



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

223 E BAY ST
SOUTHPORT NC 28461
January 15, 2026
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. March 27, 2025, Planning Board Meeting Minutes
 - 2. May 2, 2025, Planning Board Special Meeting Minutes
 - 3. August 21, 2025, Planning Board Meeting Minutes
- F. Public Comment**
- G. Committee Reports**
- H. Old Business**
 - 1. UDO Text Amendment ZTA-25-05 – Vape/Tobacco Shop
 - 2. Planning Board Rules of Procedure
 - a. Southport Planning Board Rules and Procedures
 - b. Southport Planning Board Rules and Procedures (Markup copy)
 - 3. Planning Board Primer
- I. New Business**
 - 1. 2026 - Goal Setting
 - 2. 2026 Planning Board Regular Meeting Schedule
- J. Staff Reports**
 - 1. Other Board and Committee Planning Items

2. Special Projects

K. Board Comments

L. Adjourn



**City of Southport
Planning Board Special Meeting
Indian Trail Meeting Hall
113 W Moore St
Southport NC 28461
03/27/2025
10:00 am
MINUTES**

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

Staff Present: Maureen Meehan, Planning Services Director, Wendell Biddle, City Planner, Todd Coring, Police Chief; Tom Zilinek, City Engineer; ChyAnn Ketchum, Public Information Officer, Tori Deviney, City Clerk

Absent: None

A. Call to Order

Chair Sue Hodgins called the meeting to order at 10:00 a.m.

B. Invocation

Mr. Hewett provided the invocation

B. Pledge of Allegiance

Chair Hodgins led members in the recitation of the Pledge

C. Public Comment

Chair Hodgins asked for a motion to open Public Comment.

A motion was made by Mr. Hewett and seconded by Mr. Ashley, to open Public Comment.

The motion carries unanimously

Chair Hodgkin asked Deputy Clerk Deviney if there were any speakers or email comments.

City Clerk Deviney shared thirteen emails received.

Charles and Joanne Wesson – Southport NC

Mr. Wesson expressed their support for the relocation of the Southport Police Department to occupy the old courthouse on Moore Street.

Charles Franka – 305B Stuart Ave.

Mr. Franka expressed their support for the Police Department occupying the old courthouse on Moore Street.

Francesca and Max Slaughter – Southport NC

Ms. Slaughter expressed their support for the Police Department occupying the old courthouse on Moore Street.

Garrett Manindu – 603 Longleaf Dr.

Mr. Manindu expressed support for the Police Department occupying the old courthouse on Moore Street.

Jay Beard – 830 N. Ward St.

Mr. Beard expressed support for the Police Department occupying the old courthouse on Moore Street.

Jean Connor – 315 N. Burrington Ave

Ms. Connor expressed support for the Police Department occupying the old courthouse on Moore Street.

Aaron Fisher – Southport NC

Mr. Fisher expressed support for the Police Department occupying the old courthouse on Moore Street.

Katherine Hufham – Southport NC

Ms. Hufham expressed support for the Police Department occupying the old courthouse on Moore Street.

Glen Williamson – 319 Stuart Ave.

Mr. Williamson expressed support for the Police Department occupying the old courthouse on Moore Street.

Paul Gross – 1018 N. Caswell Ave.

Mr. Gross expressed support for the Police Department occupying the old courthouse on Moore Street.

Rachel Lankford – Park Ave.

Ms. Lankford expressed support for the Police Department occupying the old courthouse on Moore Street.

Charlie Sullivan – 5002 Seaward Ct.

Mr. Sullivan expressed support for the Police Department occupying the old courthouse on Moore Street.

Wendy Lawson – 205 E. State St.

Ms. Sullivan expressed support for the Police Department occupying the old courthouse on Moore Street.

Bonnie Bray – 515 Quartermaster Dr.

Ms. Bray noted that the Arts Group has moved on from the courthouse and that the Police Department needed to be moved into a larger building.

Chair Hodgkin shared for the record that the Board is working to provide the best location possible.

There being no more speakers from the floor, Chair Hodgkin asked for a motion to close Public Comment.

A motion was made by Mr. Hewett and seconded by Mr. Bove to close Public Comment.

The motion carries unanimously.

D. Old Business

1. Old City Hall / Courthouse – 201 E. Moore St. – Recommendation Review and Possible Action

Chair Hodgkin shared that a Special Meeting of the Planning Board Work Session had been scheduled for April 1, 2025, regarding the recommendation to the Board of Aldermen regarding the courthouse; and read into record UDO Article 2.3.A.12 and City Ordinance Section 13-34;

- *“The Planning Board shall review with the city manager and other city officials and report as recommendations to the Board of Aldermen upon the extent, location and design of all public structures and facilities, on the acquisition and disposal of public properties, and on the establishment of building lines, mapped street lines, and proposals to change existing street lines.”*

and outlined the responsibilities of the Planning Board to advise in the City's best interest; and asked if there were any comments from City Staff.

City Engineer Tom Zilinek spoke about the plans and shared details of the proposed structural modifications.

Chair Hodgkin thanked Mr. Zilinek and Police Chief Coring for being present; and opened the floor to Board questions to Staff.

Mr. Ashley noted that there had been a lot of work done at the courthouse and shared that there was still roughly \$6.6M in work to be done and asked if there was a plan to address the work that still needs to be completed.

City Manager Saldo spoke about the ongoing work.

City Engineer Zilinek spoke about the completed work and spoke to the priorities of repairs outlined in the annual budget; and enumerated the immediate and intermediate repairs that would be conducted in the coming year.

Mr. Ashley noted the Parks Building and asked about the timeline for completion for that building.

City Engineer Zilinek shared the timeline for the Parks Building to be completed.

Mr. Locklin emphasized the need for a standalone Police Department outfitted with state-of-the-art equipment to ensure the safety of Southport Residents; and asked Chief Coring if the Old Courthouse must be designated for a Police Department or a Government Building would it suffice the Police Department's needs; and spoke to the Police Department's proposed plan for a new building; and asked Police Chief Coring what an ideal building would comprise.

Chief Coring spoke to the effort to draft a plan for a building and presented it to multiple City Managers over the years; and noted that he had reviewed Police Departments from other cities and built a design based on similar constructions; and the alterations made to those designs received from Board feedback; and noted that Southport residents have stated that they want the Police Department to be housed in the old courthouse.

Mr. Locklin asked if he would be satisfied with a brand-new building; and noted that the Old Courthouse is a historical government building and it should be preserved as a historic space; and emphasized the need for a building dedicated to a state-of-the-art Police Department; and asked Chief Coring if he could have a brand-new building would he accept that.

Chief Coring noted that he had several discussions over the last five years regarding a Police Department; and shared what he had done to change the design to reduce costs; and the number of locations reviewed that could accommodate the square footage necessary, and that none could be found; and that he would be satisfied with a brand-new building if a location became available.

Chair Hodgkin asked the Board for any other comments or questions.

