment.
 - k. To Rescind or Repeat. A motion may be withdrawn by the introducer at any time before a vote.
- J. Contact with Parties Involved in Applications. The public meeting is the primary place where petitioners and others interested in requests for zoning map and text amendments should present opinions and information concerning the requests. Contact between interested parties and board members prior to the public meeting should be avoided. Board members shall not accept any item or gesture of value (e.g., a gift, meal, bartered item, etc.) from any party involved in a request. Board members should not indicate their positions regarding requests prior to receiving all information presented at the public meetings.
- K. There are no restrictions on access by Board members to city staff nor city staff to Board members. It is advisable that the chair be kept informed however, of any contact where there are concerns by either the board member or city staff.
- L. Minutes. The minutes of the Planning Board shall be known as unofficial minutes until approved by the Planning Board, at which time they become official minutes. The unofficial and official minutes shall be public record and kept on file in the office of the Planning Board and available for inspection during regular business hours.

Article VIII – Legal Counsel

- A. In order to ensure that the Planning Board operates within the confines of relevant law, the Board of Aldermen shall provide legal representation to the Planning Board upon request.
- B. All Unified Development Ordinance modifications and/or additions or other related items that require a vote by the Board of Aldermen, will first be reviewed by Legal Counsel to ensure their compliance with the law prior to being submitted to the Board of Aldermen for action.

Article IX - Recommendations

- A. Unified Development Ordinance

The Planning Board may prepare and submit to the Board of Aldermen for its consideration and possible adoption of a Unified Development Ordinance to regulate the height, area, bulk, location, and use of buildings and premises within the City of Southport, in accordance with the provisions of North Carolina General Statute Chapter 160D. The Planning Board will also have the power to initiate proposals for amendment of the Unified Development Ordinance, based upon its studies and comprehensive plan. The Planning Board also will review and make recommendations to the Board of Aldermen concerning all proposed amendments to the Unified Development Ordinance as well as Map Amendments.

Article X - Administration

- A. Compensation

Members shall not be compensated for their service on the Planning Board.

- B. Reimbursements

Reimbursements for expenses incurred while performing duties as a member of the Planning Board must be pre-approved by the Chair, or in their absence the Vice Chair or the City Manager.

C. Attending Conferences, Meetings, Traveling Expenses

When reimbursement is expected, members of the Planning Board, when authorized by the Planning Board and approved by the City Manager, may attend planning conferences, meetings of planning institutes, hearings upon pending planning legislation, and the Planning Board may upon the City Manager's approval, and by formal affirmative vote, pay the reasonable travel expense incident to such attendance.

D. Publicity and Education

The Planning Board shall have the power to promote public interest in and on understanding its recommendations. The Planning Board, with formal affirmative vote, publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.

Article XI – Orientation and Training

A. Orientation of New Members

The Planning Director shall meet with new Board members as soon as possible after their appointment to prepare them for effectively serving on the Planning Board. At that meeting, the Planning Director shall provide each new member a copy of the **Planning Board handbook**, all ordinances the Board typically deals with, as well as the City's growth management and land development plans.

The Planning Director shall also generally explain the City's growth management and land development policies, the relationship between the Board and the Board of Aldermen and other city boards, City Planning Staff, and the organization, duties and responsibilities, procedural rules, and legal constraints under which the Board operates.

B. Legal Training

The Planning Director will coordinate the training by legal counsel of new members, and existing members as needed, of relevant laws.

C. General

Board members are encouraged to expand their knowledge and understanding of planning issues by reading planning related literature and attending planning conferences, courses, seminars, and workshops. Additionally, interaction with city staff and/or site visits, where appropriate, are always welcomed.

