



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

223 EBAY ST
SOUTHPORT NC 28461
February 19, 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. Ethics Statement** - If any members know of any conflict of interest, or the appearance of a conflict of interest, concerning matters on the agenda, please so state it at this time.
- E. Approval of Agenda**
- F. Approval of Minutes**
 - 1. September 3, 2025, Planning Board Regular Meeting Minutes
 - 2. October 7, 2025, Planning Board Special Meeting Minutes
 - 3. October 16, 2025, Planning Board Regular Meeting Minutes
 - 4. October 29, 2025, Planning Board Special Meeting Minutes
 - 5. November 20, 2025, Planning Board Regular Meeting Minutes
 - 6. January 15, 2026, Planning Board Regular Meeting Minutes
- G. Public Comment**
- H. Old Business**
 - 1. ZTA-24-05 Bed and Breakfast Use Standards Text Amendment
- I. New Business**
 - 1. Rules of Procedure – Modification Request
 - 2. ZTA-26-01 S.L. 2025-94 Unified Development Ordinance Text Amendment
- J. Staff Reports**
 - 1. Other Board and Committee Planning Items
 - 2. Planning Department Updates
 - 3. Special Projects
- K. Board Comments**

K. Adjourn



**City of Southport
Planning Board Special Meeting
Indian Trail Meeting Hall
113 W Moore St
Southport NC 28461
09/03/2025
9:00 am
MINUTES**

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

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 9:02 a.m.; and shared that the meeting would not have a public comment section.

B. Invocation

Chair Ashley provided the invocation

C. Pledge of Allegiance

Chair Ashley led members in the recitation of the Pledge

D. Approval of Agenda

A motion was made by Ms. Horton and Seconded by Mr. Lambert to approve the agenda.

The motion carries unanimously

E. New Business

1. Establishment of the Planning Board Rules of Procedure.

Chair Ashley shared that Kevin Locklin would be joining via Microsoft Teams; and discussed the policy concerning alternate members; the policies of the Planning Board related to Unified Development Ordinance (UDO); Rules and Procedures; and shared other city's processes and best practices; and spoke to the purpose of the Planning Board as an advisory board to the Board of Aldermen; and the need to provide concise advice and recommendations to the Board of Aldermen; and to seek oversight concerning the creation of the Rules and Procedures by the Board of Alderman when necessary.

Mr. Fiss addressed the UDO in reference to the City's ordinance and the definition under Article III, Section G; and questioned whether the language needs to be in both places: the UDO, and the Rules and Procedures.

- "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."

Mr. Luehe raised concerns about avoiding redundancy and recommended ensuring that all relevant language be consolidated into a single packet.

Ms. Horton noted NC General Statutes, Chapter 160D and Municode, and spoke to the Rules and Procedures; and noted the reference included in the City Ordinance; and where the language was found on the website under "Committees".

Chair Ashley shared that he was aware that the website contained the language but stated that he had seen a reference somewhere from 2010.

Ms. Horton noted that it was imperative to be succinct in the wording to ensure that every detail is captured.

Chair Ashley reviewed the draft pages of the Rules and Procedure and discussed the ordinance, its language, and the language outlined in the general Rules and Procedures; and emphasized the need for clarity in referencing City ordinances with respect to UDO.

Mr. Bove arrived at 9:22 a.m.

Mr. Luehe shared that ordinances are set by the Board of Aldermen, and the Rules and Procedures are set by the Planning Board; and addressed Robert's Rules of Order and asked if it was necessary to comply with it in its entirety or if a limited capacity would suffice.

Ms. Horton shared that Robert's Rules of Order were not universally applied and practiced by all NC Municipal Boards.

Mr. Luehe emphasized the necessity to provide any new board member with the most concise language possible.

Ed Ekert arrived at 9:25 a.m.

Chair Ashely spoke to the legalities of the Rules and Procedures; and noted changes to the City website; and spoke to creating a general link on the City website for residents to find the Rules and Procedures; and emphasized that all dates of revisions would be identified there.

Mr. Luehe addressed the need to have a place (website) where residents can find the Rules and Procedures along with ordinances and all changes; and spoke to creating an outline of the rules; and to the uses of Robert's Rules among larger bodies in contrast to smaller municipal boards and committees; and the requirement to adhere to Robert's Rules of Order as it is a trusted source for ensuring the decorum of meetings.

Chair Ashley spoke to the section titled "Purposes" outlined in the Planning Board Rules and Procedures, Chapter 13, Article 2.

Mr. Luehe asked if there was any rubric available that outlined the articles in the Rules and Procedures.

Chair Ashley shared that the Rules and Procedures were taken from what other NC municipalities had adopted.

Mr. Fiss noted that if the Rules and Procedures from other municipalities had been included, asked if the wording had been edited.

Chair Ashley asked the Board if there were any changes or comments for "Purposes"; and inquired of the City Clerk if the language can be changed, and if so, would the City Ordinance be impacted.

City Clerk Deviney shared that she would review and provide an answer.

Ms. Horton spoke to the additions of Municode to be placed on the City website and have Staff add links to access items to locate specific language for simplicity.

Mr. Ekert spoke to the website and inquired about the new additions scheduled.

Public Information Officer, ChyAnn Ketchum, shared that the new website was scheduled for rollout in the upcoming fall season and that she would confer with Chair Ashley for any specific language that needed to be shared there.

Ms. Horton noted that each section should be a link on the website for ease of access to both citizens and Board members.

Mr. Bove suggested placing a general link to the codes to refer to a specific section and not to the overall documents.

Ms. Horton expressed agreement with the proposal offered by Mr. Bove.

City Clerk Deviney provided an answer to Chair Ashley's question, "if the language can be changed and if so, would the City Ordinance be impacted?", and shared that the language would stay the same unless the code is reorganized.

Mr. Fiss raised concerns regarding residents who rely on hard copies of the UDO and may not have access to updated language available online; and asked what best practices the City should follow to address this issue.

Ms. Horton suggested adding an asterisk on the first page of the UDO stating that it is the reader's responsibility to consult the most current and updated version of the document.

Chair Ashley suggested adding a preface that included directives that spoke to regularly checking the website for updates.

Discussion followed about the language to include in the preface to alert users of the website of revised or changed language; and efforts to ensure the website links can be accessed by all citizens and users so they are kept abreast of changes; and discussed the rollout of the new City website and to work with ChyAnn Ketchum to create effortless procedures to access the updated revisions.

Mr. Bove suggested adding dates to each page of the UDO.

Mr. Luehe suggested incorporating revisions directly into the current UDO to reduce the need for manual updates and to ensure the document remains streamlined and user-friendly.

Kevin Locklin joined via Microsoft Teams at 9:29 a.m.

Chair Ashley stated that he would work with Public Information Officer ChyAnn Ketchum to ensure that the most revised and updated version is always posted on the website.

Mr. Bove noted that after the document is finalized, the document could be referred to as the current edition.

Mr. Luehe discussed the importance of transparency and compliance with open meetings laws; and inquired about the cost of utilizing the Municode library and addressed the limitations of Robert's Rules of Order, noting what the rules do and do not require; and emphasized that the Board select Robert's Rules of Order as its primary authority concerning public meeting decorum; and expressed concern for following multiple procedural rule sets.

Chair Ashley expressed disagreement and shared that he was in favor of the NC Center for Government Guidance as it is tailored to meet the needs of the Planning Board.

Ms. Horton shared that she was comfortable with either; and noted that the real direction came from Municode and NC General Statutes, Chapter 160D; and that she accepted the use of Robert's Rules of Order.

Mr. Luehe asked the Board if members of the Board had read both Robert's Rules of Order and the North Carolina Public Leadership and Council of Government (NCDEQ).

The Board discussed Robert's Rules of Order in comparison with guidance from North Carolina Public Leadership and the Council of Governments to determine best practices for meeting conduct and decorum; and considered potential biases within each resource; and discussed the Board's latitude compared to larger governing bodies; and the need to adopt a single procedural framework to avoid confusion; and expressed support for a less stringent set of procedural rules to facilitate efficient conduct of business.

Mr. Locklin addressed the Board's decision-making process and suggested utilizing both North Carolina Public Leadership/Council of Governments guidance and Robert's Rules of Order; and stated that this approach could help prevent excessive microanalysis that prolongs discussion and delays action.

Chair Ashley spoke to the articles in the Rules of Procedure; and shared they were bound by open meeting laws.

Mr. Luehe addressed Article I, Section A, concerning the language, and inquired about the value of the rule:

- "These rules do not encompass North Carolina Open Meeting Laws, or NCDEQ Records Retention Laws.";

and suggested amending the language to use the term “articulate” in place of “encompass”.

Ms. Horton noted that the sentence was written in the negative and recommended revisions for clarity; and suggested replacing “encompass” with “articulate,” inserting a comma after “laws,” and ending the sentence with “herein” to resolve the inconsistency in wording.

Chair Ashley amended the language to read:

- “These rules do not articulate North Carolina open Meetings Laws, herein, or NCDEQ Records Retention Laws”;
- and spoke to Section B where he suggested dropping the “s” on the acronym of Alternate Seated Members (ASMs).

And spoke to Article II and III and asked the Board for any suggestions or amendments.

The Board discussed procedures for swearing in new members and Alternates, including the language of Article III; and reviewed the Board of Aldermen’s rules regarding interviewing and swearing in Planning Board members, as well as ordinance provisions governing appointments to boards and committees; and discussion included Article III, Section G, addressing term expirations and the process followed by the Board of Aldermen when a member’s term concludes.

Chair Ashley asked City Clerk Deviney to explain the process for swearing in Alternate Members to Full Time Members.

City Clerk Deviney shared the process concerning the swearing in of an Alternate to Full Board Member.

Mr. Fiss noted there was no mention of interviewing new applicants.

Chair Ashley noted that it fell under the purview of the Board of Aldermen to set terms, and appointments.

Ms. Horton shared that the interview process could be found in the NC General Statutes, Chapter 160D; and shared the rule for expiring Planning Board members.

Mr. Luehe spoke about expired terms and the best practices for how to approach replacing those seats.

Chair Ashley spoke about the involvement of the mayor regarding expired Board Appointed Members; and recommended clearly stating the processes and procedures associated with appointment terms.

Discussion followed regarding the mayor's participation in selecting new members; interviewing of potential applicants; Municode language that notes the mayor's roles in the process of selecting potential new members; the UDO in contrast to Municode; and the need for consistency among the documents; and discussed the interview process the Board of Aldermen conduct, and the number of applicants.

Board of Aldermen Frank Lai spoke to the process of selecting new appointments; the number of applicants that each board receives; and shared the unintended roadblocks to meet the needs of all applicants.

Ms. Horton addressed the earnestness of the process regarding appointments in relation to other municipalities.

Mr. Luehe noted that the process of selecting appointments is specific to Southport.

Chair Ashley noted that the determination was made by the City Clerk's office and the Board of Aldermen; and addressed an email regarding the applicants and the requirement to defer to the Board of Aldermen on appointments.

Mr. Lai shared that an applicant would apply to numerous boards in the hopes of getting one but expressed concern with that practice; and provided more clarification on the Board of Aldermen's process of selecting applicants.

Mr. Bove noted that the Planning Board does not have the authority to select appointments.

Mr. Locklin questioned the issue since it was written in Article III, Section G, that a member can serve until the Board of Aldermen appoint a new member; and shared that the Planning Board should follow the rules as written.

Chair Ashley asked for any other questions or concerns regarding Article II, III, and IV.

Mr. Bove raised a concern regarding Article IV, Section B, subsection v. "to adjourn in an emergency meeting"; and sought clarification for when the Planning Board would need to hold an emergency meeting.

Chair Ashley suggested reviewing the subsection that spoke to the adjournment requirement; and asked if there were any special rules that apply to emergency meetings; and suggested striking the language concerning emergency meetings.

City Clerk Deviney spoke about the procedures regarding emergency meetings.

Discussion followed regarding whether there was a need for the Planning Board to ever call an emergency meeting; reasons for an emergency meeting to be called; and

whether the Planning Board acted in Quasi-Judicial Hearing capacity for which the need for an emergency meeting may be appropriate.

Ms. Horton read the General Statute regarding emergency meetings (GS143.318.12); and noted several key reasons that an emergency meeting would be called; and the need to list the rules in the Planning Board Rules and Procedures.

Chair Ashley shared that Article IV, Section B, subsection v. should state:

- “...to call an emergency meeting subject to NC G.S. 143.318.12”;

And spoke to subsection viii and the rule as it stands.

Chair Ashley introduced the next heading concerning the Chair voting in the case of a tie and asked for Board comments.

City Planner Biddle noted that the Board of Adjustment shares the same provision concerning the Chair’s vote in relation to resolving a tie.

Mr. Luehe spoke to Section C, that spoke to the impartiality of the sitting Chair, and the abilities of the vice Chair in the absence of the Chair; and emphasized the Board’s priority is to best serve the residents; and that without the voting Chair, the public is still being served.

Ms. Horton spoke about the Chair’s impartiality and the process of engaging in a fair discussion to ensure the best outcome is adopted for the City.

Chair Ashley stated that he is comfortable, remaining impartial in the matter; but emphasized that the Board Chair does have a voice and can speak to the Rules and Procedures; and noted that previous Chairs of the Planning Board only voted in the case of a tie.

Mr. Lai spoke to the Board of Aldermen’s process and shared additional details and anecdotes that exemplify the rule in practice.

Mr. Locklin spoke to the rule and provided clarification as it is written; the appearance of impartiality by the Chair and judgement of the Board; and when the big picture is considered; and noted that the number of times a tie was an issue had been minimal.

Mr. Ekert spoke about his time serving on other boards; and shared how those boards worked together to ensure a final vote was taken; and emphasized the need to reach a consensus.

Chair Ashley spoke about his role as Chair and the need to voice his opinions; the need to break a tie or provide a quorum; and noted that the addition of Section C is necessary.

Mr. Fiss inquired about voting and non-voting; tie breakers; and the duties outlined in the Rules and Procedures for the Chair to decide on a tie; the impartiality of the Chair and the judgement of the Board.