Mr. Ashley spoke about the current police headquarters and noted that it is overcrowded; and discussed the proposed designs that eliminated Staff areas, such as break rooms and locker rooms, to accommodate the needs of the department; and addressed the design modifications to be a shared location will impede services.

Mr. Fiss emphasized Mr. Locklin's sentiments and the need for a stand-alone Police Department; and noted that the Courthouse is a public treasure and requires renovation; and spoke about the difficulties of securing an achievable budget for historic renovation of the courthouse; and noted relocating City Admin to the Courthouse, and other options for Southport to consider.

Mr. Bove expressed concern regarding the limited scope provided in the layout and about not having enough information to make an informative or reasonable decision.

Chair Hodgkin asked if anyone had any other concerns to address.

Mr. Hewett noted the work session scheduled for June 1, 2025, and suggested moving the location to accommodate the number of public speakers so they can familiarize themselves with the conference room at City Hall.

Public Information Officer Ketchum shared that filming would not be possible in the Conference Room at City Hall as it was not yet wired for visual and audio technology.

Mr. Hewett noted taking a field trip to the building to orient the Board of the building and its functions; and noted the location of the building was central to many Southport services but emphasized the difficulty of using the building; and shared that the Police Department was overdue to having their own space.

Chair Hodgkin emphasized the need for a meeting space for the Aldermen and Boards and Commissions; and noted that with the addition of the Police Department would only confound matters; and spoke to other buildings that also

need renovations, and noted that there was not one City-owned property that could accommodate the needs of the Police Department; and emphasized the need to schedule renovation of these properties; and noted reaching out to State representatives to obtain funding; and expressed support for courthouse renovations.

Mr. Locklin echoed the comments of the Board for a standalone Police Department; and noted that having a building with more square footage was necessary.

Mr. Ashley asked Chair Hodgins if he could address City Manager Saldo about the square footage usage used by City Staff at the current location of City Hall 1029 N. Howe St.; and noted that about 12,000 square feet were available at City Hall, and how much was being used.

City Manager Saldo shared that the current square foot usage of City Staff at City Hall was at 90% capacity, and shared details of how it was being utilized.

Mr. Ashley expressed concern about moving the services from the current City Hall building to the Old Courthouse as there would be less square footage available; and asked Police Chief Coring if there had been any designs rendered for a Police Department located at the current location of City Hall.

Chief Coring shared the plans that had been rendered; and shared the history of moving from space to space; and noted that at the time a decision had not been made concerning designs and the Police Department had relocated to where it is currently.

Mr. Locklin spoke about the number of relocations the Police Department has endured over the years; and about the number of buildings the Southport has available; and about the option of setting up satellite offices to disperse departments so that not all departments were housed under one roof.

Chair Hodgins shared her appreciation for the comments received from the Board and Staff; and noted that they will schedule a field trip to the Old Courthouse to decide on the best option available; and asked if any questions or concerns be sent to City Manager Saldo; and asked the Board for further discussion.

E. Adjourn

Chair Hodgins asked for a motion to adjourn.

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

The motion carries unanimously.

The meeting adjourned at 11:26 a.m.

X

Lawrence Ashley
Chair

X

Tori Deviney
City Clerk

DRAFT



City of Southport
Planning Board Special Meeting
Indian Trail Meeting Hall
113 W Moore St
Southport NC 28461
05/02/2025
10:00 am
MINUTES

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

Staff Present: Maureen Meehan, Planning Services Director, ChyAnn Ketchum, Public Information Officer, Tori Deviney, City Clerk

Absent: None

A. Call to Order

Chair Sue Hodgins called the meeting to order at 10:00 a.m.

B. Invocation

Mr. Hewett provided the invocation

C. Pledge of Allegiance

Chair Hodgins led members in the recitation of the Pledge

D. Approval of Agenda

Chair Hodgins noted that the agenda item, Public Comment, be added and asked if there was a motion to approve the agenda.

A motion to approve the agenda was made by Mr. Hewett and seconded by Mr. Ashley.

The motion carries unanimous

E. Public Comment

Chair Hodgkin spoke to the Conditional Zoning of the waterway community and asked for a motion to open Public Comment.

A motion was made by Mr. Hewett and seconded by Mr. Ashley, to open Public Comment.

The motion carries unanimously.

Chair Hodgkin asked Deputy Clerk Deviney if there were any speakers or email comments.

There being no speakers from the floor, Chair Hodgkin asked for a motion to close Public Comment.

A motion was made by Mr. Bove and seconded by Mr. Ashley to close Public Comment.

The motion carries unanimously.

F. Old Business

1. ZTA-25-03 – Zoning Amendment Application: Conditional Zoning and Appendix A

Chair Hodgkin introduced the item and spoke to the feedback leadership and Staff received; and noted the development agreement included in the packet and the discussion that occurred on April 17, 2025; and shared that the Zoning Text Amendment is the greater of their responsibilities and the three elements noted on April 17 are intertwined; and the transparency of the process; and asked Planning Services Director Meehan to address the item and provide the Board and residents further information.

Planning Services Director Meehan spoke to the item and shared that slides are available to the Board; and shared the text amendment would be incorporated into the Unified Development Ordinance (UDO); and shared the difference between the two standards; and provided information concerning Conditional Zoning and what it is tailored for regarding smart growth; and to the standards of Conditional Zoning in Southport today; and noted that with the relinquishment of the Extra Territorial Jurisdiction (ETF) created some changes that limit the authority of all local governments in North Carolina for downzoning and nonconformities; and discussed what was proposed by the applicant concerning Conditional Zoning.

Chair Hodgkin spoke to the original recommendation included in the packet that was denied.

Planning Services Director Meehan noted that it was included in the packet; and spoke to the Conditional Zoning district requirements and how they differ from the originally proposed; and shared specific instances of differences throughout the proposed amendment.

Mr. Ashley shared that there is a large difference in the process from 2023 to the current process and asked if the Conditional Zoning had been negotiated with the Mayor and Board of Aldermen and if Southport stood to lose anything; and why the need to move to Conditional Zoning “lite”.

Planning Services Director Meehan shared the deliberations between the applicant, community, Staff, and the Board of Aldermen; and shared the recommendation; and spoke to the text amendment.

Chair Hodgkin noted that residents can attend the Board of Aldermen meetings to comment and voice concerns.

Planning Services Director Meehan spoke to the remaining processes outlined in the proposed applicant text amendment; and noted the uses and vicinity of the area to which is included in the packet.

Mr. Ashley addressed issues concerning City limits and what occurs just over the City limit lines.

Chair Hodgkin expressed concerns for condensing the original document; and noted that the Board is attempting to insert as many protections as possible for Southport to be reviewed by the Board of Aldermen.

Planning Services Director Meehan addressed Appendix A; and outlined the general project information, land use, and other conditions included in Appendix A; and spoke to the changes and requirements for Conditional Zoning.

Mr. Bove inquired about the language that was removed.