Article XII – Ethical Principles in Planning

The planning process must continuously pursue and faithfully serve the public interest. To accomplish this, planning process participants should:

- A. Recognize the rights of citizens to participate in planning decisions.
- B. Strive to provide citizens (including those who lack formal organization or influence) full, clear, and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs.
- C. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons.
- D. Assist in the clarification of community goals, objectives, and policies in plan-making.
- E. Ensure that reports, records, and any other non-confidential information which is, or will be, available to decision-makers is made available to the public in a convenient format and sufficiently in advance of any decision.
- F. Strive to protect the integrity of the natural environment and the heritage of the built environment.
- G. Pay special attention to the interrelatedness of decisions and the long-range consequence of present actions.
- H. Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained. To accomplish this, planning process participants should:

- i. Exercise fair, honest, and independent judgment in their roles as decision-makers and advisors.
- ii. Make public disclosures of all “personal interests” they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision-maker.
- iii. Define “personal interest” broadly to include any actual or potential benefits, or advantages that they, a spouse, family members, or person living in their household might directly or indirectly obtain from a planning decision.
- iv. Abstain completely from direct or indirect participation as an advisor or decision-maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency, or court with jurisdiction to rule on ethics matters has expressly authorized their participation.
- v. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant’s objectivity as advisor or decision-maker in the planning process.
- vi. Do not participate as an advisor or decision-maker on any plan or project in which they have previously participated as a paid advocate.
- vii. Serve as paid advocates only when the client’s objectives are ethical and consistent with the public interest.
- viii. Do not participate as a paid advocate on any aspect of a plan or program on which they have previously served as advisor or decision-maker, unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency. Such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer. Under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision-maker.
- ix. Do not use confidential information acquired in the course of their duties to further a personal interest.
- x. Do not disclose confidential information acquired in the course of their duties, except when required by law, to prevent a clear violation of law or to

prevent substantial injury to third persons—provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions.

- xi. Do not misrepresent facts or distort information for the purpose of achieving a desired outcome.
- xii. Do not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service.
- xiii. Respect the rights of all persons, and not discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.

Article XIII – Suspension of Rules

With the exception of Broadcasting and Recording or other legally binding requirements, these Rules of Procedure may be suspended by a majority vote of the entire Board for the current meeting or for a set period within the current meeting. If not otherwise indicated by a set time period, suspension of the Rules of Procedure are only for the meeting at which the suspension vote occurs. The full set of the Rules of Procedure will be in force once the meeting in which the rules suspension is voted at, is adjourned.

Article XIV - Amendments

These Rules of Procedure may be amended by a majority (or 2/3rds?) vote of the entire Board provided that the proposed change shall have been submitted in writing at the previous regular meeting of the Board.

Submissions to amend these Rules of Procedure may only be proposed by current Planning Board members, Board of Aldermen members, or City of Southport staff.

Article XV – Adoption

These Rules of Procedure were (unanimously) adopted by the City of Southport Planning Board on **Month, Day, 2025**, and recorded in the minutes of that meeting.



City of Southport, NC

***Planning Board Primer:
A Guide to Prepare Members***

October 2025

DRAFT

Original Outline for the Primer Created by the Handbook Subcommittee

The outline below are the elements discussed by subcommittee members in building the primer.

1. Purpose of the Primer
2. Reference Authorities for Planning Board
3. City Priorities
 - a. Southport 2050
 - b. Board of Aldermen Priorities
4. Function and Responsibilities
 - a. Meetings
 - b. Voting
5. Core Processes
 - a. Zoning / Rezoning
 - b. Major Site Plans
 - c. Major Subdivisions
 - d. Review of UDO
 - e. New Text Amendments
6. Calendar of Events for PB
 - a. Project(s) Status
 - b. Number of applications
 - c. Number and type of variances

Executive Summary

The Planning Board Primer is a guide to prepare new members and refresh existing members with information regarding the role of the Planning Board.

The information in this document identifies the core processes and basic information to help a planning board member incorporate their unique knowledge into the legislative and administrative functions expected of them.

The information provided herein is a starting point and must be considered along with information from the authoritative sources, city resources, and rules and procedures known and unknown for Planning Board members.