Mr. Luehe spoke about the responsibilities of the Chair.

Mr. Bove reiterated Mr. Luehe's explanation regarding the appearance of the Chair's impartiality.

Chair Ashley expressed his gratitude for the discussion and shared that the discussion will be good for future Board members.

City Planner Biddle spoke to the language as it is written; and noted that all three boards contain this language and expressed concern that the Planning Board's amendment to the language is not within the Board's purview but in the purview of the Board of Aldermen.

Chair Ashley shared that he did not think the language would change and would not need to go before the Board of Aldermen; and added that he is content with being a member of the Planning Board; and stressed that he would hope that other members would speak up in instances where the Chair was showing bias.

Mr. Luehe spoke to the language and the consistency of the Rules and Procedures and expressed their appreciation for a consensus of agreement among the Planning Board members.

Ms. Horton emphasized the need for consistency before the public, and the preservation of ethics and principles.

Mr. Ekert shared the differences between the terms "unanimity" and "consensus".

Chair Ashley noted that he wished to finish up the meeting before 11a.m.; and asked the Board to agree so Staff could return to work; and asked Staff for future dates to meet to continue discussing the Rules and Procedures.

Ms. Horton suggested that each Board member review the Rules and Procedures and submit their changes, comments, and alterations to the City Clerk for the follow-up meeting.

Mr. Bove asked for clarity about whom comments should be forward to for future meetings.

Chair Ashley asked that each Board member forward their amendments to him and the City Clerk for future review; and addressed the next Section, Article V, "Planning Staff"; and asked City Planner Biddle what City Staff reports to the City Manager.

City Clerk Deviney stated that all Department Heads report to the City Manager.

Ms. Horton addressed the redundancy of language captured under Section A, subsection ii and iii; and spoke to having the Planning Service Director keep the Board up to date; and inquired about setting a formal update process; and having those items delivered timely to ensure there is enough time to review before the meetings.

Chair Ashley shared a dashboard report (a fifty-thousand-foot overview) that provided a big picture view of the projects underway within the City; and shared that every project considered would be addressed and captured in the report; and requested these documents be provided in person.

Ms. Horton stated that the report did not have to be as detailed as that, but something that could provide the essential information.

Chair Ashley shared that Staff were working to provide a report to the Board going forward; and emphasized that it was the public that needed to know what is going on in the City.

Mr. Ekert asked if the report will be provided by Staff, or something the Board creates; and if there was a repository for these reports.

Chair Ashley stated that it would come from Staff; and they would work to create a repository for these reports; and discussed available software that could be implemented as a viable repository, as project tracking, and asked Staff what project software was being utilized at present.

City Planner Biddle shared they used Sharepoint and use it to track incoming requests.

Mr. Fiss shared that he had received a login for a portal but could not recall its name.

Ms. Horton shared background about Sharepoint and how it could be utilized for the Board.

Chair Ashley shared his time on previous boards and the method they used.

Mr. Fiss raised a comment on Item A, Subsection ii, as an opportunity to include the Board of Adjustment; and shared a previous example where an applicant was circumventing the Board of Adjustment to obtain information and spoke to opportunities to address this issue.

Ms. Horton shared her agreement but inquired whether it was a legal question as it pertains to Quasi-Judicial Hearings.

Mr. Ekert asked about the procedure concerning the Board of Adjustment; and asked what the Planning Board's connection was with the Board of Adjustment; and shared an example that if a UDO states 14', and the Board of Adjustment states that 15' is acceptable, why would the Planning Board continue to enforce 14'.

City Planner Biddle shared that it would be Staff's job to assess the project.

Ms. Locklin stated that there were no legal restrictions on having visibility on pending items regarding the Board of Adjustment; and the Board stated that it would like to be advised on what is pending to ensure that the Planning Board works within its purview; and, if allowed, to have meetings with the Board of Adjustment to collaborate on pending items.

Aldermen Lai spoke to situations where issues could arise and offered suggestions for how to best serve the public.

Mr. Locklin shared that he proposed a procedure to the City where the Planning Board is provided input from the Board of Adjustment, so the Planning Board had notice of an item pending before the Board of Adjustment; and once notice was provided, confer with the City Planning Department to determine the best procedure to follow.

Mr. Luehe asked Mr. Locklin to repeat his suggestion and to hold a meeting to discuss any matters pending before a board and determine if the proper procedure was followed; and noted that they should confer with Staff to setup these types of meetings.

Ms. Horton suggested having the language added to subsection ii to avoid bias; she shared that having the language added would allow for more transparency; and emphasized the role of the Planning Board as an advisory board.

City Planner Biddle expressed concern for upsetting the due process of an applicant; and spoke to the concerns of the Board to evaluate processes.

Chair Ashley asked the Board to voice any other concerns that needed address.

Mr. Bove noted that there should be consideration for legal counsel within the language.

Chair Ashley noted the addition of the language on page 13; and shared his desire to receive materials in writing rather than verbally.

City Planner Biddle suggested exchanging “Planning Services Director” for “UDO Administrator” as it is more commonly used as all Planning Staff work as UDO Administrator.

Ms. Horton shared that one person fills two positions and sought clarity for the difference between the two titles.

Mr. Luehe asked which paragraph City Planner Biddle was referencing in the document.

City Planner Biddle shared the paragraph and noted that he agreed with Ms. Horton.

Mr. Luehe asked if the City obtained, or hired, a new UDO Administrator, who would that person report to, and if it was the Planning Services Director.

City Planer Biddle shared that the UDO Administrator would report to the Planning Services Director.

Chair Ashley asked if the Board had any final comments.

Mr. Bove shared a housekeeping issue regarding Planning Staff on the City website as his name was misspelled.

Chair Ashley assured the Board that the errors on the website would be ironed out in the coming weeks; and shared that he had a disagreement with the City Clerk concerning placing home addresses on the website; and it would be resolved.

F. Adjourn

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

The motion carries unanimously

The Planning Board adjourned at 11:10 a.m.

X

Lawrence N. 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
10/07/2025
9:00 am
MINUTES**

Present Members: Chair Lawrence N. Ashley, Vice Chair Fred Fiss, Maria Horton, John Bove, Bob Lambert, Doug Luehe

Board of Aldermen Liaison: Frank Lai

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

Absent: Kevin Locklin, Ed Ekert

A. Call to Order

Chair Ashley called the meeting to order at 9:00 a.m.

B. Invocation

Chair Ashley provided the invocation

C. Pledge of Allegiance

Chair Ashley led members in the recitation of the Pledge

D. Old Business

1. Review of the Proposed Rules of Procedure

Chair Ashley opened with a discussion on the Rules and Procedure of the Planning Board; and noted there would not be a public comment portion for today's meeting; and spoke to the Planning Board's Rules and Procedure and that the Board would discuss the most up to date version in today's meeting; and shared the process for which they would address each concern; and that the Rules of Procedure were guidelines for the Board to refer to in pressing matters; and suspended decorum for the meeting to allow for open discussion.

Ms. Horton asked whether the Rules and Procedure exist outside the Unified Development Ordinance (UDO) administrative guidance.

Chair Ashley shared that they did not, but noted that the Board must adhere to the UDO; and spoke about things not covered in the UDO; and introduced the first line, "Rules of Conduct"; and discussed general procedures for absenteeism; Board vacancies per the language of the UDO; and the role the Board of Aldermen concerning vacant seats.

Mr. Lambert addressed the second paragraph of the "Rules of Conduct" regarding absenteeism and asked if absences were deemed excused or unexcused absences.

Discussion ensued among the Board over how absences should be interpreted among the Board; and shared differing interpretations of the paragraph; and noted that the Board is scheduled to meet twelve times annually, and regarding excessive absenteeism, the Board should determine remote attendance as an absence; and expressed concerns for excessive remote attendance; and noted that four absences from regular meetings would result in Board consideration.

Chair Ashley noted that the best practice would be to bring the concern to the City Clerk to share with the Board of Aldermen for next steps; and that each member should be cognizant of their own health issues and keep the Board informed of any changes that would result in an excessive absenteeism; and spoke to the section on "Conflict of Interest" and outlined the rules and laws associated with declaring a conflict of interest.

Mr. Fiss spoke addressed "Conflicts of Interest" and provided an example to clarify the point.

Chair Ashley noted that if any issues regarding conflicts of interest arise, they can defer to the Planning Board Attorney for advisement.

Ms. Horton noted the last sentence under "Conflict of Interest" regarding members that have a duty to vote may not be excused due to an unwillingness to vote; and addressed that it has come up several times; and wanted clarity regarding where the language originates.

Chair Ashley noted that they would work with the City Clerk to create simplified language concerning voting rules to introduce to new members.

City Planner Biddle read the Law under GS 160A-75 and noted that if a member refused to vote, it would be logged as an affirmative vote.

Chair Ashley continued reviewing the Rules of Procedure and addressed circumstances under which members should recuse themselves and provided examples of when abstaining from a vote may be appropriate.

Mr. Luehe noted the redundancy in language and recommended simplifying.

Ms. Horton inquired about the red text appearing after the final paragraph of Article VI, Section D, "Rules of Conduct for Members."; and recommended removing the word "All" from the sixth line of that section:

- "The Planning Board shall hear *all* evidence, and the finding of the Board shall require a majority vote of the remaining members."

Chair Ashley stated that he had highlighted the wording to indicate an earmark for review; and asked the Board if the word "*All*" should be stricken.

The Board agreed to remove the word "All" from Line six of Article VI, Section D. "Rules of Conduct for Members"; the line will read:

- "The Planning Board shall hear evidence, and the finding of the Board shall require a majority vote of the remaining members."

The Board discussed changes to language for clarity and consistency regarding "Conflict of Interest"; and emphasized the need for expediency to ensure applicants are not impeded by Board indecision or from Board members recusing themselves; and shared numerous examples of past instances; and the resiliency of Board members to identify challenges and work cooperatively to reach decisions; and the role of all Board members concerning voting responsibilities; the differences among the Planning Board and Board of Adjustment procedures; and asked of Planning Services Director Maureen Meehan to review the voting language for further Board consideration.

Chair Ashley introduced Article VII, "Meetings" regarding regular meetings and locations; and asked about the wording "shall be held" in lieu of "must".

Ms. Horton stated that there was no difference in meaning between "shall" and "must".

The Board discussed the definition of the term "shall" opposed to "must"; and offered several anecdotal examples to express allowances for difficulties in meeting times/locations.

Planning Services Director Meehan provided language that affirms that the Board must meet per the NC Statutes; and spoke to the location of the meeting and the ability to change venues before the posted meeting times/locations; and the need to include Emergency Meetings in the language; and the need to post meetings given a

weather anomaly; and reviewed the language of the NC General Statutes concerning open meetings.

City Clerk Deviney shared NC Open Meetings Law concerning Emergency Meetings and the reason one would need to be called.

The Board shared examples in open discussion concerning emergency meetings; and the need to keep the public informed of the types of meetings the Board plans.

Ms. Horton shared the language as it is written in the General Statute concerning Emergency Meetings:

- GS 143-318-12, "(3) For an emergency meeting, the public body shall cause notice of the meeting to be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request, which includes the newspaper's, wire services, or station's telephone number, for emergency notice with the clerk or secretary of the public body or with some other person designated by the public body. This notice shall be given either by e-mail, by telephone, or by the same method used to notify the members of the public body and shall be given immediately after notice has been given to those members. This notice shall be given at the expense of the party notified. Only business connected with the emergency may be considered at a meeting to which notice is given pursuant to this paragraph."

Chair Ashley agreed to site the paragraph in the Rules of Procedure and noted that it was still in the draft version and language could be added for clarity.

Chair Ashley discussed the section regarding broadcasting and recording; and spoke to the need for broadcasting meetings, but in the absence of personnel, or an inability to broadcast, does not exempt the meeting from occurring; and spoke to the cancellation of meetings up to 24 hours before the start of the meeting.

Ms. Horton shared that the language under Section D, "Planning Board Rules of Procedure" should be included under Section A as they are all related; and the need to have arranged primer meetings for a regular report to ensure new business every month to continue a cadence of material importance for meetings.

Mr. Luehe noted that there would be material updates each month to hold a meeting.

Chair Ashley shared that they were separated to delineate between open meetings versus cancellations; and emphasized the need to maintain a cadence for regular meetings.

Mr. Lambert addressed concerns about the live broadcast meeting and asked about how those meetings would be recorded.

Chair Ashley shared that the City Clerk does record meetings via audio and transcription.

City Clerk Deviney spoke to the law regarding legal minutes and shared how the minutes are prepared.

Mr. Fiss spoke to personal and City email for Board communication; and shared that he would prefer the Board to have email with a City of Southport domain for professionalism.

Chair Ashley spoke to email domains and addressed the need for a City of Southport domain for all Board member emails.

Ms. Horton noted emails concerning Public Information requests and the privacy issues associated with public versus private email domain.

Alderman Lai asked if any City members have a City of Southport domain; and noted that it would be an important addition to have a City of Southport domain for public correspondence.

The Board discussed the costs of email domains; and the need for Board members to have a City email domain; addressed the number of robo-emails received addressed/targeted at "Board members".

Mr. Luehe addressed the 24-hour cancellation meeting notice guidelines expressed in NC Open Meetings Laws; and emphasized the need to have a limit on when the public is notified of a cancellation.

Chair Ashley shared the rules for canceling a meeting; and noted that reasonable time be provided for board members and the public alike.

City Clerk Deviney shared the rules pertaining to Open Meetings Law concerning meeting notice cancellations.

Chair Ashley introduced Article VII, Section F, concerning "Conduct of the Meeting"; and noted that he and Planning Services Director Meehan meet a week before the meeting to discuss upcoming items; and spoke about the agenda preparation and the need to have the agenda before the Board no later than 72 hours before a meeting; and the alternate can be included if the alternate is present and a quorum is needed; and spoke to conduct of the meeting, and read the rule for the Board; and asked about having things added to the agenda through a motion; and noted that meetings would be conducted by Robert's Rules of Order Newly Revised, and suggested adding "where appropriate" to the end of the sentence; and asked the Board for any additional verbiage changes to the rule as it is written.