Planning Services Director Meehan spoke about the reasons for removal of the language at the applicant’s request.

Chair Hodgkin asked if a reference should be made about the removed language; and inquired if the text amendment was sufficient as written or if it need further explanation; and added that the text amendment has become a point of

contention; and spoke to the current procedure for denying and approving bond requests.

Planning Services Director Meehan shared that the request was included and read the language to the Board; and asked if the Board would like the applicant to review the language; and affirmed the text amendment is sufficient; and discussed the previous bonds that were left or abandoned.

Mr. Locklin addressed the need to draft best management practices to avoid future issues.

Mr. Ashley inquired about why a bond could not be requested in the application process.

Planning Services Director Meehan shared the appropriate negotiation standards regarding bonds.

Mr. Bove asked if the bonding is consistent with zoning; and asked if there was a legal way to add the request for bonds into the application process; and addressed the policies and principles that are incorporated in the text.

Planning Services Director Meehan spoke about the process of reviewing policy and principles; and shared that adding the policies are not addressed in the Conditional Zoning standards.

Chair Hodgkin asked if the policies should be added to the text.

Mr. Bove clarified that the addition of policies is a good measure; and noted that the applicant could understand what will be reviewed; and addressed a pre-application meeting to address these issues.

Planning Services Director Meehan noted that the Board has a consistency statement that ensures the Board had reviewed to the full extent of the request and provided a well-vetted deliverable for the Board of Aldermen to consider; and shared the typical process of applicants and noted that additional language could be added; and noted that stormwater would be included for oversight.

Mr. Bove addressed the stormwater mitigation portion of the UDO and its impact on smaller lots; and noted that it should also be added.

Chair Hodgkin shared her agreement for it being added; and noted that having this discussion at the development stage provides a solid forecast to consider.

Discussion ensued concerning the addition of stormwater to the UDO.

Planning Services Director Meehan shared that the text amendment would revise the whole tabular table in the UDO; and noted the applicant added the Conditional Zoning portion, and the City is incorporating it all under Appendix A; and reiterated for clarification that the table in question is Appendix A and not the Table and Uses and in reference to application only.

Chair Hodgkin noted that it was easier to understand than what had been previously provided.

Planning Services Director Meehan spoke about the remaining changes and clarity of the new table and language provided; and continued outlining the Conditional Zoning and the changes.

Chair Hodgkin noted that a current House Bill, 765, and that the Board only consider conditional districts; and spoke to the conditions limited to conformance of the development and the impacts reasonably expected by use of the site; and discussed the time to expedite the applicant's request.

Planning Services Director Meehan spoke to the process and shared the options provided to applicants; and emphasized that the proposed text amendments offer more ability to move forward how they choose.

Chair Hodgkin asked Ms. Meehan to review House Bill 765 and to elaborate should any of the text amendments requested be impacted by the language in the bill.

Mr. Locklin addressed the current text in relation to its prior form and inquired about the changes to wetlands and environmental issues; negotiation guidelines, and concerns surrounding the impact on wildlife.

Planning Services Director Meehan spoke about the changes and addressed the concerns; and the nuance of the language to account for all possible issues; and spoke to the need to ensure responsible development as the City moves forward with respect to wildlife and wetlands; and spoke about the next steps.

2. CZ-25-01 – Conditional Rezoning: Waterway Community

Planning Services Director Meehan introduced the Conditional Zoning: Waterway Community; and shared several maps that cover 46.1 acres; and noted the areas that had been identified for development; and that many of the areas were previously earmarked as Planned Unit Development (PUD); and the additional requirements for each area; and lot dimensions, setback standards, old residential areas; and outlined those parcels earmarked or the City, Marina, Commercial, and Residential.

Mr. Bove asked about the number of acres that had been delineated.

Planning Services Director Meehan spoke to the number of acres and shared that she would need to reach out to the County to obtain a specific number.

Chair Hodgkin expressed concern about wetlands relating to CAMA Use Laws.

Planning Services Director Meehan shared information concerning CAMA and the wetlands land use; and asked the Board for any additional questions.

Chair Hodgkin asked if there had been anything on the new table under the Conditional Zoning that would present issues; and noted the addition of microbreweries and like-industry; and asked for examples of specific things outlined in the packet for business and structures.

Planning Services Director Meehan stated that nothing stood out as it would not be a high intent project and would fit in with the community overall; and shared those items that have been either removed or added; and explained what was included in the government use City of Southport portion of the text amendment; and spoke to microbreweries; and to what a research facility could be.

Mr. Locklin addressed the intent concerning research facilities; and asked if more information on the intent for these types of industries could be provided, if it relates to robotics or some other type of science.

Planning Services Director Meehan noted that she would request additional information concerning the intent of the noted research facilities.

Mr. Bove noted that the number of parking spaces is lower than the required amount and asked if there was an opportunity to obtain additional information about parking lot or share ideas to introduce more parking; and emphasized that parking spaces are cumbersome near the marina.

Chair Hodgkin emphasized Mr. Bove's concerns and noted golf-cart traffic.

Mr. Lambert asked if housing for multi-family structures is being planned.

Planning Services Director Meehan spoke to the multi-family homes outlined in the plan.

Chair Hodgkin asked if there were any additional questions; and emphasized the need for Conditional Zoning as it is of value to Southport; and that a chance was

missed to have this previously completed; and emphasized the importance of getting it right this time.

Mr. Hewett shared that Conditional Zoning demonstrates how small cities protect themselves; and shared they should have addressed Conditional Zoning years back.

Discussion ensued concerning the submission of the Conditional Zoning; the fees associated with the application; and the timeline from when an application is received to completion; and noted that the Conditional Zoning, 2023, text amendment was drafted by Staff versus the current one that had been drafted by the developer; and noted the importance of being reactive; and expressed gratitude to Staff for their efforts in bringing a robust Conditional Zoning process.

Chair Hodgkin suggested the need to review the changes and ensure all matters concerned are addressed; and noted that should the Planning Board determine the Conditional Zoning text amendment was complete, the Board will forward it to the Board of Aldermen for review and adoption; and that they could review the UDO at that time

Chair Hodgkin asked for a motion to authorize our UDO Review Committee to familiarize its revisions suggesting for the submitted Conditional Zoning CZ-25-01 – Conditional Rezoning: Waterway Community bringing it back for final discussion along with the rezoning application submitted by East West Partners Management, LLC and Bald head Island Unlimited, LLC to be placed in recommendation form at our May Planning Board Meeting.

A motion was made by Mr. Hewett and seconded by Mr. Locklin to authorize our UDO Review Committee to familiarize its revisions suggesting for the submitted Conditional Zoning CZ-25-01 – Conditional Rezoning: Waterway Community bringing it back for final discussion along with the rezoning application submitted by East West Partners Management, LLC and Bald head Island Unlimited, LLC to be placed in recommendation form at our May Planning Board Meeting.

Mr. Fiss asked that any concerns should be forwarded to the Committee for consideration; and noted they would have the opportunity to be reviewed.