The elements for the Primer were created by the Handbook Subcommittee with input from the Planning Board Chair, the Planning Board, the Board of Aldermen Liaison and the City Staff.

The following is the outline.

1. The Purpose of the Primer
2. Reference Authorities for Planning Board
3. City Priorities
 - a. Southport 2050
 - b. Board of Aldermen Priorities
4. Function and Responsibilities
 - a. Meetings
 - b. Voting
5. Core Processes
 - a. Zoning / Rezoning
 - b. Major Site Plans
 - c. Major Subdivisions
 - d. Review of UDO
 - e. New Text Amendments

This draft is developed by the subcommittee for review by the entire planning board. Subcommittee members are Maria Horton, Ed Ekert, and Doug Luehe.

Introduction

The purpose of the Planning Board Primer is to prepare new and existing members for meeting the responsibilities of the Planning Board (PB). The primer serves to orient planning board members of general authorities, activities, and considerations in supporting the City of Southport through the Unified Development Ordinance (UDO) along with the City Ordinances.

Planning Board Purpose

The Southport Planning Board plays a critical role in guiding the City of Southport's growth and development. The Board ensures that land use decisions are consistent with adopted plans, comply with the Unified Development Ordinance (UDO), and reflect the community's values as established by the Board of Aldermen and the City of Southport 2050 Plan which is also known as the Comprehensive Plan.

Authority(ies)/Resources

Established authorities and resources for the Planning Board are:

- **North Carolina General Statutes, Chapter 160D**
[NCGS 160D](#)
- **City of Southport Unified Development Ordinance (UDO)**
[Southport UDO PDF](#) City of Southport UDO is the existing legal ordinances by which residential and commercial and subdivision development comes into compliance with City regulations.
- **City of Southport Ordinances or City Ordinances**
City Ordinances are all of the applicable city laws for residents and non-residents within the City of Southport that are not related to land use. The City of Southport Ordinances can be accessed on the Municode platform. The Municode platform makes it easy for accessing the ordinances via an Internet search.

Article 13 of the City Ordinance available on the Municode platform describes the establishment of the Planning Board by NC GS.

- **City of Southport 2050 Plan** – this is also known as the Comprehensive Plan. It serves as a roadmap to guide decisions regarding approval or recommendations. The Comprehensive Plan incorporates the Coastal Area Management Act (CAMA) requirements.

Resources

- **UNC School of Government – Land Use and Planning**
[UNC SOG Resources](#)
- **City of Southport Planning Department (Development Services)**
[Planning Department Contact Page](#)

Other Applicable Definitions

- Legislative actions are those actions taken by the Planning Board and the Board of Aldermen (BOA).
- Administrative actions are those actions related to application processes.
- Quasi-judicial actions are those actions inherent to the Board of Adjustment (BoA)
- Tips are used with the Primer to identify helpful information regarding the performance of Planning Board Members.
- Pitfalls are used to identify potential errors or misinterpretations that a Planning Board Member might be considering, which could lead to an inappropriate recommendation.

Core PB Functions

1. Advise and make recommendations to the **Board of Aldermen** on land use policy matters (e.g., rezonings, text amendments) as described in the UDO.
2. Act as the **final decision-making body** on **major site plans** after review and consideration of certain technical matters.
3. Provide a **public forum** for land use development review and community input.
4. Support long-term planning, including recommendation of updates to the **Comprehensive Plan** and alignment of **UDO through text amendments**.

Administrative Bodies (UDO, pages, 2:12–24)


The UDO identified Administrative Bodies work together to implement the Comprehensive Plan. A brief summary of functions follows.

A. Board of Aldermen

- **Final legislative authority** for rezoning, text amendments, conditional zoning, and subdivision approvals.
- Conducts public hearings with required notice.
- Consider **advisory recommendations** from the Planning Board.

B. Planning Board

- Provides **advisory recommendations** on most land use matters.
- Has **final authority** on Major Site Plans.
- Ensure decisions align with the **Comprehensive Plan** and UDO.