Mr. Bove shared that he had sent comments concerning a conflict in the verbiage in an email to the Chair to be distributed to the Board.

Chair Ashley apologized for not providing the Board with those comments; and shared the procedure for presentations; and spoke to the next item concerning “order of business”; and shared that the Board may consider items out of the order of the agenda.

Planning Services Director Meehan noted that the Board does not hold regular Public Comment and the sub-section concerning Special Use Permits and suggested that each be removed; noting that the wording needs to be adjusted to reflect public comments are for current agenda items.

Chair Ashley discussed public comments and noted a need to limit discussions to agenda items; and suggested adding clearer wording for public comment rather than “Public Comment on Non-Agenda Items”.

Alderman Lai emphasized the need to limit public comment to avoid hearing non-agenda items; and noted to maintain the overall meeting lengths, the comments need to be limited.

Ms. Horton noted that leaving the comments open allows for new business opportunities, thoughts, and capabilities related to new business and emphasized that the advisory board supports the residents; and shared that allowing residents to speak was acceptable, regardless of the topic.

Chair Ashley suggested changing the verbiage to “Public Comment on Planning Board Related Non-Agenda Items”; and noted the differences between the Planning Board and Board of Aldermen meetings.

Planning Services Director Meehan noted that “Non-Agenda Items” needs to be removed.

Chair Ashley suggested amending the language to read “Public Comment on Planning Board Items”.

Mr. Bove noted that public speakers are typically on topic.

Chair Ashley noted that he wants residents to speak about Planning Board items and hearing public comments regarding a Board of Aldermen meeting would be out of order.

City Clerk Deviney emphasized that allowing discussion on non-agenda items would open the Board to broad discussion that could divert away from the business of the agenda.

Chair Ashley noted that if public comment does not fall under the purview of the Planning Board, the Planning Board should not be discussing the items; and emphasized that residents need to address the appropriate board for consideration.

Ms. Horton expressed that she would like residents to have the opportunity to speak freely at the meeting.

City Planner Biddle noted that public comments on non-agenda items are uncommon.

Chair Ashley emphasized the need to direct public comment to the appropriate board; and stated that the item would be amended to read “Public Comment of Planning Board Related Items”.

Mr. Luehe sought clarification regarding the Chair’s decision to decline public comments not related to agenda items; and noted that if a Board member wished to address such issues, they could do so without superseding the authority of the Chair.

Chair Ashley shared that if a Board member would like to allow a resident to speak on non-agenda items, the Board member would need to make a motion to allow the resident to speak.

Mr. Luehe addressed the section “Old Business” in relation to Robert’s Rules of Order’s terminology for Unfinished Business and asked about the difference between the terms.

Chair Ashley shared the difference and spoke about the need for municipalities to use Old Business; and discussed the requirements for items to be added under “New Business”.

Ms. Horton addressed the removal of “Special Use Permits”; and the Board’s responsibility to approve the listed items in the Unified Development Ordinance (UDO) for special use permits as a text amendment; and asked how the Major Subdivision vary in relation to Major Site Plans.

Planning Services Director Meehan noted that Major Subdivisions are related to land and the Planning Board provides a recommendation to the Board of Aldermen for the subdivision, and noted that a Major Site Plan is a site-specific plan that outlines the standards of the UDO, and shared that the Planning Board is the final decision-maker in both processes.

Chair Ashley shared that removing “Special Use Permits” with “Major Subdivisions”, as Special Use Permits are captured under text amendments.

Ms. Horton asked if “Major Subdivisions” included comments of paving for a subdivision and include issues among subdivisions.

Planning Services Director Meehan noted that the addition of Major Subdivisions would be specific to applications of new subdivisions.

Chair Ashley shared the need for “Staff Reports” and “Board of Aldermen Comments”; and noted the importance for Board members to discuss any updates or issues regarding these items.

Mr. Bove asked if examples should be noted regarding the Staff reports the Board expects to address, and legislation on current permits.

Chair Ashley shared that he has provided Planning Services Director Meehan with a draft of the agenda and the items listed; and spoke to the dashboard and pipeline of upcoming projects; and noted that this would be the structure of the report; and asked for feedback on the next items for review, Article VII, Section G, and noted removing Section H.

Planning Services Director Meehan noted that Section G was included in the UDO language and expressed concern for it being included in the Rules of Procedure.

Chair Ashley asked if Section G was necessary for the Planning Board Rules of Procedure; and asked about the agenda being provided within 72 hours ahead of the meeting and asked the Board to table this until more time for review.

Ms. Horton asked about the agenda being provided within 72 hours ahead of the meeting; and shared that it had been previously discussed as being in the UDO.

The Board discussed preferred language to include/remove in the Article VII, Section G; and whether the additional language should be included for clarification of procedure; and the nuances between Staff procedures and those of the Planning Board; and to voting procedures; and addressed recommendations to the Planning Board regarding the 2050 Comprehensive Plan to be made a priority; and recommended rewording Section G to reflect consideration for the Comprehensive Plan; and addressed best practices for rewording the rules of procedure that delineates between Staff and Board member objectives.

Planning Services Director Meehan addressed the handbook the Board had discussed creating where additional information that had to be removed from the Rules of Procedure could be included.

Ms. Horton emphasize a need for clarity throughout the Rules and Procedures; and spoke to the delineation for the roles of Staff in relation to the Board; and noted the detailed discussion during their primer meetings; and the need for Board members to have a nuanced understanding of the Rules and Procedures; and noted that the agenda headings should include the 2050 Comprehensive Plan for the Board to receive regular updates on the progress of that plan; and suggested adding a checklist for each sub-item under “New Business” that would provide a clear understanding of what was necessary for the Board member to know before casting a vote.

Planning Services Director Meehan addressed Ms. Horton’s request for a detailed explanation or having a checklist under each Agenda Header that would provide a clear understanding of what was necessary for the Board member to understand before casting a vote and shared that that language would be better placed in the handbook and not on the agenda for public consumption.

Ms. Horton noted that the primer handbook was to orient new members to the Board, Rules and Procedures, and provide a general understanding of the UDO; and spoke to the process of new members and training; and noted that every member of the Planning Board interprets information differently, and the goal should be to craft a draft of best practices.

Chair Ashley shared that he would like to address these items in the handbook and work with Staff to ensure clarity in the handbook.

Mr. Luehe shared that a clear understanding of the Rules and Procedures is necessary before voting on adopting them.

Chair Ashley spoke to the next section; and shared that Section H would be removed, and spoke to Section I, “Public Address to the Board”; and read through subsection i.:

- “i. Sign-up for Non-Agenda Items. Those members of the public who wish to address the Board regarding Planning-related items that are not on the agenda shall print their name on the “sign-up sheet” to be made available by the Secretary immediately prior to each Board meeting.”

Mr. Bove shared that he did not have an issue with the wording concerning Public Comment; and shared that if a speaker chooses to speak on non-related Planning issues, the Chair can address questions and let the speaker know they are not reviewing the item.

Chair Ashley read Subsection ii;

- “ii. Residents of the City or individuals having a material interest in the City may comment on any item on the agenda.”

And asked if the Board wanted to entertain comments from speakers outside the City; and shared that he did want to allow citizens to speak but noted that non-agenda items can be an issue.

City Clerk Deviney suggested setting 30-minute rules for Public Comment; and shared that per the First Amendment, anyone can speak and should not be limited.

Mr. Bove noted that “material interest in the City” should be considered as it lacks definition.

Ms. Horton noted that “material interest in the City” is not defined; and shared that the 2050 Comprehensive draft plan states that it includes anyone with physical, social or economic interest in the City, but could be interpreted under “material interest in the City”; and shared that she was fine with leaving it in the Rules of Procedures.

Alderman Lai noted that speakers may have a say in what occurs in Southport and not hold any residence here; and suggested narrowing it down to the area.

Mr. Luehe expressed concern about non-Planning Board related agenda items being discussed; and noted that the Chair does possess the final say to either allow public comment or deny it; but noted that if a Board member wishes the speaker to be heard, a motion could be made and a vote taken to hear the speaker.

Chair Ashley spoke to have the language added in the Rules and Procedures so the Board could discuss each item in detail.

City Planner Biddle emphasized that public comments should be limited to Planning Board related issues.

Ms. Horton noted that people travel to Southport every year for vacation and may want to voice concerns about the item and they should be permitted to speak.

Chair Ashley suggested amending Subsection ii. to read:

- “ii. Residents of the City or other individuals may comment on any item on the agenda.”

Mr. Bove noted that it may sound like two different procedures for an agenda item and a non-agenda item; and expressed concern that the Board is providing conflicting information; and suggested combing the language to avoid inconsistency

Ms. Horton suggested amending Subsection i. to:

- “i. Sign-up for public comment.”

Mr. Fiss noted that public comment can then be on any issue.

Ms. Horton noted adding

- “i. Sign-up for public comment. 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.”

The Board agreed to remove Subsection ii.

City Clerk Deviney asked if emailed comments would be allowed.

Ms. Horton suggested emulating what the Board of Aldermen allows concerning email comments.

Chair Ashley addressed Subsection iii.

- “iii. If a group or organization is present to speak on any agenda item, only (2) designated representatives will be allowed to address the Board.”

And asked for Board comments.

Alderman Lai noted that the County has a three-minute rule to allow for public comment; and that the Board of Aldermen have not adopted the time limit but noted the longer meetings.

Ms. Horton shared an example where designated representatives were delegated to speak on the topic instead of allowing every resident to speak about the same issue.

Chair Ashley noted that adopting a time limit would be a larger discussion and asked the Board to table the discussion today.

Alderman Lai shared that some residents would yield their time when their comments had been made by a previous member.

Chair Ashley noted that he would like to have all speakers have an opportunity to share their comments.

City Clerk Deviney noted that the NC School of Government frowns upon allowing one person to speak in a group; and shared that it is best practice to allow speakers their time for transparency.

Ms. Horton noted that groups are asked to nominate a representative to speak on their behalf.

City Clerk Deviney noted that a thirty-minute for and against Public Comment portion is commonly used.

Chai Ashley amended Subsection iii to read:

- “iii. If a group or organization is present to speak on any agenda item, they are asked to select one to two designated speakers to address the Board.”

And suggested having a total time limit be discussed.

City Clerk Deviney shared that the Clerk would be responsible for ensuring the time limit was maintained.

Chair Ashley shared his appreciation with the Board and Staff for their work on the Rules of Procedure; and suggested they stop here and pick it up at the next meeting with Subsection iv. of Article VII. Of the Rules of Procedure.

E. Adjourn

Chair Ashley asked for a motion to adjourn.

A motion was made by Ms. Horton and was seconded by Mr. Lambert to adjourn.

The motion carried unanimously

The meeting adjourned at 11:04 a.m.

X

Lawrence N. Ashley
Chair

X

Tori Deviney
City Clerk



**City of Southport
Planning Board Regular Meeting
Southport Community Building
223 E Bay St
Southport NC 28461
10/16/2025
6:00 pm
MINUTES**

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

Board of Alderman Liaison: Frank Lai

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

Absent: John Bove

A. Call to Order

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

B. Invocation

Chair Ashley provided the invocation

C. Pledge of Allegiance

Chair Ashley led members in the recitation of the Pledge

D. Approval of Agenda

Chair Ashley asked for motion to approval the agenda.

A motion was made by Vice Chair Fiss and seconded by Mr. Ekert to approve the agenda.

The motion carries unanimously.

E. Public Comment

None

F. Staff Reports

Planning Services Director Meehan provided updates concerning the Multimodal Project Acceleration; and noted the adoption of the 2050 Comprehensive Plan by the Board of Aldermen; and shared that it was now headed to the Division of Coastal Management for their certification; and the Board of Aldermen held a public hearing concerning the Special Events Planning Bed and Breakfast changes, and noted that the Board of Aldermen has given a directive to review the language to increase the availability of events and confer with the three Bed and Breakfast owners to receive input; and spoke to the public hearing concerning the Unified Development Ordinance (UDO) Article III and VIII to ensure uses were removed due to the relinquishment of the Extra Territorial Jurisdiction (ETJ), and add the language changes proposed; and noted the Board of Adjustment meeting and the items discussed, and that the October 28th meeting had been cancelled and they were working to reschedule for a Special Meeting before the November holiday; and shared that there was an applicant appeal for a variance that was upcoming.

Mr. Fiss asked about the variance concerning a residential property within the Yacht Basin.

Chair Ashley asked for clarification on the variance concerning a parking lot in the Yacht Basin.

Planning Services Director Meehan shared that it was about an appeal to Staff's interpretation or decision concerning a code enforcement violation for a commercial parking lot on residentially zoned property.

Ms. Horton asked if it was a vacant or residential lot.

Planning Services Director Meehan shared that it was a vacant lot; and shared that the Historic Preservation Commission (HPC) held their September 3rd meeting; and noted changes that were made to the proposed Historic District Overlay; and that the October 3rd meeting had been cancelled, but met Jointly with the Board of Aldermen; and shared that the Board of Aldermen would be providing a specific list for the HPC to consider; and noted that the Forestry Commission met earlier in the week; and shared information concerning tree planting for Tree City USA; and spoke to the Multimodal Project Acceleration Plan including bikes, multi-use trails, walking, and other improvements; and noted that Staff will be identifying new projects and to acquire grants; and of an upcoming virtual meeting for the public to hear and provide feedback to the project.

Ms. Horton asked if the survey was sent to the Planning Board in email; and inquired about the parties involved that will assist the City in identifying future projects.

Planning Services Director Meehan confirmed that the survey was sent to the Planning Board in email that shared a link to register and that it provided an outline of the project map where Board members can leave comments; and shared that they are working with a consulting group that was selected by the NCDOT and Planning Services Director Meehan will be the Project Manager for the City.

Mr. Luehe asked when the survey closed, and the amount of the grant; and how quickly the grants can be accessed; and noted the 2014 pedestrian study as part of the review they were conducting.

Planning Services Director Meehan shared the date it was closed, and the amount was still undetermined; but shared her best knowledge on grant applications and the typical process concerning grant funding.