The motion carries unanimously.

G. Adjourn

Chair Hodgkin asked for a motion to adjourn.

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

The motion carries unanimously.

The meeting adjourned at 11: 39 a.m.

X

Lawrence Ashley
Chair

X

Tori Deviney
City Clerk

DRAFT



**City of Southport
Planning Board Regular Meeting
Southport Community Building
223 E Bay St
Southport NC 28461
August 21, 2025,
6:00 pm**

MINUTES

Present Members: Chair Lawrence Ashley, Vice Chair Fred Fiss, Maria Horton, Ed Ekert, Doug Luehe (Remote), John Bove, Bob Lambert, Kevin Locklin (Remote)

Staff Present: Maureen Meehan, Planning Services Director; Wendell Biddle, City Planner; ChyAnn Ketchum, Public Information Officer; Tori Deviney, City Clerk

Absent: None

A. Call to Order

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

B. Pledge of Allegiance

Chair Ashley led members in the recitation of the Pledge

C. Approval of Minutes

- a. July 17, 2025, Planning Board Meeting Minutes pgs. 2-8

A motion was made by Mr. Bove and seconded by Ms. Horton to approve July 17, 2025, Planning Board Meeting Minutes pgs. 2-8.

The motion carries unanimously

Chair Ashley inquired of City Clerk Deviney if there was audio to determine how those Planning Board members, who were in attendance remotely, could share how they would be casting their votes.

City Clerk Deviney stated that she did not have the audio for those members but would phone them to obtain their votes.

D. Approval of Agenda

A motion was made by Mr. Bove and seconded Ms. Horton, to adjust the Approval of the Agenda to follow New Business.

The motion carries unanimously

E. Public Comment

A motion was made by Ms. Horton and seconded by Mr. Bove to open the floor to Public Comment.

The motion carries unanimously

Shirley Sullivan 5002 Seaward Ct.

Ms. Sullivan expressed concern for the Home2 Suites Hotel and noted the variances in the language outlined in the Unified Development Ordinance (UDO); the traffic pattern currently in place and its inefficiencies regarding safety; and emphasized the need for further review of the plan to encompass all safety concerns.

A motion was made by Mr. Bove and seconded by Mr. Lambert to close the Public Comment portion of the agenda.

The motion carries unanimously

F. New Business

1. MSP-25-01 – Home2 Suites

Chair Ashley introduced the major site plan for the Home2 Suites Hotel; and outlined the steps and procedures for approving the proposal; and noted that there would not be a public hearing regarding the item; and shared that the Board would be open to questions; and asked if Kevin Locklin was present.

City Clerk Deviney shared that she was unable to raise Mr. Locklin via phone.

City Planner Biddle shared background concerning the major site development of Home2 Suites at the corner of J Swain Blvd and Eason Street in Southport; and addressed the issues presented by the public speakers; and spoke to the background regarding the precedent with the variance; and shared that variances are Quasi-Judicial Hearing Proceedings and do not set precedence as they are only concerned with particular land parcels and each is determined on a case-by-case basis; and spoke to crime and concerns about fire safety, and shared that

Southport Fire and Police Departments would be able to address those concerns and were beyond the purview of this Board.

Mr. Fiss inquired about why the meeting was not scheduled in the Community Building given the technological setbacks.

City Clerk Deviney shared that the City's Public Information Officer was out on leave and Staff will provide the best assistance possible.

City Planner Biddle thanked the Board and residents for their patience as they work through the technology issues; and spoke to the application submitted for a four-story, 103 room, hotel within the Highway Commercial Zoning District; and provided language covered under Section 3.1 that was permitted "by rights", specific use standards; and shared that land use options are either permitted or prohibited; and noted that if they were permitted, they may require Specific Land Use standards associated with them, or permitted "by rights"; and noted that this proposal has been permitted by rights with Specific Land Use standards; and spoke to the process and the efforts of Staff to complete each requirement.

Chair Ashley addressed the issues of the public not being able to view the slide show due to technological issues and invited members of the public to view his laptop or ask the Board for further information regarding any topic addressed.

City Planner Biddle thanked the members of the Board and members of the public present for their patience and offered them his laptop for slide viewing; and restated his previous comments concerning the information reported for clarity (not having slides to show to members of the public).

Chair Ashley asked Mr. Biddle to define the term "by rights" for the member of the public present.

City Planner Biddle shared that "by rights" standards were part of the zoning process, and is the difference between a minor and major land use standard; and noted that the determination was based on impervious ground cover; and shared an example noting that if a structure was 10,000 square feet or more, it would be considered a major land use standard; and noted other such examples for clarity of reason; and spoke to the Planning Board's procedure for approving major site plans and the time line to completion for that process; and noted five requirements to meet the variance process standards:

1. The lot size shall be a minimum of one acre;

2. The primary means of ingress and egress shall be via major thoroughfares as distinguished by the Brunswick County Comprehensive Transportation Plan;
3. The property shall have a minimum of 200' of frontage on a major thoroughfare;
4. Any building on-site must be a minimum of 200' from any Residential District;
5. In the Hybrid Commercial District building height may exceed 40' if approval by the Board of Adjustment and if the building satisfies the following criteria;
 - a. The City of Southport Fire Chief finds that the City can provide adequate safety fire protection;
 - b. Buildings that exceed 40' in height and are located on parcel adjacent to residentially zoned properties must have an additional one-half increase;

City Planner Biddle noted that Section (b) was not applicable in this case; and spoke to the pre-application process; and shared that three of the lots outlined did not meet requirements; and noted those specific use standards would be considered at a later date; and spoke about the zoning history of the location from 2004, noting the development of Dutchmen Village was intended for Commercial Zoning; and shared the Declaration of Covenants and provided clarity regarding covenants and the process for how they were reviewed to ensure the project was within scope; the UDO prescribed concerning motels/hotels; fire use standards; and noted the process of the Quasi-Judicial Hearing, to which the project was considered unfavorable to suit the needs on US 211; and shared the Board of Adjustment's findings that included:

- Color of the façade;
- Parking lot design;
- Pedestrian consideration;
- Compliance to lighting, landscaping, signage, and stormwater potential considerations;

And spoke to the requirements of the Planning Board to evaluate the above considerations; and noted the size and dimensions of the structure; and discussed variance approval; the ITE traffic generation standard, which estimates a daily total of 347 vehicles entering the development; the current UDO standard stipulations including the number of vehicles to a development, traffic pattern redesign; and noted that if a development projected to produce a volume of 500 trips the development would require a traffic analysis performed by an engineer; and shared what the analysis would provide to meet the standards conducive to the overall project; and spoke about the current traffic pattern and the findings of the traffic analysis to ensure future traffic impediments were curtailed; and shared the proposed site plan map, the 125 parking spaces; and adequate measures concerning pedestrian safety including sidewalks; the addition of ten light poles not exceeding 20' in height.