 **Tip:** When making recommendations, always adopt a **consistency statement** (required by law). This ensures the record reflects how the action aligns — or does not align — with adopted plans. Once taken this should be documented in the Planning Board minutes.

C. Board of Adjustment

- Hears **quasi-judicial cases** (variances, special use permits, and appeals of administrative decisions).
- Applies strict standards (hardship test for variances).

⚠ Pitfall: The Planning Board does **not** handle variances and should not provide opinion on variances publicly — quasi-judicial actions are conducted using evidentiary hearings and are the exclusive area of action for the Board of Adjustment. Appeals of Board of Adjustment go to the Superior Court.

D. Technical Review Committee (TRC)

- Staff-level review (engineering, utilities, fire, etc.).
- Provides technical input before applications reach the Planning Board.

Review Procedures (UDO, pages, 3:25–75)

Article 3 of the UDO details how applications are submitted, reviewed, and decided for land development by residents and developers whether residential or commercial. The procedures identify resident, staff, Planning Board, Board of Aldermen, Board of Adjustment and developer actions. The review of procedures that follow are at a high-level description for helping orient the reader of the Primer.

Common Procedures

- **Application submittal** → must be complete and meet deadlines described in the UDO.
- **Staff review** → staff provide technical review(s) and reports to the Planning Board regarding compliance with the UDO and Technical Reviews.
- **Notice requirements** related to common procedures are the responsibility of City Staff. Notice actions are as follows:
 - **Mailed notice** to nearby property owners.
 - **Published notice** in newspaper.
 - **Posted signs** on affected property.
- **Public hearings** are required for rezonings, text amendments, special use permits (SUPs).
- **Quasi-judicial hearings** remain more strict using rules of evidence and is used for variances and SUPs. These hearings may come before or after reviewing an application.

💡 Tip: See the UDO for specific notice requirements (number of days).

⚠ Pitfall: In quasi-judicial hearings, **personal opinions** (“I don’t think it fits here”) are not valid evidence. Testimony must be based on **facts, plans, or expert opinion**.

Rezoning (Legislative)

- Application submitted.
- Staff review & report.
- Planning Board holds meeting → makes **advisory recommendation**.
- Board of Aldermen establishes notice and holds **public hearing**.
- Decision: approve, deny, or modify.

💡 **Tip:** Always adopt a **consistency statement** — required by NCGS 160D-605.

Text Amendment (Legislative)

- Proposal submitted (by Board of Aldermen, staff, citizen, or developer).
- Staff review.
- Planning Board advisory recommendation.
- Board of Aldermen public hearing & decision.

💡 **Tip:** Text Amendments upon adoption should be added to City Ordinances for consistency with the UDO.

Special Use Permit (Quasi-Judicial)

- Application submitted.
- Staff review.
- Decision must include **findings of fact** (UDO, p. 58).

💡 **Tip:** Planning Board is only responsible for text amendments as it relates to the Special Use Permits required by the city (updating or changing the list).

This should be within the Board of Adjustment along with 3.5 below.

Variance (Quasi-Judicial)

- Application submitted.
- Staff review.
- Board of Adjustment conducts quasi-judicial hearing.
- Decision requires findings based on:
 - 1) Unnecessary hardship exists.
 - 2) Hardship results from conditions unique to the property.
 - 3) Hardship is not created by the applicant.
 - 4) Variance is consistent with the spirit of the ordinance.

Major Site Plan (Administrative)

- Application submitted.
- Staff review & Technical Review Committee (TRC) input.
- Planning Board reviews and makes the **final decision**.

Tip: Site plans are largely **technical**. Focus on ordinance (administrative) compliance, not policy (legislative) debate.

Pitfall: Major Site Plan approval is **not discretionary**. If the plan meets ordinance requirements, it must be approved.