Chair Ashley asked Ms. Meehan to address how the Multimodal Project Acceleration Plan works with the 2050 Comprehensive Plan.

Ms. Horton asked if the bike route from Maine southward was included in the Multimodal Project.

Planning Services Director Meehan spoke to the plan's scope and shared how the plans are linked; and spoke to the East Coast Greenway Project.

Chair Ashley spoke to the text amendments and shared that the Board would provide descriptions so residents can understand the changes recommended.

a. 2050 Comprehensive Plan Update

Planning Services Director Meehan shared the updates concerning the plan; and to the Action Matrix that outlines goals/policies and other nomenclature to identify the most effective processes to achieve best results.

Ms. Horton requested an electronic copy of the Action Matrix; and asked if it had been organized by mid-, short-, and long-term projects, and the format for how the feedback should be provided to Ms. Meehan; and asked if the Board of Aldermen provided input concerning goal dates and priorities.

Chair Ashley suggested that the Board of Aldermen present the Planning Board a list of priorities and goals before the Planning Board engages; and sought clarity for a position to start with concerning the items listed on the Action Matrix.

Planning Services Director Meehan shared that they were not in mid-, short-, and long-term goals; and noted that due to the size of the plan, it would need to be

prioritized by the Board of Aldermen; and shared how the priorities will be broken down to have them accomplished.

Mr. Ekert shared that Planning Board had talked about weighing impacts, safety, and defining those things that provide the most value to the community.

Ms. Horton expressed agreement with Mr. Ekert's statement; and noted that value-driven priorities need to be identified; and shared the need to combine short-term actions to expedite goals and recognize urgent items that require funding or grants.

Mr. Ekert asked to have the Action Matrix provided to the Planning Board on an Excel spreadsheet.

Planning Service Director Meehan shared that it would be provided to the Board.

Chair Ashley inquired about the timeline for completion, noting the financial challenges and the volume of the projects listed; and requested a copy of the rewritten UDO.

Planning Service Director Meehan shared that she could draft a separate line for the UDO rewrites.

b. Update on Unified Development Ordinance (UDO)

Planning Services Director Meehan noted that she would transfer it into an electronic form; and addressed the need for a separate line for the UDO; and shared what was approved by the Board of Aldermen; and spoke to ZTA-25-04; and shared that the Board of Aldermen requested a discussion be placed on the November 3rd meeting; and noted the key items to be discussed, with special attention to Senate Bill 382, the downzoning bill.

Chair Ashley sought clarity whether the meeting was a joint meeting or a discussion; and if there was room to be allotted for priorities to be discussed; and emphasized the need to avoid any misunderstanding with the Board of Aldermen; and noted organizing the items into like categories.

Planning Services Director Meehan shared that it was a discussion; and shared that they would be able to expand on the items for context; and noted that organization of items will be addressed.

Chair Ashley inquired about special events for bed and breakfasts and asked Ms. Meehan to share the matters the Board of Aldermen were concerned with.

Planning Services Director Meehan shared the items that were discussed; and the issues that were highlighted for further review; and discussed the specific details concerning limitations and large gatherings; and the need to find middle ground that accommodates all parties; and noted that the final text will be coming back to the Planning Board for review.

Mr. Fiss inquired about short-term rentals properties; and asked about the platform used to identify them; and asked for a definition of a homestay.

Planning Services Director Meehan spoke about short-term rentals; and the status of the platform, Granicus, the City uses to scour websites; and the nuances of the searches Granicus is able to conduct; and noted its considerations of zoning, compliant, non-compliant homestays; and the process of issuing notice of violations; and shared the compliance record and the success of the program; and provided the definition of a homestay.

c. Update Regarding the Planning Board Handbook

Chair Ashley introduced the next item and shared that Mr. Ekert, Mr. Luehe, and Ms. Horton were going to provide feedback on the status of the Planning Board Primer.

Ms. Horton provided an update on the handbook primer, highlighting core resources from the NC School of Government and outlining Planning Board member processes; and noted that materials on quasi-judicial hearings and Board of Adjustment procedures were added to help new members understand variance applications and Planning Board determinations; and discussed the handbook's layout, core member processes, procedures for presenting variances, identifying new UDO ordinances, and the importance of reviewing historical Board actions to understand current issues and agenda items.

Chair Ashley expressed his appreciation for the work that was put into the handbook; and noted the "tips and pitfalls" section was especially helpful; and that the book is a useful resource.

Mr. Luehe asked the Board for feedback on whether more should be included in the handbook primer.

Chair Ashley recommended that more work be completed; and noted the number of Board members that have come and gone in the last few years; and emphasized that the handbook provides a useful resource for new members; and noted that he had several suggestions to be added to the document.

Ms. Horton requested comments from the Board for the next handbook meeting; and noted the sub-committee responsible for the creation of the handbook keeps meeting minutes to demonstrate how the final draft was achieved.

Chair Ashley asked about what the lowest and highest pain points were in the creating the document.

Mr. Luehe stated that the amount of information that had to be combed through to ensure accuracy; and shared the process used to put the information together as a readable and useful document.

Ms. Horton noted that a challenge for new Planning Board members is staying within their scope and avoiding encroachment on other boards' responsibilities; and explained that the handbook primer is a concise "cliff notes" version, focusing on the 2050 Comprehensive Plan and providing guidance to help members navigate that process.

Mr. Ekert shared that much of what he had experienced on the Planning Board had been reactive and noted that with the 2050 Comprehensive Plan, a proactive approach is warranted.

Chair Ashley emphasized the need to be proactive with agenda items to keep the focus on long-term development goals.

Ms. Horton noted that the overarching focus of the Planning Board and its advisory recommendations with respect to the 2050 Comprehensive Plan needs to focus on the social, economic, and physical well-being as a consideration to each resident; and noted that pursuing "pie-in-the-sky" development without stringent focus for budgetary and grant considerations would provide a disservice to the City; and shared that each member tasked with the development of the primer have an interest in the social, economic, and physical aspects of City development.

d. Project Dashboard

City Planner Wendell Biddle spoke to the Project Dashboard and shared the progress of the dashboard creation; and noted they were looking to early November for a first draft.

Chair Ashley discussed the purpose of the dashboard and the rationale for including updates in the meeting; and shared quarterly data collection updates and emphasized the importance of maintaining the dashboard for public access and transparency.

Mr. Ekert asked about the requirements of the dashboard and whether it would include different milestones of upcoming projects or goals.

City Planner Biddle shared what had been completed through adding all the historical projects that had been completed; and noted that moving forward, new projects would be added to it.

Chair Ashley shared that he wanted to have a rough draft completed before November for review; and emphasized the need to convey usable information to the Board of Alderman.

G. Other Business

a. Alderman Liaison

Alderman Frank Lai spoke to the amount of complexity on the Planning Board; and shared that the work the Board has done to mitigate the complexity; and noted the efforts to provide a resource to new members was noble; and shared his appreciation for the work the Planning Board is doing overall.

H. Announcements

Mr. Locklin spoke to the recent Board of Aldermen meeting, and expressed gratitude for the comments Chair Ashley provided to the Aldermen regarding the Planning Board's efforts to develop a proactive procedure; and encouraged residents to watch the meeting.

Mr. Fiss asked about Robert Roark Road and the movement of earth.

Planning Services Director Meehan shared that she did not have any knowledge of the infrastructure and could not share the timing until completion.

Chair Ashley noted that the Board should consider writing some goals for 2026; and shared that they had made progress with the Rules and Procedure.

Ms. Horton asked for a draft to review and comment on the edits; and noted the need to have a working document for the Board to review.

Chair Ashley expressed caution in circulating too many drafts as it could become cumbersome to keep up with, and for rehashing things before the finalized version of the document.

Mr. Luehe sought clarification of the date of the next Board meeting.

Chair Ashley noted that November 6, and November 20 will be the next regular meeting; and that the meeting for December is to be determined.

I. Adjourn

Chair Ashley asked for a motion to adjourn.

A motion was made by Mr. Fiss and was seconded by Mr. Horton to adjourn.

The motion carries unanimously.

The meeting adjourned at 7:48 p.m.

X

Lawrence N. Ashley
Chair

X

Tori Deviney
City Clerk



**City of Southport
Planning Board Special Meeting
Indian Trail Meeting Hall
113 W Moore St
Southport NC 28461
10/29/2025
9:00 am
MINUTES**

Present Members: Chair Lawrence N. Ashley, Vice Chair Fred Fiss, John Bove, Bob Lambert, Doug Luehe

Board of Aldermen Liaison: Frank Lai

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

Absent: Maria Horton and Ed Ekert

A. Call to Order

Chair Ashley called the meeting to order at 9:00 am.

B. Pledge of Allegiance

Chair Ashley led those present in the Pledge.

C. Old Business

Chair Ashley introduced the revised Rules and Procedures of the Planning Board; and spoke to selected sections that were to be considered for amendment and discussed Article VII, Section I, Subsection iv. and v. regarding speakers from the floor; and to the Board's consideration for adding a time limit for speakers to address concerns; and suggested either a three- or five-minute time limit be considered; and opened the floor to discussion.

Mr. Lambert asked if they go over the three minutes, would the Chair approve an additional five minutes.

Mr. Luehe expressed concerns that arise from extending the current time limit from three to five minutes; and noted that it would be difficult to remove or shorten speaker time; and spoke to the need for all speakers to have the necessary time to share input; and asked if Article VII, Section I, Subsection iii, had been amended.

Chair Ashley spoke to time extensions; and noted that it had and now read as:

- “iii. If a group or organization is present to speak on any agenda item, they are asked to select one to two designated speakers to address the Board.”

City Clerk Deviney shared that the UNC School of Government discourages extensions on time limits as it can show bias.

City Planner Biddle suggested a thirty-minute overall time limit for the speakers portion of the meeting to ensure that speakers would not elongate meetings that would hinder the Board from addressing all agenda items during the regular meeting.

Mr. Luehe emphasized that in the case that a speaker was unable to voice their opinion in the thirty-minute window, it would cause more unrest.

Chair Ashley noted that he would not want to cut a person off if they ran out of time; and suggested amending Article VII, Section I, Subsection iv. to reflect:

- “iv. Time. All speakers, whether speaking on agenda or non-agenda items, will be limited to five (5) minutes and may not yield time to other people. The Board may not extend additional time to speakers for an additional five minutes.”

Mr. Fiss stated that allocating five minutes satisfies the needs of the Planning Board to conduct business.

Discussion followed among Board and City Staff; outlining pros and cons of adjusting speaker’s times; receiving and reading emails from citizens concerning items during open meetings; and the best approach for how to address all concerns.

Chair Ashley suggested amending Article I, Section I and Subsection iv. to include the terms “public comment”:

- “Public Address to the Board. The following applies to members of the general public; *public comment* does not apply to an applicant in relation to his/her case.”
- “iv. Time. All speakers, whether speaking on agenda or non-agenda items, *public comment* will be limited to five (5) minutes and may not yield time to other people. The Board may not extend additional time to speakers for an additional five minutes.”

Mr. Fiss noted that if more discussion was warranted, the Chair could extend the time limit.

Chair Ashley asked if in the case it required more discussion, should it be added to the agenda.

Mr. Luehe questioned whether five minutes is enough time.

Chair Ashley asked that the time extension be parked until further consideration could be given; and stated that until that time, the general practice would be that the Chair address the issues as they are received during the regular meeting; and would delegate the questions to other Board members who could speak directly to the issues presented; and noted that emails sent to the Board that were to be read during public comment had not been addressed by the Board of Aldermen yet.

Mr. Luehe asked if the chat function for the video that airs for audiences could be used as public comment.

Planning Services Director Meehan noted that chat would not be considered acceptable and the question of emails would be only for those received before the start of the meeting.

Chair Ashley addressed the issues that arise with email as public comment in case they become personal in nature.

City Planner Biddle asked if there was a concern for accepting emails from non-residents.

Chair Ashley expressed concern for reading emails that were not appropriate for public content, or those defaming the character of another public resident.

Mr. Fiss asked who would be responsible for screening those emails.

City Clerk Deviney shared that it would be up to the City Manager or the entire Board of Aldermen.

Chair Ashley asked if the City Clerk had the authority to screen emails.

City Clerk Deviney shared that it would be up to the Board of Aldermen to determine how emails are screened.

Chair Ashley suggested they table the discussion until the Board of Aldermen reviewed it and made a final decision.

Mr. Luehe asked if it would be a disservice to the public to prohibit emails from being read during public comment.

Chair Ashley stated that he would allow emails, but they needed to be screened for appropriateness.

Mr. Luehe emphasized that he did not want to spend his time reading emails received from out-of-state; and asked if they had any rules that filter text of chat messages during the meeting.

City Clerk Deviney shared that there is not an ability to share the chat function.

Mr. Fiss noted that it would be a legal question for the Board Attorney; and shared that the concern over emails stems from an issue concerning an email recently received; and the Board of Aldermen are still in the process of reviewing the rules to better screen emails.

City Clerk Deviney shared that the Board Attorney could weigh in, but it was not a legal concern.

Mr. Bove asked if there would be a certain amount of time that would need to elapse between receiving an email and it being read in public comments.

City Clerk Deviney shared that having a set time limit for receiving emails was also discussed by the Board of Aldermen; and noted that it might be an hour before the meeting, or the day prior, but shared that there was not a general consensus by the Board of Aldermen for when the cut-off to have emails received for consideration would occur.

Chair Ashley suggested adding a placeholder on emails for public comments until the Board of Aldermen make their final decision for how emails should be handled; and asked if a total time limit for public comment should be adopted.

Mr. Luehe shared that no longer than 30 minutes should be allotted for time to ensure all parties are heard.

Chair Ashley shared he was not in favor of a time limit.

Planning Services Director Meehan shared her experience with time limits, and noted that the Planning Board typically does not receive speakers, and emphasized that if a resident had a more pressing issue, they would attend the Board of Aldermen meeting; but noted that if a site plan was being considered by the Planning Board, then people would want to speak.

Chair Ashley suggested not adopting the public speaker time limit at this point.