Mr. Ashley inquired about additional light poles and if they were within the City's ordinance guidelines.

City Planner Biddle shared additional specifications of the proposed light poles; and noted they were well within the guidelines stipulated in the ordinance.

Ms. Horton shared a picture of the lamp posts proposed in the plan and noted that the light emanating from the lamps projects downward to avoid adding to light pollution.

City Planner Biddle spoke to the parking lot and noted that prior to obtaining a building permit, the two lots would need to be combined.

Mr. Bove asked for clarity concerning Recombination as he believed it was to occur before the Technical Review Committee (TRC) Approval and if the timing had changed; and referenced pg. 36 of the packet.

City Planner Biddle shared the application process in relation to Recombination before TRC Approval; and noted that the packet contained an error and that TRC Approval would not occur before Recombination; and shared the timing to completion.

Ms. Horton shared that the TRC response to the attorney states that it must occur prior to the acknowledgement from the attorney.

City Planner Biddle shared that before a Certificate of Occupancy (CO) can be issued a Zone Compliance would need to be obtained; and noted that he would be party to that process.

Mr. Ashley shared that before hearing questions and concerns from the Board, he asked the applicants to share any comments.

Applicant Lowel Larson stepped to the podium.

Mr. Larson shared that his presence was to accommodate any questions or concerns from the Planning Board.

Chair Ashley opened the floor to questions and comments from Board members.

Mr. Luehe spoke to the assessment regarding traffic patterns and inquired if there had been any previous assessments conducted that could be used in tandem with this assessment to understand the nuances as it touches on the goals set for the Comprehensive Plan.

Chair Ashley noted that the current Comprehensive Plan was in a draft phase; and noted that it requires a final approval by the Board of Aldermen.

Mr. Luehe spoke to the 2023 version and emphasized that his concern was for having full occupancy at the proposed site; traffic impacts to downtown Southport; and consideration with respect to evacuation

standards; and questioned whether any consideration was given to that safety issue concerning impacts on infrastructure.

City Planner Biddle discussed traffic patterns and impediments to downtown Southport; and noted that the proposed site as stipulated in the analysis did not pose traffic impediments to the downtown area as the study concluded that traffic from the site would not exceed 500 vehicles within a 24-hour period; and could not speak to the direction or destinations of vehicles.

Chair Ashley shared that to speculate on the number of individual destinations of vehicles, either entering or leaving the site, would be beyond the purview of the Board.

Ms. Horton underscored the importance of Mr. Luehe's question; and inquired about Brunswick County's role in reviewing impediments to City infrastructure when new construction is proposed; and asked how the Planning Board would submit new numbers concerning new projects so HWYs 211 and 87 are configured adequately for evacuation and emergency situations.

Planning Services Director Meehan shared that the County does meet with NCDOT, bi-monthly, to address these concerns.

Ms. Horton noted that the present proposal for the hotel was not required to conduct traffic analysis; and expressed concerns regarding impacts on residential and commercial districts; and asked about the methods implemented by the County that determine when a traffic analysis is necessary for new construction.

Planning Director Meehan shared that the applicants were not required to conduct a traffic analysis but opted to cover the costs so that one could be conducted to emphasize the impacts posed by the new construction; and spoke to the County's method of decision-making when traffic analyses should be completed; and noted that the County is aware of land use as it is within their purview to approve each lot.

Chair Ashley inquired about the comprehensive analysis regarding new projects; and spoke to specific areas where impacts are prevalent; and spoke to evacuation processes currently in place, noting the need to ensure those processes are considered.

Planning Services Director Meehan shared that the Southeastern Mitigation Plan is scheduled to take up this issue in the coming months; and shared that evacuation plans in relation to new development were on the agenda to be discussed.

Chair Ashley noted the recent hurricane season and the need to ensure public safety.

Mr. Bove asked about sidewalks along Eason St. sharing that it would be beneficial to the area.

Planning Services Director Meehan spoke about the addition of sidewalks along those streets.

Mr. Fiss asked if the hotel would include a restaurant.

Chair Ashley asked the applicant, Lowell Larson, to come to the podium.

Mr. Lowell Larson, applicant of the Home2 Suites Hotel

Mr. Larson shared that apart from a Continental Breakfast, there was not going to be a restaurant included in the design.

Chair Ashley asked about the time to completion once approvals have been obtained.

Mr. Larson shared that based on their current projections the time to completion was (roughly) 14 months; and noted that they plan to open late 2026.

City Planner Biddle spoke to the timeline and shared additional information that would need to be completed before construction began.

Chair Ashley asked the Board if there were any more questions, and there being none, asked for a motion.

A motion was made by Ms. Horton and seconded by Bob Lambert to approve the application of MSP-25-01 – Home2 Suites.

The motion carries unanimously

G. Recess

The Board adjourned for a five-minute recess.

H. Old Business

1. ZTA-24-05 Special Events at Bed Breakfast

Planning Services Director Meehan spoke to the text amendment to ZTA-24-05 Special Events at Bed Breakfast; and shared, that following a Board of Adjustment case regarding special use permitting for bed and breakfasts to operate as a wedding venues, the Board of Aldermen requested an amendment to the UDO that would allow for special events; and noted that there was hesitation to adopt the amendment; and presented the amended text to the Board for review; and read the recommended amended text:

4. Special events such as weddings, dinners, and other small gatherings for the benefit of overnight guests are allowed. Special event capacity shall not exceed the number of overnight guests registered at bed and breakfast.

a. DEFINITIONS OF BASIC TERMS

Special Events: Activities held in venues wherein the event is secondary to the venue's primary land use. Special events include but are not limited to weddings, receptions, and dinners.

And noted that the Board Attorney advised that a recommendation from the Planning Board is necessary.

Chair Ashley inquired if the request to approve the text amendment derived from the Board of Aldermen.

Planning Services Director Meehan shared that was the case.

Chair Ashley opened the floor for Board comment.

Ms. Horton asked about the language regarding "30 days prior"; and recommend it be changed to read "no less than 30 days".

Planning Services Director Meehan noted that the portion Ms. Horton referenced was not included in the text amendment; and the Planning Board had already approved the language; and shared the current text amendment recommendation derived from the Board of Aldermen as they have requested the Planning Board to review this specific language.

Mr. Bove sought clarity regarding the language; and whether the capacity of the bed and breakfast would be changed; and noted whether it considered both indoor and outdoor events.

Planning Services Director Meehan shared the details concerning venues; and noted the text amendment provided a guideline for Staff to share with residents asking questions.

Mr. Locklin spoke about special events; impacts in the areas the Bed and Breakfast occupies and other capacity-related information.

Chair Ashley asked what the occupancy of the largest Bed and Breakfast in the City.

Planning Services Director Meehan shared that occupancy was set at (roughly) 25.

Chair Ashley asked the Board if there were any more questions, and there being none, asked for a motion.

A motion was made by Mr. Fiss and seconded by Mr. Locklin to recommend approval to the Board of Aldermen for ZTA-24-05 Special Events at Bed Breakfast.