Major Subdivision (Legislative)

- **Sketch Plan** → Planning Board advisory recommendation.
- **Preliminary Plat** → Planning Board advisory recommendation.
- **Final Plat** → Board of Aldermen approval.

Pitfalls: Subdivision approval is **not discretionary**. If the plan meets ordinance requirements, it must be approved. Information regarding plans, plats, and variances is part of City Staff responsibilities and may be available. If not presented in monthly meeting, inquiries may be made.


Planning Board Authority (UDO Table 2.1, p. 40)

The following table summarizes the advisory actions and final decision authority the Planning Board has.

Application Type	Planning Board Role	Notes
Major Site Plans	Final Decision Authority	Technical compliance focus
Major Subdivision Sketch Plans	Advisory Recommendation	Early-stage design input
Major Subdivision Preliminary Plat	Advisory Recommendation	Advisory before Board of Aldermen decision
Planned Unit Development (PUD)	Advisory Recommendation	Complex projects, Board of Aldermen decision
Text Amendment	Advisory Recommendation	Legislative
Zoning Map Amendment (Rezoning)	Advisory Recommendation	Legislative, requires consistency statement
Conditional Zoning District	Advisory Recommendation	Legislative, incorporating site-specific conditions


Additional Tips

New Planning Board members may benefit from the following guidance. The quick tips and summary best practices allow a new member to actively engage with more seasoned board members from the start.

 **Tip:** Old minutes are stored on the City of Southport website where meetings are listed. Use old minutes to refresh your memory on previous meetings. If new, use them to see how meetings were handled.


Robert’s Rules of Order – Quick Reference

- **To speak:** Address the Chair, wait to be recognized.
- **To make a motion:** “I move that...”
- **To second a motion:** “Second.”
- **To amend a motion:** “I move to amend by...”
- **To table a motion:** “I move to lay on the table...”
- **To make a Point of Order:** “Point of Order, Mr./Madam Chair.”
- **To request information:** “Point of Information, Mr./Madam Chair.”
- **Debate:** Directed through the Chair, not between members.
- **Vote:** By voice, show of hands, or roll call.

 **Tip:** In practice, Planning Boards mostly use **main motions, amendments, and adjournments**. Don’t overcomplicate — keep procedure clean.

Best Practices for Planning Board Members

- **Conflicts of Interest:** Disclose and recuse if you (or family/employer) have a financial interest.
- **Consistency Statements:** Required for rezonings and text amendments.
- **Public Hearings:** Listen respectfully, even if testimony is repetitive.
- **Quasi-Judicial Hearings:** Base decisions on **evidence only**. Avoid discussing outside meetings.
- **Stay in your lane:** Advisory vs. final roles differ — know which hat you’re wearing.
- **Documentation:** Ensure findings and recommendations are clear in minutes.

 **Pitfall:** Mixing policy arguments with technical findings can expose decisions to legal challenge.

DRAFT

STAFF REPORT
ZTA-25-05 ZONING TEXT AMENDMENT
TABLE 3.1 TABLE OF USES AND SECTION 3.8 NONRESIDENTIAL
USES – VAPE/TOBACCO SHOPS

APPLICATION SUMMARY	
Presentation Date	November 20, 2025 Planning and Zoning Board
Applicant	City of Southport Planning Staff
Relevant Ordinance Sections	Table 3.1 Tables of Uses and Section 3.8 Nonresidential Standards

ZONING TEXT AMENDMENT PROPOSAL
<p>This request is to amend the Unified Development Ordinance (UDO) to define and regulate Vape/Tobacco Shops within the City of Southport. Presently, the UDO’s table of permitted uses does not list a Vape/Tobacco Shop. These establishments are defined as retail, which have limited development standards and are allowed in most nonresidential zoning districts. Which do not consider sensitive locations such as schools, parks, and playgrounds.</p> <p>The City of Southport Planning Staff, per the recommendation of the Board of Aldermen at their October 9, 2025, meeting, respectfully submits a Zoning Text Amendment to the City of Southport Unified Development Ordinance. Specifically, to amend Table 3.1 Table of Uses and Section 3.8 Nonresidential Standards to add Vape/Tobaccos Shops as permitted as a special use with additional development standards. All proposed changes, including additions and deletions, are found within this report and may also be viewed in the City of Southport Development Services Department offices.</p>