Planning Services Director Meehan shared that she had experienced an hour-long speaker from the floor; and noted that it is important to ensure that speakers' concerns are heard.

Mr. Luehe asked, regarding the last sentence in Subsection v., if the word "*Board*" should be replaced with the word "*Chair*":

- "v. Such comments or inquiries should be directed to the *Board* and, in turn, the Board may seek an answer from the applicant, City Staff, or members of the audience."

Mr. Fiss shared that it should not be changed so to avoid any bias from the Chair.

Mr. Luehe stated that his thought was that the Chair kept the order of the meeting, and if a group of public speakers were to address the entirety of the Board, there might not be decorum; and suggested allowing the Chair the ability to address the group of speakers rather than the totality of the Board.

Mr. Fiss noted that Public Comment is so the citizens may address their concerns without dialogue from the Board; if a Board member wishes to address a comment, they may do so after all speakers have been heard, and the Chair allows it.

Chair Ashley amended the language to read:

- “v. Such comments or inquiries should be directed to the *Chair*, and, in turn, the Board may seek an answer from the applicant, City Staff, or members of the audience.”

Mr. Luehe concurred with the amended language and noted that Robert’s Rules outline the Board’s Procedures to follow concerning decorum.

Chair Ashley asked the Board if the change was acceptable; and read the amended language of Article VII, Section I, Subsection v.; and turned to address Article VII, Section J, Subsections i-iv, on “Voting”; and addressed issues where members may need to recuse themselves from voting; and the Rules and Procedures that state that a “non-vote” equates to a vote in the affirmative, except in the case of Planning and Zoning votes where a “non-vote” is counted as a negative vote due to voting laws requiring a majority vote.

Discussion followed regarding the nuances of the term “present” in voting as it was raised regarding remote attendance and how that was to be considered; and the Board agreed that remote attendance was considered “in attendance”; and discussed Robert’s Rules of Order in relation to attendance and voting remotely.

Chair Ashley suggested striking Subsection ii from Article VII, Section J as the Board could not corroborate the legalities of:

- “ii. Any member or ASM who refuses to vote without an acceptable cause shall have their vote counted as a negative vote with regard to zoning matters.

Mr. Luehe noted that a member must ask to be recused from voting; and shared the historical origins of Robert’s Rules of Order.

The Board discussed absentee votes; procedural motions and how those motions would impact the Board of Aldermen; and how the Board of Aldermen would address Planning Board motions

Chair Ashley turned the discussion to Article VII, Section K, “Procedural Motions”; and discussed the actions performed by the Planning Board and read through them so that every member was in accord with the rules as they were written; and shared the language of the rules of motions outlined in Robert’s Rules.

Mr. Luehe discussed procedures and made points that address speaking to an issue on the floor.

The Board discussed protocols regarding media interactions, contact with City Staff, and limitations on the information Staff can provide; and emphasized the need for clear language defining the scope of Staff support to the Planning Board without interfering with daily Staff duties; discussion also addressed potential scenarios if the Board of Aldermen declined to act on matters approved by the Planning Board, as well as historical context regarding Robert's Rules of Order.

Chair Ashely read for the Board Article J, Section J, "Contact with Parties Involved in Applications"; and asked if any further comment should be addressed or added.

Mr. Luehe asked how a Board member might recuse themselves if they did have contact with an applicant.

Chair Ashley stated that any Board member who feels compromised concerning a matter should recuse themselves from participation.

Alderman Lai emphasized the importance of maintaining professional distance from potential applicants to avoid bias; and recommended that Board members decline invitations, such as lunches or dinners, to discuss agenda items.

Mr. Bove asked if there needs to be language to include City Staff as well.

Chair Ashley noted that members of the Board should have contact with City Staff; and noted that since the Planning Board is an advisory board, and it would be up to the Board of Aldermen to make that final determination.

Alderman Lai noted that the Board of Aldermen would review the item and it would be up to them to make a final determination.

Mr. Luehe noted including the County as well, and emphasized having a clear understanding of the Board rules concerning communication with Staff.

Chair Ashley suggested adding verbiage to include City or County Staff in regard to parties involved in applications; and introduced the next section concerning Article VII, Section K, "Minutes" and at what point in their creation they become a matter of public record; and sought Board consensus that draft minutes are public records once created, even before formal approval; and turned to Article VIII, Sections A and B, "Legal Counsel".

Discussion followed concerning legal counsel and the need to ensure that the Planning Board has access to all legal needs.

The Board addressed the language under Article VIII, Sections A in the Planning Board Procedures as written "shall" should be replaced with "will":

- “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.”

and addressed other like-wording throughout that may appear contradictory or misleading to the Planning Board Rules and Procedures.

Mr. Bove noted Article V and the right of the Board to ask a question; and noted that the word usage of “*shall*” becomes less murky.

Alderman Lai provided the difference between *shall* and *must*.

The Board directed the Planning Services Director Meehan to replace all wording of “*shall*” with “*will*” or “*must*” throughout to reflect clarity.

Chair Ashley read Article XI “Recommendations” and asked if there were any changes or suggestions that need address.

Planning Services Director Meehan suggested including “map amendments” to the section.

Chair Ashley read Article X “Administration”; and spoke to each section concerning “Compensation”, “Reimbursements”, “Attending Conferences, Meetings, Traveling Expenses” and “Publicity and Education”; and suggested striking Section C, “Attending Conferences, Meetings, Traveling Expenses” and emphasized that all Board members are encouraged to attend events.

Planning Services Director Meehan suggested splitting the paragraph into two sentences for clarity.

Chair Ashley shared that he would review this section in more depth to ensure that no member would need authorization from the Planning Board to attend an event; and spoke to “Section D. “Publicity and Education”.

Mr. Luehe asked if there were any of the sections before Section D that needed redress; and asked if Article IX should be placed after Article X.

Chair Ashley read Article XI, Section A-C; and spoke to Section A, “Orientation of New Members” and shared the process of educating new members; and noted the Planning Board Handbook would be voted on at the next Planning Board meeting in November.

Planning Services Director Meehan suggested amending the last line in Section A and replacing it with “adopted plans”:

- “A. The Planning Director *will* 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 *will* provide each new member with a copy of the Planning Board Handbook, all ordinances the Board typically deals with, *and the City’s growth management and land development plans.*”

Chair Ashley read the second paragraph of Section A; and suggested including “the Board of Aldermen” to emphasize the role of the Planning Board as an advisory board:

- “A. The Planning Board Director *will* also generally explain the City’s growth management and land development policies, the relationship between the Board, *the Board of Aldermen*, and City Staff.”

Chair Ashley read the entirety of the Article XII, “Ethical Procedures in Planning” portion of the Rules and Procedures and inquired among the Board if any language outlined needed address, correction, or refinement.

Chair Ashley read the final sections and asked if any items need address.

Discussion among the Board followed concerning reimbursements for education and conferences; methods for how to ensure the rules are followed by all members of the Planning Board; best practices for how to avoid politicizing issues; whether Unified Development Ordinance (UDO) be included in growth management as a comprehensible umbrella; asserting the need to specify the Planning Board as an advisory board; and the need and encouragement for all members of the Planning Board to be always be expanding their knowledge of the work they do on the Board.

Chair Ashley transitioned to the final portion of the Rules and Procedures, inviting Board members to raise any concerns about the language and asked Staff to suggest any changes.

Chair Ashley directed Staff to prepare the revised Rules and Procedures to be adopted at the next scheduled Planning Board meeting.

Mr. Luehe requested that a copy of the revised Planning Board Rules and Procedures be provided to him prior to the next meeting for review.

Chair Ashley noted that any “substantiative” issues will be addressed at that time, and asked Board members to provide Planning Services Director Meehan with any additional comments for consideration.

D. Adjourn

Chair 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 11:10 a.m.

X

Lawrence N. Ashley
Chair

X

Scott Baillargeon
Deputy Clerk

DRAFT



City of Southport
Planning Board Regular Meeting
Southport Community Building
223 E Bay St
Southport NC 28461
11/20/2025
6:00 pm

MINUTES

Present Members: Chair Lawrence N. Ashley, Vice Chair Fred Fiss, John Bove, Ed Ekert, Doug Luehe, Maria Horton

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

Absent: Bob Lambert

A. Call to Order

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

B. Invocation

Mr. Luehe provided the invocation.

C. Pledge of Allegiance

Chair Ashley led those present in the recitation of the Pledge.

D. Approval of Agenda

A motion was made by Mr. Fiss and seconded by Mr. Luehe to approve the agenda.

The motion carries unanimously

E. Approval of Minutes

1. Approval of June 19, 2025, Planning Board Regular Meeting Minutes

Chair Ashley noted three corrections to the Minutes.

A motion was made by Mr. Bove and seconded by Mr. Luehe to approve the minutes.

The motion carries unanimously

F. Old Business

1. Planning Board Rules of Procedure

Chair Ashley asked if there were any comments from the Board and asked that the Planning Board Rules of Procedure be placed on agenda for the January meeting for approval.

Ms. Horton noted her appreciation for the work conducted in the Rules of Procedure.

2. Planning Board Primer

Chair Ashley asked the Board for any additional recommendations to the Planning Board Primer.

Ms. Horton asked the Board to consider adding a short discussion on future land use maps and overlays; and noted there were several definitions throughout that should be added to the Primer to assist future Board members.

Chair Ashley asked if Ms. Horton had anything in writing to provide concerning these recommendations.

Ms. Horton noted that she would draft her recommendations and provide them at the January meeting.

Mr. Bove expressed concern regarding the number of overlaps and duplicate statements on both the Primer and Rules of Procedure; and sought clarity concerning the priority of certain procedures; and recommended the Board address the overlapping topics throughout; and recommended having the Primer refer to the Rules of Procedure to reduce the number of details in the Primer.

Ms. Horton noted that the Primer is to ensure new members are oriented to the work of the Board, and the Rules of Procedure are the parliamentary procedure concerning Board decorum.

Mr. Bove shared that reading both simultaneously is cumbersome; and noted the level of detail that went into both.

Chair Ashley emphasized the amount of detail in each and noted that City Staff would assist to provide further clarity not addressed in both the Primer and the Rules of Procedure.

Mr. Luehe spoke about the overlap and the need to address superfluous language; and spoke about Mr. Bove's point concerning a 'hierarchy', or the priority of certain processes as it is not stated clearly in the Primer.

Chair Ashley addressed the comments made by the Board and noted that the Board would revisit the Primer in January.

G. New Business

1. UDO Text Amendment ZTA-25-05 Vape / Tobacco Shops

Chair Ashley introduced the item and addressed the Board to either recommend approval of the language outlined in the text amendment or discuss alterations; he invited City Planner Wendell Biddle to floor to share its background.

City Planner Biddle spoke to the text amendment regarding Tobacco and Vape Shops; and shared a PowerPoint of the Unified Development Ordinance (UDO); and Staff's definition of a Tobacco and Vape Shops; and noted the process that was followed to define a Tobacco and Vape Shop; and presented the proposed language of the ordinance, land uses, and the process to obtain permits within specific use standards; and noted that Staff's goal was to ensure the language was clear; and emphasized that much of the language was borrowed from other cities; and asked the Board for questions and comments.

Chair Ashley asked the Board for a motion to consider the language outlined in the text amendment.

The Board noted they would like the opportunity to discuss the language before making a motion.

Ms. Horton sought clarity regarding locations within high traffic areas that would remove future opportunities concerning land use zoning; and addressed the language concerning the "30% floor space" and noted that some establishments have Cigar Shops; and had Staff considered Cigar Shops and Bars alongside Vape and Tobacco Shops, and inquired what guidelines distinguished between the two types of business; and recommended adding language that delineates between the two, and define the differences.

Mr. Ekert arrived at 6:20 p.m.

City Planner Biddle shared that Staff had reviewed the maps and noted there were land uses available up HWY 211; and noted that considerations were made for Cigar Shops, and the language as written outlines a process that would allow for enforcement while not impacting other established businesses that sell tobacco such as gas stations.

Ms. Horton recommended amending the language to define the difference between a Vape and Tobacco Shop from a Cigar Bar for clarity.

Chair Ashley suggested amending the language to include Ms. Horton's comments; and addressed the "30% or more floor space" aspect of the proposal, and how a business would contest, or circumvent, the language of the ordinance.

City Planner Biddle shared that the process would require the applicant to appear before the Board of Adjustment where it would undergo a stringent review.

Mr. Fiss asked if HWY 211 was within City limits; and spoke to the existing Vape Shop on HWY 211 across from a church (that stands within 1,000 feet of the Vape Shop); and asked if it would be allowed to continue operating.

City Planner Biddle shared that it was and noted that it was legally non-conforming; and shared the process that would encompass those already existing locations.

Mr. Fiss sought clarification on the process for another tenant seeking to open a Vape or Tobacco Shop in the location if the current business were to shutter, or if it was sold.

City Planner Biddle shared that if the business shutters for more than 180 days, then it would not be allowed to reopen; or if the business was sold, so long as it remained open during the process, would continue to fall under the legally non-conforming rules; and noted that if the business closed, and a new tenant wanted to open another Vape or Tobacco Shop, it would fall under legally conforming rules and would require a special use permit.

Chair Ashley sought clarification for an existing Vape or Tobacco Shop where a future residential zone was created and what the process for that situation might be.

City Planner Biddle shared that the Shop would not be impacted.

Mr. Luehe addressed the "30% floor space" portion of the item and sought clarification for how the number was selected; and asked if a business could partition half the space, not up to 30% floor space, for Vape and Tobacco

products and still be within the guidelines; and requested that the text be amended to include more definition regarding the “30% floor space”; and addressed reviewing sales tax records to ensure that businesses were well within the rule.

City Planner Biddle shared the reasoning for the percentage; and spoke to the standard set by other cities and the efforts to use consistent language; and noted that if a business wanted to use more than the “30% floor space”, City Planning would flag it for review; and noted that ATF has stringent standards that businesses must also abide.

Ms. Horton addressed the “30% floor space” and expressed concerns that it might impact or restrict sales of Cigar Shops or Bars; and emphasized that Cigar Shops and Bars should be well-defined in the rule; and suggested a distinction among vape and cigar.