The motion carries:

Yay: 5

Nay: 2 (John Bove and Maria Horton)

The Statement of Consistency and Recommendation was read by Chair Ashley:

- The City of Southport Planning Board hereby recommends adoption of the proposed Zoning Text Amendment ZTA-24-05 Special Events at Bed Breakfast to the Board of Aldermen and finds that it is consistent with the City's 2014 CAMA Core Use Plan originally adopted in November 13, 2014 and subsequently amended by the Southport Board of Aldermen, more specifically the proposed amendment is consistent with Policy 7.22; the City shall continually maintain all official documents.

2. ZTA-25-04 UDO Updates (Article III & Article VIII Amendments) – Maureen Meehan

Chair Ashley introduced the item to be considered for a text amendment.

City Planner Biddle spoke to the proposed text amendment of the UDO and shared that it did not accurately reflect the incorporated City of Southport since the relinquishment of the Extra Territorial Jurisdiction (ETJ); and spoke to the purpose of the proposed update to the UDO; and noted there are three zoning districts:

- Manufactured Housing Zoning Districts
- Light Industrial Zoning Districts
- Heavy Industrial Zoning Districts

And shared that, due to NC state statutes, requires the language to consider:

- Adult Businesses – NC Statute 160D-902
- Manufactured Homes – NC Statute 160D-910

Chair Ashley inquired if these businesses were required by State law.

City Planner Biddle enumerated the requirements; and spoke to the proposed text amendments highlighting the areas marked for consideration.

Chair Ashley sought clarity regarding whether these changes would bring the Board up to date on the ETJ.

City Planner Biddle confirmed that it was correct; and noted that these are the items included in the UDO Committee and Staff's report and considered their removal from the text as they were unnecessary land use cases or incorporate them into new land use ordinances; and spoke to Accessory Use Standards among Commercial Districts; and outlined the setback standards.

Discussion ensued among the Board concerning decking and coping definitions; swimming pool setback guidelines (regarding the distance from the pool to the property line); and the wording of the ordinance to ensure that the explanation is clear and consistent.

- Swimming pool setbacks will be measured from the side or rear yard property line to the coping or decking of the pool and shall not be less than five (5) feet in distance.
- The pool is to be enclosed by protective fencing as established by the NC Residential Building Code.

Mr. Bove noted that accessory equipment, like pumps, should be included, beyond coping and decking; and stated that anything associated with the operation of the pool should be considered; and asked the Board to approve the language as revised.

City Planner Biddle shared that the Board could approve it on the condition that it has been revised.

Planning Services Director Meehan suggested the word "coping" should be added to replace the suggested wording of "structural member" as it was not accurate and could be confusing.

Mr. Locklin provided the definitions of the terms "decking" and "coping"; and suggested considering the differences.

Discussion ensued regarding "decking" and "coping" and the differences among them; the wording of the ordinance to include each term or crafting new verbiage.

City Planner Biddle noted that currently pools are allowed to be measured from the setback, and accessory materials are included in the language.

The Board agreed to change the language to reflect:

- Swimming pool setbacks will be measured from the side or rear yard property line to the edge of the *closest portion of coping or decking to the property line* and shall not be less than five (5) feet in distance.

City Planner Biddle shared the next text amendment related to drive-thrus; and noted the current rules concerning drive-thrus.

Chair Ashley clarified for the Board that the intent of the ordinance is to mitigate placement of drive-thrus near residential districts.

City Planner Biddle shared that the UDO Committee had been created by the Board of Aldermen to review the text of drive-thrus and further prevent issues of noise complaints.

Mr. Locklin shared that there was a lot of consideration given to the issue.

Mr. Horton noted that use of “feet”, as a measurement of distance, is an arbitrary measurement for sound.

City Planner Biddle shared that the Planning Department emulated the language of other municipalities when drafting the language to include “feet” as a measurement of sound.

Mr. Locklin shared that there is no other measurement available to measure sound; and stressed that sound and distance do have a relationship.

Mr. Luehe expressed concern about traffic impacts associated with drive-thrus.

City Planner Biddle noted that the City Engineer would conduct an assessment to determine best practices associated with traffic; and moved on to Tattoo and Body Piercing establishments text amendment to ensure that the City has clear parameters on those types of establishments following the relinquishment of the ETJ; and spoke to the permits required for Tattoo and Body Piercing establishments.

Mr. Luehe asked for a clearer explanation of the amendment noting that its intent appeared to be attempting to restrict these types of establishments.

City Planner Biddle shared that implemented controls on Tattoo and Body Piercing establishments are to ensure they are placed in the correct zoning districts; and listed the appropriate zoning districts for such establishments.

Ms. Horton shared that she favored controls of these types of establishments.

City Planner Biddle shared the arduous process an applicant seeking to open a Tattoo and Body Piercing establishment would need to follow in the absence of these controls; and that if the City placed controls on these establishments, the permitting would be a smoother process.

Chair Ashley noted that with the foresight in determining where these establishments can be placed, and in which zones established in the UDO, is necessary for consistent planning.

Mr. Luehe expressed his agreement with the proposed text amendment.

City Planner Biddle moved on to the ordinance concerning flag poles and the rules related to them.

Discussion ensued regarding the number of feet in flagpole height; and suggested changing the working to six feet or less.

Chair Ashley suggests changing the language to reflect six feet or less.

Mr. Fiss asked about a doll house as being an accessory structure.

City Planner Biddle spoke to the rules that would make it an accessory structure; and emphasized that to be an accessory structure the earth would need to be disturbed and a permit required; and shared the measurements that would be determined.

Chair Ashley asked the Board if there were any more questions, and there being none, asked for a motion.

A motion was made by Mr. Bove and seconded by Mr. Locklin to recommend approval to the Board of Aldermen for Zoning Text Amendments ZTA-25-04 UDO Updates (Article III & Article VIII Amendments) with conditions to add amendments to the Board of Aldermen to adopt.

Planning Services Director Meehan noted that the motion should include the amendments made.

Chair Ashley shared that he would ensure the amendments were added.

The motion carries unanimously

The Statement of Consistency and Recommendation was read by Chair Ashley:

- The City of Southport Planning Board hereby recommends adoption of the proposed Zoning Text Amendment ZTA-25-04 UDO Updates (Article III & Article VIII Amendments) with conditions to add amendments to the Board of Aldermen and finds that it is consistent with the City's 2014 CAMA Core Use Plan originally adopted in November 13, 2014 and subsequently amended by the Southport Board of Aldermen, more specifically Policy 7.22; the City shall continually maintain all official documents.

3. Comprehensive Plan Review and Recommendation – Maureen Meehan

Planning Services Director Meehan introduced the item and shared the background information on the plan; and noted that it was a roadmap for (big picture) development, which included community engagement and input; and spoke to key concepts that were considered for an inclusive comprehensive plan; and the feedback that was collected from public comment and outreach were the drivers of the plan; and emphasized that the protection of natural resources and small businesses was considered; and shared the plan had been submitted to the Division of Coastal Management Committee for review and consideration.