REVIEW PROCESS

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

Section 2.10 of the UDO outlines the procedure that allows any party to apply for a text change to the UDO or zoning district change for the city’s zoning map. The Planning Board shall provide an advisory recommendation within 90 days after the introduction of such petition at a regularly scheduled meeting and shall transmit its recommendation and report, including the reasons for its determinations, to the Board of Aldermen. However, per 160D-604, if no written report is received within 30 days, the governing board may act on the amendment without the planning board report.

PROPOSED AMENDMENT

Below are the proposed text amendments to Article 3 and Article 8 of the UDO. Underline indicates new language.

Table 3.1: Table of Uses

Nonresidential Uses											
Uses	ICS	R-10	R-20	MF	PUD	O-I	CBD	BD	HC	OS	SECTION #
<u>Vape/Tobacco Shop</u>	<u>459991</u>								<u>SS</u>		<u>3.8.00</u>

3.8 NONRESIDENTIAL USE STANDARDS

OO. Vape/Tobacco Shop

Where permitted, the following shall apply:

1. Location shall not be less than 1000 feet from a school, daycare, youth facility, community center, city park, hospital, or places of worship.
2. Location shall not be within 500 feet of residentially zoned property.
3. Location shall not be within 1000 feet of any other established Vape/Tobacco Shop.
4. Signage must meet the requirements of Section 3.19 of this ordinance.

Article 8: DEFINITIONS AND MEASUREMENT

Vape/Tobacco Shop. A retail establishment where 30% or more retail floor area, or total sales, is dedicated to e-cigarettes, vaporizers, nicotine products, Kratom, CBD, hookahs, and other smoking paraphernalia.

EVALUATION AND CONTEXT

Unified Development Ordinance Compliance

Zoning Text Amendments, like General Use Zoning Map Amendments (Rezoning), follow the process laid out in Section 2.10 of the City of Southport Unified Development Ordinance. Pursuant to this section, the Planning Board shall advise and comment on whether the proposed text or zoning map amendment is consistent with the comprehensive plan or any other official

adopted plans that are applicable. The Board of Aldermen shall, in their final decision-making capacity, base their decision upon the same.

Southport 2050 Comprehensive Plan Consistency

The goals and objectives of the comprehensive plan include embracing Southport’s unique small commercial areas and historic downtown as an economic development opportunity. This includes encouraging the development of context-sensitive uses that fit into the historic character of the city. There are no specific policies that address the proposed type of land use, although it is good planning policy to update ordinances regularly when gaps are found.

STAFF’S RECOMMENDATION

City Planning Staff respectfully submit the proposed Zoning Text Amendment as outlined in this report to the Planning Board for their consideration of a recommendation to the Board of Aldermen. The proposal is found to be consistent with the 2050 Comprehensive Plan, as well as remaining consistent with the Unified Development Ordinance. Because of these consistencies, Planning Staff respectfully recommend approval of the request as presented. Staff also recommend the adoption of the provided consistency statement.

Attachments

Consistency Statement



**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-25-05

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby recommends **denial** of the proposed Zoning Text Amendment to the Board of Aldermen and finds that it is inconsistent with the City's 2050 Comprehensive Plan adopted on October 9, 2025.

The statement and motion was seconded and passed _____.

Scott Baillargeon, Deputy City Clerk

Larry Ashley, Chairman



**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-25-05

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 2050 Comprehensive Plan adopted October 9, 2025. More specifically, embracing Southport's unique small commercial areas and historic downtown as an economic development opportunity including context-sensitive uses that fit into the historic character of the city.

The statement and motion was seconded and passed _____.