Mr. Bove shared that he had conducted a Google search for the term “Cigar Bar”; and shared that there were ten shops near town and asked if they were being lumped in as Vape and Tobacco Shops; and stated that if it is the intent to exclude them, the text needs to reflect the exclusion.

City Planner Biddle noted that the task presented to him by the Board of Aldermen was to regulate Vape and Tobacco Shops to ensure the City does not lose its character; and noted that more review should be given to Cigar Bars as violating the rule.

Ms. Horton noted that paraphernalia was sold in Vape and Tobacco Shops and not in Cigar Bars to emphasize the difference.

City Planner Biddle noted that the sale of paraphernalia had not been considered.

Chair Ashley asked how NC sales were measured; and that the inclusion of “30% of floor space and sales” is not a clear determination; and expressed concern for a set standard regarding sales and floor space.

Ms. Horton addressed NC Sales Tax as a requirement to show products sold; and shared the process regarding tracking sales tax.

City Planner Biddle asked if the definition, as written, was the issue or was it more to do with a combination of the specific use standards outlined.

Chair Ashley expressed concerns regarding the ambiguity of “30% floor space” as written and inquired if it would also consider a review of sales tax to ensure the rule was being adhered.

Mr. Luehe spoke about sales receipts and asked if there was a process to determine the percentage of Vape and Tobacco products sold; and inquired about how it might be calculated; and emphasized that specific products should be flagged for review if they exceed 30% of sales.

City Planner Biddle shared that a distinguishment could be sought; and noted that the current language does not include “for purpose of on-site consumption” and noted that Cigar Bars operate as on-site consumption.

Mr. Luehe expressed concerns about Tobacco/Cigar Shops near eateries, and places where families would take their children; and emphasized the need to ensure separation of these businesses.

Ms. Horton shared that some people enjoy the smell of cigars and pipe tobacco and noted that people have different preferences.

City Planner Biddle noted the NC law on indoor smoking; and noted the importance of the conversation; and noted the need for more review and consideration to better-define the language to cover all possibilities.

Ms. Horton recommended sending the text amendment back to Staff for more review; and noted the number of Kratom Bars that exist in other towns, and more definition regarding on-site consumption be reviewed.

City Planner Biddle sought clarification from the Board for defining Cigar Bar apart from Vape and Tobacco Shop and a Kratom Bar.

Mr. Bove recommended Staff outline the definitions of each and have it presented to the Board for further discussion to determine the exclusion or inclusion of certain language.

A motion was made by Mr. Bove and seconded by Ms. Horton for Staff to develop separate definitions of facilities that include on-site consumption and present the findings to the Board for discussion to determine the exclusion or inclusion of certain other language.

The motion carries unanimously

H. Staff Reports

1. Other Board and Committee Planning Items

Planning Services Director Meehan shared an outline of the updates; and noted that there were no upcoming Minor or Major Projects; and the Board

would be considering one Southport Crossing Property Application; and a text amendment regarding the Bed and Breakfast Events proposal as it had been sent back for further Staff review – to meet with owners and obtain more information; and noted the Board of Adjustment Regular Meeting had been cancelled and rescheduled for December 4, 2025; and shared the agenda items to be presented for consideration; and noted that the next Historic Preservation Commission Meeting was scheduled for December 3, 2025; and spoke to a grant received from the North Carolina Resilient Coastal Communities Program and shared the work Staff was doing to conduct a review of hazards; and shared updates regarding the Multi-Modal Acceleration Plan; and that Staff are working with the Southeastern North Carolina Action Mitigation Plan; and noted the adoption of the plan is necessary through FEMA.

Chair Ashley asked for clarity regarding the definition of a “hazard” as it was outlined in the North Carolina Resilient Coastal Communities Program.

Planning Services Director Meehan provided further background on how “hazards” were defined under the North Carolina Resilient Coastal Communities Program that included hurricanes, flooding, and other major events.

Mr. Luehe asked for an update regarding the Action Matrix timeline; and sought clarification about the hazard plan; and inquired about the process of targeting goals.

Planning Services Director Meehan said that it was a big project; and a plan was scheduled to be delivered to the Board around first quarter next year; and shared additional background on the hazard plan and the goals they are targeting for consideration.

Ms. Horton inquired if Board suggestions were being collected for the hazard risk reduction plan.

Planning Services Director Meehan noted that since the committee was just formed, it would be a few weeks before data collection would begin.

I. Board of Aldermen Liaison Comments

Alderman Frank Lai spoke to the Planning Board’s formation and expressed gratitude for their hard work and efforts to provide consistent review of every issue brought before them; and emphasized the good work of they have conducted together.

J. Board Comments

Chair Ashley opened the floor to members of the Board to share any additional comments.

Mr. Luehe expressed appreciation to members of the Board and Staff for providing opportunities to ask questions.

Chair Ashley spoke to the work in the upcoming meetings and expressed optimism for the work ahead; and recommended the members of the Board to search for a software tool to assist them; and noted the open Planning Board vacancy with the loss of Kevin Loklin, and noted that Mr. Ekert was next in line to move from an Alternate to a Full Board Appointment; and shared that the next Planning Board Regular Meeting scheduled for 12/18 was cancelled due to no business, and the next meeting of the Planning Board would be on January 15, 2026.

K. Adjourn

Chair Ashley asked for a motion to adjourn.

A motion was made by Mr. Luehe and seconded by Mr. Bove to adjourn at 7:48 p.m.

The motion carries unanimously

X

Lawrence N. Ashley
Chair

X

Scott Baillargeon
Deputy City Clerk



**City of Southport
Planning Board Regular Meeting
Southport Community Building
223 E Bay St
Southport NC 28461
January 15, 2026,
6:00 pm**

MINUTES

Present Members: Chair Lawrence N. Ashley, Vice Chair Fred Fiss, Ed Ekert, Doug Luehe, John Bove, Bob Lambert,

Staff Present: Maureen Meehan, Planning Services Director (Remote); Wendell Biddle, City Planner; ChyAnn Ketchum, Public Information Officer; Scott Baillargeon, Deputy City Clerk

Absent: Maria Horton

A. Call to Order

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

B. Invocation

Mr. Luehe provided the invocation.

C. Pledge of Allegiance

Chair Ashley led members in the recitation of the Pledge

D. Approval of Agenda

A motion was made by Mr. Bove and seconded Mr. Fiss, to Approve the Agenda.

The motion carries unanimously

E. Approval of Minutes

- a. March 27, 2025, Planning Board Regular Meeting Minutes

A motion was made by Mr. Luehe, and seconded by Mr. Lambert to approve the March 27, 2025, Planning Board Regular Meeting Minutes.

The motion carries unanimously

- b. May 2, 2025, Planning Board Regular Meeting Minutes

A motion was made by Mr. Lambert, and seconded by Mr. Fiss to approve the May 2, 2025, Planning Board Regular Meeting Minutes.

The motion carries unanimously

- c. August 21, 2025, Planning Board Regular Meeting Minutes

A motion was made by Mr. Bove, and seconded by Mr. Luehe to approve the August 21, 2025, Planning Board Regular Meeting Minutes.

The motion carries unanimously

Mr. Luehe noted that during the March 27, 2025, Meeting Minutes that the City Clerk had read several emails into Public Comment and asked if the Board allowed this as a typical process, or if it was allowed by special circumstances and sought feedback concerning the process for receiving emails.

Chair Ashley spoke to the circumstances that allowed the Board to have email comments read in the meeting.

F. Public Comment

None.

G. Committee Reports

None.

H. Old Business

- a. **UDO Text Amendment ZTA-25-05 – Vape/Tobacco Shop**

Chair Ashley introduced the item and thanked Staff for their efforts to draft the Text Amendment.

City Planner Biddle shared the changes suggested by the Board in the November 20, 2025, Planning Board meeting; and spoke to the changes in the verbiage and shared the Unified Development Ordinance (UDO) standards and Zoning laws in relation to Vape / Tobacco Shops; and shared the updates that accommodate the needs of such matters as sign ordinance, to which has been removed; distance (1000 feet to 500 feet); and the addition of, “This provision does not apply to land uses that lawfully existed prior to the effective date of this text.”

Chair Ashley asked why the provision was needed.

City Planner Biddle noted that additional language is commonly used to ensure the standards are met; and spoke to the process used to make the changes; and noted the removal of the 30% of floor; and spoke to the differences between Cigar Bars and Vape Shops.

Mr. Luehe asked about nonconforming (specifically the 1000 to 500 feet change in the text) and what was expected to see in practice.

City Planner Biddle shared that the additional language was to cover all unforeseen matters, to avoid mistakes.

Mr. Luehe asked if Clause 1 could be written as 1000 feet from schools and other establishments instead of 500 feet.

City Planner Biddle noted that 1000 feet zones-out all competing Vape Shops and protects existing establishments.

Mr. Luehe noted that the spirit was not to make it impossible for Vape Shops to establish themselves; and noted that Staff had dropped nicotine in favor of Tobacco; and that the language is not targeting convenience stores but only targeting Vape Shops.

City Planner Biddle confirmed that that was the goal.

Chair Ashely asked for a motion to approve the Text Amendment.

A motion was made by Mr. Fiss and seconded by Mr. Luehe to approve the updated language of the UDO Text Amendment ZTA-25-05 – Vape/Tobacco Shop.

Mr. Bove noted that the current definition of Vape and Tobacco Shops meets the Board's concerns; and noted that the new language is an improvement; and meets the concerns raised by the Board.

Chair Ashley agreed and expressed gratitude to Staff for the work that had been completed to provide a clear definition.

Mr. Ekert asked about hemp and if it was also included in this amendment.

Mr. Luehe shared the definitions for hemp, CBD, and Marijuana.

City Planner Biddle shared the differences among the substances; and noted that hemp was more fibrous and used for textiles and was not for consumption.

Mr. Ekert expressed disagreement.

Chair Ashley asked for a vote on the motion.

The motion carries unanimously

Mr. Lambert read the **Statement of consistency**:

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

b. Planning Board Rules of Procedure

i. Southport Planning Board Rules of Procedure

Chair Ashley introduced the next item, Planning Boards Rules of Procedure; and shared that the Agenda Packet contains two different versions, an unmarked version, which is on page 41 of the Agenda Packet, and another version to show the changes on page 61 of the Agenda Packet; and spoke to the changes on page 46 of the Agenda Packet: "substitute short break for recess"; and noted differences between a recess and a break; and spoke to the change on page 52 of the Agenda Packet with respect to emails; and that emails would not be read aloud during the Public Comment section of the meeting; and to strike the second sentence: "emails must be submitted at least 24 hours in advance of the meeting in order to be read into the record during public comment"; and suggested including emails in the Agenda Packet to be included in the minutes as a brief summary.

Mr. Luehe noted that a comment needs to be made to ensure the Board is aware that emails are included in the Agenda Packet.

Chair Ashley shared that they would include a comment to alert Board members of emails received; and noted an error on page 54 and 93 and shared that he would make the corrections; and asked the Board for additional feedback.

Mr. Bove spoke to several edits on Page 44, Article II.: "insert open meetings law reference here" and suggested that either a link, or the language needs to be added to reference open meetings law; page 49 "conduct of the meeting", and noted that there were two links added as reference and asked which link should be added.

Chair Ashley asked Mr. Bove to email his edits to him.

Mr. Bove noted that in Article II, Public Meetings, “that all meetings of the Board, including board subcommittee meetings and working sessions, shall be open to the public”; and noted that the Board had discussed adding this language in the Rules and Procedure.

Deputy City Clerk Baillargeon shared that to add the language to the Rules of Procedure is to circumvent NC Open Meetings Laws and all meetings need to be Publicly Noticed from the City Clerk’s office.

Mr. Bove noted Page 52 of the Agenda Packet, removed non-agenda items, and suggested it be stricken from the Rules of Procedure as the Board had agreed to its removal at a previous meeting.

Chair Ashley agreed and noted that it would be removed.

Mr. Bove spoke to page 56 of the packet noting that “the Planning Board Director will provide new members with a copy of the handbook” be added to the Rules of Procedure.

Chair Ashley agreed and the edits would be made.

A motion was made by Mr. Luehe and seconded by Mr. Bove to approve the Rules of Procedure with approved revisions and to submit the finalized copy to the Board of Aldermen for adoption.

The motion carries unanimously

ii. Planning Board Primer

Chair Ashley introduced the Planning Board Primer and shared the work completed by the members to draft a cohesive basis for all incoming and new Planning Board members to orient themselves by; and opened the floor to Board comments.

Mr. Luehe spoke to wording of the overlay mentioned in the Primer and noted revisions.

Mr. Bove asked about Rules of Procedure and the Planning Board Primer and what order the Board should follow in relation to these documents.

Deputy City Clerk Baillargeon explained that the Primer is used to orient new members, while the Rules of Procedure govern the order and decorum of meetings; and further noted that all business items are

conducted in accordance with the UDO and applicable North Carolina General Statutes.

Mr. Luehe spoke about the differences between the Rules of Procedure and the Primer.

A motion was made by Mr. Luehe and seconded by Mr. Ekert to approve the Planning Board Primer with the approved revisions and to forward it to the Board of Aldermen for final adoption.

The motion carries unanimously

I. New Business

a. 2026 Goal Setting

Chair Ashley discussed the upcoming goals for 2026; and noted the effort to fill the vacant seat; and spoke to other ongoing UDO changes; the Planning Board Dashboard Report that the Planning Department prepared, and the effort to explore planning board software tools.

Mr. Luehe discussed the ongoing Multi-Modal Project, highlighting stoplights, crosswalks, sidewalks, and residential areas; and expressed concern about the lack of pedestrian rights-of-way and indicated interest in addressing these issues in 2026.

Chair Ashley shared Mr. Luehe's concerns; and highlighted the need for bike paths and noted the costs associated with these projects.

City Planner Biddle shared that the Multi-Modal Transportation Committee is underway and has made strides to address these concerns.