Chair Ashley opened the floor to Board comments and questions.

Ms. Horton complimented Staff for their efforts to include population growth and density projections including growth statistics as the February version of the plan lacked this data; and expressed concern for the lack of data regarding economic development following the relinquishment of the ETJ; and recommended additional focus on economic development; and spoke to the historic preservation of downtown Southport in addition to considering the needs for ensuring affordable housing; future infrastructure considerations; and the need to mine for new sources of revenue.

Mr. Luehe expressed concern about voting for the motion tonight as he shared that he did not have enough information.

Chair Ashley shared that the work that had been done was extensive; and his participation on the steering committee; and emphasized that they had conducted many door-to-door assessments.

Mr. Bove asked about Multi-Modal Transportation and what it was in reference to transportation.

Ms. Horton asked about the action matrix and emphasized that there are things that need more attention.

Planning Services Director Meehan spoke to considerations that fall under Multi-Modal Transportation such as biking and walking paths and emphasized that it was not in relation to mass transit; and shared the contents of the action matrix; and the processes associated ensuring that progress is made on the plan.

Discussion ensued concerning prioritization, timeline for completion, overall costs, and projected budgets of the plan; the forethought that went into the budget; and discussed recommending a prioritization of items to the Board of Aldermen that has final approval.

Chair Ashley asked the Board if there were any more questions, and there being none, asked for a motion.

A motion was made by Mr. Fiss and seconded by Mr. Bove to recommend approval to the Board of Aldermen for the Comprehensive Plan Review and Recommendation for adoption.

The motion carries:

Abstain – Doug Luehe

Planning Service Director Meehan shared the goals of the Comprehensive Plan and noted the time it will take to achieve the goals.

Mr. Horton noted that the priorities need to be identified by a working group; and the need to identify sources of funding for the goals.

Mr. Bove noted time, safety, and infrastructure impacts that need to be considered in those priorities.

Mr. Ekert asked about how priorities were identified.

Planning Services Director shared that there were many facets of selecting projects due to grant funding; and noted that it would be a slow process to complete all the items on the list.

Chair Ashley asked for regular “check-ins” from the Planning Department on this topic in the future.

Mr. Locklin asked when the final draft would be delivered to the Board of Aldermen for consideration and approval.

Planning Services Director Meehan shared that it would be in October.

Chair Ashley asked if there were any additional questions or concerns, and for a motion.

A motion was made by Mr. Fiss and seconded by Mr. Bove to recommend approval to the Board of Aldermen for the Comprehensive Plan Review and Recommendation for adoption, to include an action plan with funding, time, and safety be considered for a multidimensional approach.

The motion carries unanimously

I. Other Business

1. Planning Updates

Planning Services Director Meehan shared Planning updates; and the upcoming text amendments; and noted the August 22, 2025 Historic Preservation Special Meeting to consider the recommendations to the Board of Aldermen for the Historic District Overlay Design Standards; and shared where to find the updated version of the Historic Preservation standards; and noted the upcoming Board of Adjustment Meeting concerning a Special Use Permit; and shared the progress of a QR code to an online survey for a hazard mitigation plan for counties that identified proposition issues the communities would like to address.

Discussion ensued concerning the legalities of adding performance bonds to mitigate Stormwater issues.

Chair Ashley asked the Board if there were any more questions, and there being none, asked for a motion.

A motion was made by Mr. Bove and seconded by Mr. Locklin to ask counsel for the procedures to create performance bonds in the City of Southport.

The motion carries unanimously

2. Date Selection for Rules of Procedure Special Meeting

Chair Ashley shared the rules of procedure and the methods available to the Board and asked for a Special Meeting to discuss the best practices for rules of procedure scheduled for September 3, 2025 (9am-12pm).

3. Planning Board goal Setting

Chair Ashley shared the need to set dates for when work requests can be completed; and spoke to the Board to create a timeframe for public transparency on requests.

Ms. Horton shared that the dates and approvals within the UDO could be used to draft these timelines.

4. Planning Board Project / Application handbook

Chair Ashley spoke to goal setting and asked the Board to consider past issues that they would like to consider for upcoming meetings; and expressed interest in

creating a handbook for new members in understanding UDO process and other like issues.

Mr. Ekert noted that a “cliff notes” version would be useful.

Ms. Horton shared her method of collecting pertinent information for reference.

Mr. Luehe emphasized the need to create a handbook.

Chair Ashley set a time to completion for the end of March to create slides for a handbook for current and new members.

J. Announcements

Chair Ashley asked the Board to share any additional announcements.

Mr. Luehe shared his appreciation for the Comprehensive Plan.

Mr. Locklin noted the July Meeting, and his appreciation for the efforts that have been made.

Mr. Bove shared that he would be out of town for the October 9, 2025, meeting.

Aldermen Frank Lai spoke to ChatGPT and its impacts on data collection.

K. Adjourn

Chairman Ashley asked for a motion to adjourn.

A motion was made by Mr. Bove and seconded by Mr. Lambert.

The motion carries unanimously

The meeting adjourned at 9:13 p.m.

X

Lawrence Ashley
Chair

X

Tori Deviney
City Clerk

DRAFT

STAFF REPORT
ZTA-25-05 ZONING TEXT AMENDMENT
TABLE 3.1 TABLE OF USES, SECTION 3.8 NONRESIDENTIAL
USES, AND ARTICLE 8 DEFINITIONS & MEASUREMENT –
VAPE/TOBACCO SHOPS

APPLICATION SUMMARY	
Presentation Date	January 15, 2026 Planning and Zoning Board
Applicant	City of Southport Planning Staff
Relevant Ordinance Sections	Table 3.1 Tables of Uses, Section 3.8 Nonresidential Standards, and Article 8 Definitions & Measurements

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. At present, Vape/Tobacco shops fall into a general retail category and have limited development standards that allow them in most nonresidential zoning districts.</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/Tobacco Shops as a special use commercial activity 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
<p>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 decision’s 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</p>

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 a 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 is the proposed text amendment to Article 3 and Article 8 of the UDO that went before the November 20th Planning Board. 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.

NOVEMBER 20TH PLANNING BOARD MEETING

At the November 20th Planning Board meeting, staff were directed by Board members to reevaluate the proposed text amendment and provide a clearer definition. The concerns of the Planning Board expressed are that the subject amendment potentially includes luxury Cigar Bars along with a vape/tobacco shop. Additionally, the previous definition included what was thought to be an arbitrary percentage of the retail floor area or total sales. The Planning Board was

concerned with how those totals would be calculated and enforced. A revised text amendment accommodating the Planning Board’s concerns is below. 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>

As detailed in Table 3.1, the International Classification for Standards (ICS) code is 459991; a classification that, as of 2022, includes cigar stores, cigarette stands, e-cigarette stores, marijuana stores, tobacco stores, and vape shops. This ICS code specifically excludes any drinking establishment.