Scott Baillargeion, Deputy City Clerk

Larry Ashley, Chairman



Planning Board Update – November 2025

Board of Aldermen: Regular meetings of the Board of Aldermen are every 1st Monday at 9:00 a.m. and 2nd Thursday at 6 p.m. at the Community Building.

Planning department agenda items heard at the November meetings are outlined below.

Monday, November 3, 2025

- **Discussion of Proposed Unified Development Ordinance Text Amendments:** This item was shared with the BOA as a discussion item only. Staff presented a detailed list of potential UDO updates that were compiled from comments submitted by the Board of Aldermen, Planning Board, and Staff. The topics were grouped together as they are found in each section of the UDO and included policy references from the 2050 Comprehensive Plan.

There was a discussion with a question-and-answer session regarding the land use issues presented and the consideration of hiring a consultant to prepare a full update of the UDO. Staff will bring forward minor text amendments while researching the cost of a complete update and timing for preparing a Request for Qualifications (RFQ) to assist the city with the update of the UDO.

Thursday, November 13, 2025

- No planning department agenda items for this meeting.

Board of Adjustment: Regular meetings of the Board of Adjustment are every 4th Tuesday at 4:30 p.m. at the Indian Trail Meeting Hall.

The regular meeting for October was canceled due to a scheduling conflict with the applicant for October 28. The November meeting will not be held due to proximity to the Thanksgiving holiday. The December meeting is rescheduled for Thursday, December 4, 2025. The agenda will include an appeal of a staff decision on a ROW code enforcement case and a special use permit for an accessory dwelling unit on Caswell Avenue.

Historic Preservation Commission: Regular meetings of the Historic Preservation Commission are every 1st Wednesday at the Indian Trail Meeting Hall.

The regular meeting of the HPC was held on November 5 and the agenda included discussion of questions and suggested design standard language submitted by the Board of Aldermen. After a two (2) hour meeting, the remaining proposals and questions are continued until the December 3 regular meeting.

Forestry Committee: Regular meetings of the Forestry Committee are every 2nd Tuesday at Indian Trail Meeting Hall.

The Forestry Committee meeting was rescheduled for Wednesday, November 19 due to Veterans Day falling on the regular meeting date. The agenda and discussion for the November meeting include finalizing planting locations for the 2025/2026 season (20 trees available this year), volunteer hours from the members to be submitted for the Tree City USA application, and consideration of moving forward with a public trees survey.

Staff will be submitting the 2025 Tree City USA application in December. Upon completion and acceptance, this will be the 22nd year of designation as a Tree City USA community.

Other Staff Projects:

- The NC Resilient Coastal Communities Program (RCCP) Phase 1&2 project is in the beginning stages of preparing a vulnerability assessment report. The early stages include data collection, stakeholder identification and development of a community engagement strategy. Information will be found on the Development Services website as it is available. This project is fully funded by a grant from the RCCP through the General Assembly and National Fish & Wildlife Foundation grant.
- The Multimodal Acceleration Plan is moving forward, and the online survey and interactive project priority map is open through the month of November. The plan will be in the final stages after the survey ends, which includes creating project details for the prioritized pedestrian and bicycle improvements including cost estimates and funding opportunities.

The plan is funded by a multimodal grant from NCDOT and will create a comprehensive and connected multimodal network with project-ready opportunities.

- The Southeastern NC Hazard Mitigation Plan Update identifies hazards that can impact the region and actions that can be taken to reduce the impact of future hazard events. Staff are in the process of reviewing the risk assessment for the new plan. A public meeting is being held at Pender County Board of Commissioners meeting room or virtually on Thursday, November 20 at 6 p.m. where participants will learn about the plan and share input on ways to reduce future hazard events. This meeting is at the same time as the regular Planning Board meeting. Future input opportunities will be shared. Updates to the project can be found on the following website. <https://storymaps.arcgis.com/stories/800f3a2d116d437093ce694d241406e7>