Mr. Luehe expressed gratitude for the efforts of the Committee to address these growing concerns regarding pedestrian rights-of-way.

Mr. Bove highlighted stormwater mitigation as a key concern for the Board and emphasized the need to develop a comprehensive stormwater management plan.

City Planner Biddle shared a status update on a comprehensive stormwater mitigation study.

Mr. Lambert discussed tree preservation in Franklin Square and expressed a desire to expand preservation efforts citywide; and emphasized addressing factors contributing to rising stormwater; and noted the importance of tree mitigation, as trees help reduce stormwater runoff.

City Planner Biddle shared updates from the recent Forestry Committee Meeting and shared what they had addressed in relation to Mr. Lambert's comments.

Mr. Bove asked Planning Services Director Meehan if there were any upcoming parcels for conditional zoning.

Planning Services Director Meehan shared that there were no upcoming applications concerning conditional zoning.

Chair Ashley noted that they need to be moderate about submitting things to the Board of Aldermen; and the need to ensure that the submissions are meaningful and congruent with the Comprehensive Plan.

b. 2026 Planning Board Regular Meeting Schedule

Chair Ashley asked for a motion to adopt the 2026 Planning Board Meeting Schedule.

A motion was made by Mr. Lambert and seconded by Mr. Fiss to adopt the 2026 Planning Board Meeting Schedule.

The motion carries unanimously

J. Staff Reports

a. Other Board and Committee Planning Items

City Planner Biddle spoke to the UDO updates; and noted the amendments included; and spoke to the 719 N Atlantic withdrawal; and shared the case load for the upcoming Board of Adjustment Meeting; and noted the Historic Preservation Commission meeting; and Forestry Committee; and noted the tree canopy inventory course; and provided an update on the work being conducted at the Indian Trail Meeting Hall; and shared the agenda for the next Board of Adjustment meeting scheduled for January 27, 2026.

Mr. Luehe shared the efforts in Maryland to “Save the Chesapeake”, and the method they used to implement the plan; and asked if Southport has a similar campaign regarding the tree canopy.

City Planner Biddle thanked Mr. Luehe for his question and stated that the goal is to preserve Southport’s tree canopy; and noted the need to review the Comprehensive Plan to see if a program similar to “Save the Chesapeake” is included; and also discussed a tree canopy inventory course for Staff to improve education on inventorying trees and developing a software system to track tree growth, health, and overall progress.

Chair Ashley asked if a tree inventory has ever been conducted previously.

Mr. Fiss explained the process as the Forestry Committee conducts its data collection of the trees throughout the City; and spoke to the survey of trees to create a registry of the Specimen Trees for preservation.

Mr. Lambert asked City Planner Biddle to define what a Specimen Tree is for the Board.

City Planner Biddle shared the definitions that delineated between Specimen Trees from other trees; and shared that the City has been officially certified by the Coastal Resource Commission for the 2050 Comprehensive Plan.

Mr. Luehe asked City Planner Biddle to share any updates concerning the final paragraph of the update:

“Staff continue to assist citizens with question 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.”

City Planner Biddle shared updates concerning rights-of-way encroachments; and shared that of the 90 violations identified only four exist at present and they would be finishing it up soon; and noted that CAMA is ongoing and discussed CAMA rights-of-way permits; and shared other updates.

Mr. Luehe asked Chair Ashley about draft dashboard and the voting procedure that was provided by the Deputy City Clerk.

Chair Ashley shared that the voting rules provided by the Deputy City Clerk had been requested at the October meeting, and they were provided for our reference.

Chair Ashley asked the Board to send all data collected for the dashboard to City Planner Biddle; and noted the benefits of the dashboard tool.

Mr. Luehe would like the dashboard placed on the next regular meeting agenda for discussion.

Mr. Ekert asked about the order of completion as outlined on the dashboard and sought clarification regarding the lifecycle of each project to identify upcoming Planning Board items that would need to be addressed.

City Planner Biddle shared that the items listed on the dashboard are all past projects; and spoke to the process of upcoming projects, permits, and other Planning Board necessities; and noted that all the items currently listed on the dashboard are beyond Planning Board review and action.

Mr. Bove asked that the dates of each project be added to the document to show when they were completed.

City Planner Biddle shared that he would add the dates to accompany all the items listed on the dashboard.

Chair Ashley added that besides the dates, the completed items fall to the bottom; and shared that doing this gives a clear assessment of what is upcoming (to provide an overarching view of City development)

Mr. Fiss asked where this document will be housed so the Board and citizens alike can access it for review; and asked for a status update on the Barbie and Bullfrog Project.

City Planner Biddle shared that he had not yet settled on a specific place for the dashboard to reside; and noted that it would be distributed to the Board each month as part of the Agenda Packet; and shared that he did not have any update on the Barbie or Bullfrog Projects.

Mr. Fiss asked about the rights-of-way issues City Planner Biddle had previously discussed; and asked for an update concerning the Russel Property on E Bay St.

City Planner Biddle shared that he would like to defer the question to Planning Services Director Meehan.

Planning Services Director Meehan stated that the matter is currently in litigation and, therefore, no update could be provided at this time.

Chair Ashley thanked Staff for the updates.

b. Special Projects

None.

K. Board Comments

Chair Ashley asked the Board to share any comments or announcements.

Mr. Bove commented on the ice-skating rink the Community Relations Department had created at the Community Center during Christmas; and expressed gratitude for the efforts they put in to have such a successful turnout.

Chair Ashley also expressed gratitude for the work Community Relations did with Winterfest and the events at Franklin Park; and reminded the public that the Planning Board has a role in the design of the Old Courthouse; and noted that the Board and Staff are working on a package for the Board of Aldermen to ensure the Planning Board is headed in the right direction going forward; and discussed the work in tandem with City Planning concerning the upcoming UDO changes.

K. Adjourn

Chairman Ashley asked for a motion to adjourn.

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

The motion carries unanimously

The meeting adjourned at 7: 20 p.m.

X

Lawrence N. Ashley
Chair

X

Scott Baillargeon
Deputy City Clerk

STAFF REPORT

ZTA-24-05 ZONING TEXT AMENDMENT

TABLE 3.1 TABLE OF USES AND SECTION 3.8 NONRESIDENTIAL USES – BED & BREAKFAST SPECIAL EVENTS

APPLICATION SUMMARY	
Presentation Date	February 19, 2026 Planning and Zoning Board
Applicant	City of Southport Planning Staff
Relevant Ordinance Sections	Table 3.1 Tables of Uses and Section 3.8 Nonresidential Standards

ZONING TEXT AMENDMENT PROPOSAL
<p>The City of Southport Planning Staff, per the recommendation of the Board of Aldermen at their May 8, 2025, meeting, respectfully submits a Zoning Text Amendment to the City of Southport Unified Development Ordinance.</p> <p>This request is to amend the Unified Development Ordinance (UDO), Article Three (3), to permit Bed and Breakfasts (B&Bs) to host secondary uses, including weddings, receptions, and other events that extend beyond the current scope of B&B operations.</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 Aldermen. The Board of Aldermen shall hold a public hearing prior to voting on any Zoning Text Amendment.</p>

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.

BACKGROUND

In 2024, an applicant put forth a Special Use Permit requesting to turn their single-family residence into a Bed and Breakfast. As part of their request, they also wanted to host weddings and receptions. As the subject lot is zoned R-10 and adjacent to residential properties, the request to host such events was denied, though the permit for the B&B was granted. It was this proposal that highlighted the UDO's lack of land use standards for B&Bs to host weddings and receptions.

The Board of Aldermen directed staff to work with the Planning Board to recommend a text amendment to address the following concerns and questions.

1. The proposed use of a wedding venue in a residential zoning district would be too intense to allow carte blanche. Is there a way to allow this land use with controls in place that keep the intensity relatively low?
2. That the existing language in the UDO concerning B&Bs does not explicitly exclude the ability to host such events.
3. What is the extent of events that B&Bs may host in their normal operations?

The following is a timeline detailing this text amendment's course of review and revision. Underlined language indicates proposed text sent back to staff.

- On October 17, 2024, the Planning Board created a committee of three members and one staff to evaluate the best way to incorporate a land use that would accommodate existing commercial activities like B&Bs to host special events.
- At the February 20, 2025, Staff presented the following text amendment for the Planning Board's consideration.

The creation of an Accessory Land Use known as *Specialized Events* with the below specific use standards, was permitted in the same zoning districts as B&Bs. To enforce the limited frequency of the *specialized events* a *Temporary Use Permit* was proposed.

3.6.Q SPECIALIZED EVENTS

Where permitted, the following shall apply:

1. All Specialized Events must apply for a Temporary Use Permit 30 days prior to the event detailed on the application.
2. The property owner and or the on-site manager shall be required to be in attendance of the specialized event.
3. All Specialized Events must adhere to the City of Southport's noise ordinance.

4. Only one (1) A-frame sign may be used for the Specialized Event, the sign will be removed within 24 hours of the event.
 5. Alcohol shall only be provided by an ALE permitted vendor, caterer, or host.
 6. All trash will be disposed of within 24 hours of the event.
 7. All decorations will be removed from the venue within 24 hours of the event.
- The Planning Board voted in favor of recommending the proposed language to the Board of Aldermen.
 - At the May 8, 2025, Board of Aldermen meeting, Staff presented the recommended text amendment, in which the Aldermen did not accept the language and asked staff to revise and go back through the Planning Board for reconsideration.
 - For the August 21, 2025, Planning Board meeting, Staff revamped the initial text amendment proposal and, rather than create an accessory land use and new permit, amended the B&B text language to the following:

C. BED AND BREAKFAST

Where permitted, the following shall apply:

1. Sanitation. Compliance with rules governing the sanitation of bed and breakfast homes, section 2200 of the North Carolina Administrative Code, Title 10, Department of Human Resources.
2. Management Plan. The application for a bed and breakfast home should include a management plan.
3. An on-site manager shall be required to have permanent residence at any permitted bed and breakfast establishment.
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 the bed and breakfast.

Article 8.3 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.

- At the October 9, 2025, Board of Aldermen meeting, Board members renewed concerns that the proposed text was not developed enough to address concerns over occupancy and moved to have the conversation go back to the Planning Board for further conversation. Alderman Davis requested text language that explicitly excluded accessory events from B&Bs.

CURRENT UDO STANDARDS FOR BED AND BREAKFASTS

Article 8.3: DEFINITIONS OF BASIC TERMS

Bed and Breakfast. A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

The specific use standards are found in UDO Section 3.8.C.

Table 3.1: Table of Uses		Use Standard									
Uses	ICS	R-10	R-20	MF	PUD	O-I	CBD	BD	HC	OS	Section #
BED & BREAKFAST	721191	SS	SS	SS	SS	SS	SS	SS	SS		3.8.C

Section 3.8 NONRESIDENTIAL USE STANDARDS

C. BED AND BREAKFAST

Where permitted, the following shall apply:

1. Sanitation. Compliance with rules governing the sanitation of bed and breakfast homes, section 2200 of the North Carolina Administrative Code, Title 10, Department of Human Resources.
2. Management Plan. The application for a bed and breakfast home should include a management plan.
3. An on-site manager shall be required to have permanent residence at any permitted bed and breakfast establishment.

PROPOSED AMENDMENT

The following text amendment aims to address the concerns of the Board of Aldermen by further defining B&B standards, the B&B Management Plan, and expounding on existing specific use standards for B&Bs.

Underlined text indicates new language. To distinguish between what a B&B may do in their day-to-day operations and operations that may be more intensive, Staff respectfully introduce three options, new terminology, and amended use standards for consideration.

Article 8: Definitions

Option 1 – Allowing Limited Indoor Events Only

Bed and Breakfast – A private residence, or portion thereof, that provides overnight lodging and meals to registered guests. Private indoor only event services can be held for overnight guests or outside guests, not to exceed the occupancy of the establishment as determined by the Fire Marshal.

Option 2 – Allowing Limited Indoor and Outdoor Events

Bed and Breakfast – A private residence, or portion thereof, that provides overnight lodging and meals to registered guests. Private indoor events can be held for registered guests or outside guests not to exceed the occupancy of the establishment as determined by the Fire Marshal. Private outdoor events can be held for registered guests including outside guests not to exceed double the indoor occupancy of the establishment as determined by the Fire Marshal.

Option 3 – Allowing Overnight Accommodations Only (prohibiting any events)

Bed and Breakfast – A private residence or portion thereof that provides overnight lodging and meals to registered guests. The only functions permitted are the renting of guest rooms and the serving of meals to overnight guests.

If Option 1 or Option 2 is recommended, Staff also recommends the addition of a definition of a bed and breakfast management plan.

Bed and Breakfast Management Plan – A comprehensive, written document serving as an outline of daily operations, staffing, and policies intrinsic to that inn. The management plan outlines the full extent of any events the applicant may wish to/will host at the bed and breakfast.

Section 3.8 NONRESIDENTIAL USE STANDARDS

Option 1 - Add standards that must be met if hosting events onsite

C. BED AND BREAKFAST

Where permitted, the following shall apply:

1. Sanitation. Compliance with rules governing the sanitation of bed and breakfast homes, section 2200 of the North Carolina Administrative Code, Title 10, Department of Human Resources.
2. Management Plan. The application for a bed and breakfast home shall include a management plan that will be approved as part of the special use permit. Approved events outlined in the management plan must meet the following standards.
 - a. Onsite events will require a zoning permit within 30 days of the occasion and must be obtained by the on-site manager.
 - b. Special events shall not exceed two occasions in 30 days.
 - c. All abutting neighbors must be notified of all special events within 30 days of the occasion.
 - d. All special events are to be fully concluded no later than 8 PM.
3. An on-site manager shall be required to have permanent residence at the designated bed and breakfast.

Option 2 – If no events are permitted, use standards remain the same, with the addition of language requiring approval of the management plan with the special use permit.

Section 3.8 NONRESIDENTIAL USE STANDARDS

C. BED AND BREAKFAST

Where permitted, the following shall apply:

1. Sanitation. Compliance with rules governing the sanitation of bed and breakfast homes, section 2200 of the North Carolina Administrative Code, Title 10, Department of Human Resources.
2. Management Plan. The application for a bed and breakfast home shall include a management plan that will be approved as part of the special use permit.
3. An on-site manager shall be required to have permanent residence at any permitted bed and breakfast establishment.