3.8 NONRESIDENTIAL USE STANDARDS

OO. Vape/Tobacco Shop

Where permitted, the following shall apply:

1. Location shall not be less than 500 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.~~
5. This provision does not apply to land uses that lawfully existed prior to the effective date of this text.

Article 8: DEFINITIONS AND MEASUREMENT

Vape/Tobacco Shop: An establishment dedicated to the retail sale of tobacco or marijuana, tobacco or marijuana products including CBD and Kratom, or tobacco or marijuana paraphernalia. A vape or tobacco shop does not include bars, nightclubs, or other establishments allowing onsite consumption of tobacco, or grocery stores, convenience stores, or similar retail uses that sell tobacco products or tobacco paraphernalia as an ancillary sale

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 emphasize leveraging Southport’s distinctive small commercial areas and historic downtown as opportunities for economic development. This

includes promoting context-sensitive uses that are compatible with the city's historic character. Although no specific policies directly address the proposed land use, it is sound planning practice to regularly update ordinances when gaps are identified. The 2050 CAMA Land Use Plan reinforces this approach by encouraging businesses in downtown Southport that align with its historic character, rather than those that are more ostentatious or higher in intensity. Action 7.2.2 specifically supports the introduction of new enterprises while strengthening existing businesses.

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 **adoption** of the proposed Zoning Map Amendment to the Board of Aldermen and finds that it is consistent with the City’s 2050 CAMA Comprehensive Plan adopted October 9, 2024. 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.

Ayes: _____

Noes: _____

Absent or Excused: _____

Scott Baillargeion, Deputy City Clerk | Date

Larry Ashley, Chairman | Date



**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, 2024.

Ayes: _____

Noes: _____

Absent or Excused: _____

Scott Baillargeion, Deputy City Clerk | Date

Larry Ashley, Chairman | Date

City of Southport, NC
Planning Board
Rules of Procedure
01/09/2026

Draft



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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 UDO13-26)

- 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 Comments
 - l. 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
Rules of Procedure
01/09/2026

Draft



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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.

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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.

Deleted: The purpose of the Planning Board shall be set forth in the City of Southport Ordinance Chapter 13, Article II, and other general and special State laws relating to planning in the City of Southport. The Planning Board shall have those powers and duties delegated by ordinance to the Board by the Southport Board of Aldermen. ¶

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

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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.

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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.

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- 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;

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- 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.

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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](#)

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- 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.

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- 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.

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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 UDO13-26)

- 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

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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.

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- 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

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- 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 Comments
 - l. Adjournment

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

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- 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, \[placed by City\]\(#\)](#)

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[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.

Deleted: <#>Hearing Procedure. Board procedure on all hearings shall be in the order listed below. The Chair shall have the privilege of limiting arguments by both proponents and opponents to avoid redundant, cumulative or repetitive testimony or argument.¶
report¶
Public comments¶
Applicant rebuttal¶
Discussion¶
Motion¶

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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.

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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,

Deleted: Such comments or inquiries should solely be directed towards the Board and, in turn, the Board may seek an answer from the applicant, city staff or members of the 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?)

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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

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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.

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- 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.

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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.

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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

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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.

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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.

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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.

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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.

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B. Legal Training

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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:

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- 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

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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 of 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.

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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.

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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.

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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.

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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](#)

Applicable Definitions

- Future Land Use Map (FLUM) a documented vision of how to get the development desired by the City which includes Planning Board recommendations and Board of Aldermen approval.
- Overlay is a zoning district which provides a different use for land designated in a zoning area. An example may be allowing parking in a residential zone.
- 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

City of Southport Planning Board Regular Meeting Schedule for 2026

January 15, 2026

February 19, 2026

March 18, 2026

April 16, 2026

May 21, 2026

June 18, 2026

July 16, 2026

August 20, 2026

September 17, 2026

October 15, 2026

November 19, 2026

December 17, 2026

The regular monthly meetings of the Planning Board will be held at 6:00 p.m. on the third Thursday of each month at the Southport Community Building, 223 E. Bay Street unless otherwise specified by Public Notice.



Planning Board Update – January 2026

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. **January – April meetings of the Board of Adjustment will be held at the Southport Community Center – 223 E. Bay Street at 4:30 p.m.**

January's meeting has a full agenda, including two postponed appeals of staff determinations, two special use permits for an accessory dwelling unit, and one special use permit for an accessory dwelling unit continued from the December meeting being withdrawn by the applicant.

Historic Preservation Commission: Regular meetings of the Historic Preservation Commission are every 1st Wednesday at 4:00 p.m. at the Indian Trail Meeting Hall. **January – April meetings of the HPC will be held at the Southport Fire Department Emergency Operation Center (EOC) – 1011 N Howe Street 2nd Floor at 4:00 p.m.**

The draft local historic design standards have been updated to reflect the recommended changes from the HPC's December 3, 2025, meeting and are available on the city's website. The HPC reviewed the document at its January 7, 2026, meeting. The recommended changes from July 2025 through December 2025 are highlighted yellow. New language is underlined, and removed language is struck through.

The HPC will continue review of the updated draft local historic district design standards that the February 4, 2026, meeting.

<https://cityofsouthport.com/wp-content/uploads/2025/12/HPC-Recommendations-Design-Standards-12-22-25.pdf>

Forestry Committee: Regular meetings of the Forestry Committee are every 2nd Tuesday at 5:00 p.m. at Indian Trail Meeting Hall. **January – April meetings of the Forestry Committee will be held at the Southport Jaycee Building – 309 N Fodale Avenue at 5:00 p.m.**

The 2025 Tree City USA application was submitted by staff in early December. The application has received regional approval and is pending State Coordinator approval. When approved, this will mark the 22nd consecutive 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 the National Fish & Wildlife Foundation.

- The Multimodal Acceleration Plan is moving forward, and the online survey and interactive project priority map is closed at the end of November. The plan is in the final stages of completion, which will include creating project details for the prioritized pedestrian and bicycle improvements, including cost estimates, funding opportunities, and public input on the prioritized projects. A multimodal grant from NCDOT funds the plan.
- The Southeastern NC Hazard Mitigation Plan Update identifies hazards that can affect the region and actions to reduce the impact of future hazard events. Staff are reviewing the risk assessment action items for the updated Plan. Future input opportunities will be shared. Updates to the project can be found at the following website. <https://storymaps.arcgis.com/stories/800f3a2d116d437093ce694d241406e7>. The Plan is anticipated to be completed in early winter for local adoption before the April completion deadline.
- The Southport 2050 Comprehensive Plan has been submitted to the Division of Coastal Management for certification by the Coastal Resources Commission.

Staff continue to assist citizens with questions regarding signs, zoning, ROW permits, minor and major subdivisions, minor and major site plans, CAMA Minor Permits, tree permits, special flood hazard areas, text and map amendments, and any other items that come to the Department.