STAFF RECOMMENDATION

City Planning Staff respectfully submit the proposed Zoning Text Amendment, ZTA-24-05, to the Planning and Zoning Board for their review, consideration, and recommendation to the Board of Aldermen. Of the options presented, Staff recommends Option 1 as it strikes the best balance between maintaining the nature of residential zoning districts while allowing bed and breakfast operations to host special events such as weddings, receptions, and or special dinners. This proposal is found to be consistent with the 2050 Comprehensive Land Use Plan adopted October 9, 2025. More specifically, embracing the importance of tourism within the community and supporting activities that promote tourism. Following a recommendation from the Planning Board, the zoning text amendment is then sent to the Board of Aldermen for their consideration. A duly advertised public hearing is then held to gain public feedback on the text amendment prior to a decision.

Attachments

- Consistency Statement of Approval
- Consistency Statement of Denial



**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-24-05

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby finds that the proposed zoning text amendment is **inconsistent** with the City’s 2050 CAMA Comprehensive Plan, adopted October 9, 2025. More specifically, the proposed zoning amendment is **inconsistent** with Policy 7.8 (Southport recognizes that tourism is important and will support activities that promote tourism). The Planning Board recommends that the Board of Aldermen **DENY** the zoning text amendment.

The statement and motion was seconded and passed _____.

Ayes: _____

Noes: _____

Absent or Excused: _____

Scott Baillargeon, Deputy City Clerk | Date

Lawrence N. 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-24-05

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby finds that the proposed text amendment is **consistent** with the City’s 2050 CAMA Comprehensive Plan adopted October 9, 2025. More specifically, the proposed amendment is consistent with Policy 7.8 (Southport recognizes that tourism is important and will support activities that promote tourism). The Planning Board recommends that the Board of Aldermen **APPROVE** the zoning text amendment.

The statement and motion was seconded and passed _____.

Ayes: _____

Noes: _____

Absent or Excused: _____

Scott Baillargeon, Deputy City Clerk | Date

Lawrence N. Ashley, Chairman | Date

To: Planning Board, City of Southport
From: Lawrence N. Ashley, Chair, Southport Planning Board
CC: Maureen Meehan, Planning Services Director, City of Southport
Re: Rules of Procedure – Modification Recommendations
Date: February 13, 2026

At last night's (2/12/26) Board of Aldermen meeting, the Board adopted a Public Comment Policy. This adopted policy conflicts with the Planning Board's Rules of Procedure, Public Comment section with respect to speaking time and emails.

To ensure that that the Planning Board is in alignment with the Board of Aldermen's Public Comment Policy, the following recommendations are made:

1. I-iii (pg 10)
 - Replace
 - 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.
 - With
 - Time. All speakers, whether speaking on agenda or non-agenda items, at Public Comment, will be limited to **three (3)** minutes and may not yield time to other people.
2. I-iv (pg10)
 - Replace
 - Emails, while they may be submitted, will not be read during Public Comment. However, a brief summary will be entered into the records and included in the packets.
 - With
 - Emails must be submitted at least 24 hours in advance of the meeting in order to be read into the record during Public Comment. Reading of any one email will be limited to three (3) minutes.

Additionally, after discussion with the City Clerk's Office there is one correction to be made:

3. J-ii (pg 10)
 - Replace
 - 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?)

- With
 - 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 an **affirmative vote** with regard to zoning matters. As a rule, refusal to vote on any matter, except zoning matters, shall count in the affirmative.
 - **Citation**
 - a. **North Carolina General Statute § 160A-75. Voting.**
 - b. **City of Southport UDO 2.10.C.5. under Board of Aldermen**

As a reminder, any changes to the Rules of Procedure require written submission of the recommended modifications to the Board at least one month in advance of any vote to be taken on those recommended modifications (Article XIV – Amendments).

Thank you.



City of Southport, NC
Planning Board
Rules of Procedure

Last Approved

01/19/2026

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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 short break 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. Open Meetings - North Carolina's Open Meetings Law (N.C.G.S. Chapter 143, Article 33C) requires that meetings of public bodies—including elected/appointed boards, councils, and committees—be open to the public with proper notice. It ensures citizens can attend sessions where the public's business is transacted, with limited exceptions for closed sessions.
- D. 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.
- E. 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.
- F. 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.

G. 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

H. 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.
- I. 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 Public Speaking. 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. However, a brief summary will be entered into the records and included in the packets.
- J. 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.

K. 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.
- ii. 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.
- K. 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.

- L. 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.
- M. 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 January 15, 2026, and recorded in the minutes of that meeting.



City of Southport, NC

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

January 2026

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 to access 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](#) (especially “Planning Board Basics”,
<https://canons.sog.unc.edu/2022/01/planning-board-basics-2/>)
- **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. Advises and makes recommendations to the **Board of Aldermen** on land use policy matters (e.g., rezonings, text amendments) as described in the UDO.
2. Acts as the **final decision-making body** on **major site plans** after review and consideration of certain technical matters.
3. Provides a **public forum** for land use development review and community input.
4. Supports long-term planning, including recommendations for 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 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.
- Considers **advisory recommendations** from the Planning Board.


B. Planning Board

- Provides **advisory recommendations** on most land use matters.
- Has **final authority** on Major Site Plans.
- Ensures 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 is 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, and special use permits (SUPs).
- **Quasi-judicial hearings remain** stricter using rules of evidence and are 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
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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.

STAFF REPORT – ZTA 26-01 ZONING TEXT AMENDMENT UDO UPDATES PER S.L. 2025-94

APPLICATION SUMMARY	
Presentation Date	February 19, 2026 Planning Board
Applicant	Planning Staff
Relevant Ordinance Sections	Multiple Sections Article 1: General Provisions Article 2: Administration and Procedures Article 4: Subdivision Regulations

ZONING TEXT AMENDMENT PROPOSAL

The purpose of this text amendment is to update the Unified Development Ordinance (UDO) to include new laws enacted by S.L. 2025-94 a regulatory act entitled “An Act to Provide Further Regulatory Relief to the Citizens of North Carolina”.

REVIEW PROCESS

A Zoning Text Amendment proposal is considered a legislative process. As laid out by North Carolina General Statutes, a legislative process is a policy-level decision with broad discretion by the decision-making authority, in Southport’s case, the Board of Aldermen. Per the City of Southport Unified Development Ordinance, the Planning Board shall provide a recommendation on any proposed Zoning Text Amendment to the Board of Aldermen.

The Board of Aldermen shall hold a duly advertised public hearing before voting on any Zoning Text Amendment. In approving or denying a legislative proposal, the Board of Aldermen shall include a statement describing whether the proposal is consistent or inconsistent with the locally adopted land use or comprehensive plan

AMENDMENT DESCRIPTION

The North Carolina General Assembly ratified House Bill 926 in September of 2025, and it subsequently was signed into law on October 6, 2025. Session Law 2025-94 entitled “An Act to Provide Further Regulatory Relief to the Citizens of North Carolina” includes numerous changes, some are directly applicable to the city’s development ordinance, and many are not. Brady

Herman, City Attorney, provided an update outlining the provisions that are identified as areas of interest for the city.

The City of Southport Planning Staff are presenting this Zoning Text Amendment to incorporate the changes to North Carolina General Statutes, Chapter 160D. Local Planning and Development Regulation found in S.L. 2025-94. The updates are listed below in the order they appear in the UDO.

1. In the event of a parcel of land with split jurisdictions and no formal agreement between the local governments assigning planning and development jurisdiction, a property owner may elect to use the planning and development regulations of the jurisdiction with most of the acreage of the subject parcel of land.
2. Remove all waiting periods for refile of zoning map and text amendments, development applications, or requests for development approval.
3. Reiterate that at the time of expiration of a special use permit that is not vested, the current zoning applies.
4. Clarify that a new permit for a property does not extinguish any other development rights on the property.
5. Remove any requirements for fire access roads that are not in compliance with the North Carolina Residential Code.
6. Remove any requirements for street construction standards that are more stringent than those adopted by the Department of Transportation.

The following provides the proposed language changes per section of the UDO.

1.4 JURISDICTION AND ZONING MAP

- C. If a parcel of land lies within the planning and development regulation jurisdiction of more than one local government and there is no mutual agreement pursuant to Article 20 of Chapter 160A of the General Statutes that assigns exclusive planning and development regulation jurisdiction, the landowner may elect to apply land use ordinances of the local government with a majority of the total acreage of the parcel of land.

2.6 COMMON REVIEW PROCEDURES

L. RECONSIDERATION OF DENIAL

1. An application for development approval may be resubmitted at any time after the denial of an application.

~~Whenever an application for a permit or approval authorized by this ordinance is denied, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered within a 12 month period unless explicitly specified by this ordinance or the applicant clearly demonstrates that:~~

- ~~a. Circumstances affecting the property that is the subject of the application have substantially changed or~~
- ~~b. New information is available that could not with reasonable diligence have been previously presented. A request to be heard on this basis must be filed in writing with the UDO Administrator.~~

2.10 UDO TEXT AND ZONING MAP AMENDMENTS

A. INITIATION OF AMENDMENTS

4. ~~Reapplication for amendment. With the exception of requests originating with the Board of Aldermen, Planning Board, or city administration, an application for any rezoning of the same property or any application for the same amendment to the ordinance text shall be permitted only once within any six (6) month period following official action. The Board of Aldermen, by simple majority, may waive this restriction if it finds any emergency exists. A zoning text or map amendment may be resubmitted at any time after official action or a withdrawn application.~~

2.12 VESTED RIGHTS

B. ESTABLISHMENT OF A ZONING VESTED RIGHT

5. A vested right obtained by permit or other local government approval shall not preclude the use or extinguish the existence of any other vested right or use by right attached to the property.
6. If a special use permit expires and does not vest, the current zoning classification or regulation for the property applies.

4.8 STREETS AND ROADWAY NETWORK

B. STREET DESIGN

1. The design of all streets and roads, including drainage, shall be in accordance with the minimum design and construction criteria for the most recent version of the NCDOT Subdivision Roads Minimum Construction Standards and NCDOT Guidelines for Drainage Studies and Hydraulic Design., ~~unless this ordinance establishes a stricter standard.~~
5. Fire apparatus access roads. Any subdivision of more than ~~30~~ 100 residential units or lots, or additions to existing developments such that the total number of units exceeds ~~30~~ 100, shall be required to provide two (2) vehicular access/fire apparatus access roads per Appendix D of the NC Building Code. Such fire apparatus access roads shall be placed at a distance apart equal to not less than one-half the length of the maximum overall

diagonal dimension of the property to be served, measured in a straight-line distance between accesses.

C. STREET CONSTRUCTION STANDARDS

All streets shall be constructed in accordance with the ~~following minimum standards:~~ pavement design standards adopted by the Department of Transportation.

1. ~~The sub-grade must contain a minimum 12 inches of compacted earth.~~
2. ~~The stone base must contain a minimum eight (8) inches of compacted stone.~~
3. ~~The base course of asphalt must contain a minimum two (2) inches of b-25 ob.~~
4. ~~When each street has 80 percent of the lots on that street with certificate of occupancies issued a minimum one and one half (1 1/2") inches of SF9.5A final surface course shall be applied.~~

EVALUATION AND CONTEXT

Unified Development Ordinance Compliance

Zoning Text Amendments, like General Use Zoning Map Amendments (Rezoning), follow the process in Section 2.10 of the City of Southport Unified Development Ordinance. Under 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 applicable official adopted plans. The Board of Aldermen shall, in their final decision-making capacity, base their decision upon the same.

Southport 2050 Comprehensive Plan Compliance

There are no formal discussions or policies related directly to the updates necessitated by the enacted law. Overall, the comprehensive plan prioritizes compatible development in the city and throughout the planning area, including Brunswick County. Annual updates to local ordinances ensure that development is orderly and following statutory requirements. Staff find the zoning text amendments outlined in this report to be consistent with the Southport 2050 Comprehensive Plan.

STAFF'S RECOMMENDATION

City Planning Staff respectfully submit the proposed Zoning Text Amendment to the Planning Board for their consideration, as outlined in this report. The proposal is found to be consistent with the Southport 2050 Comprehensive Plan and Southport Unified Development Ordinance. Therefore, Planning Staff recommend the Planning Board send a recommendation of APPROVAL to the Board of Aldermen.

Attachments:

Consistency Statement

City Attorney Update Memo



**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-26-01 – Unified Development Ordinance Updates per S.L. 2025-94

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby finds that the proposed text amendment is consistent with the City’s 2050 Comprehensive Plan adopted on October 9, 2025. Annual updates to local ordinances ensure that development is orderly and following statutory requirements. The Planning Board recommends that the Board of Aldermen **APPROVE** the zoning text amendment.

The statement and motion was seconded and passed _____.

Ayes: _____

Noes: _____

Absent or Excused: _____

Scott Baillargeon, Deputy City Clerk | Date

Lawrence N. Ashley, Chairman | Date

MEMORANDUM

To: City of Southport Mayor and Board of Alderman

CC: Noah Saldo, City Manager; Maureen Meehan, Planning Director

From: Brady Herman, The Brough law Firm, PLLC

Date: January 5, 2026

Re: S.L. 2025-94 - a regulatory act signed into law on October 6, 2025

The purpose of this memorandum is to provide an update to our municipal clients on new laws enacted by a regulatory act entitled “An Act to Provide Further Regulatory Relief to the Citizens of North Carolina” was signed into law on October 6, 2025.¹ The act addresses various areas of North Carolina law. The following are areas we have identified of interest to our local governments:

SURVEYOR RIGHT OF ENTRY

This new section outlines circumstances under which a professional land surveyor may enter onto private property.²

PROHIBIT INSPECTION DEPARTMENTS FROM CHARGING FEES FOR CERTAIN INSPECTION CANCELLATIONS

This change amended N.C.G.S. § 160D-1104 by adding a new subsection to read “[a]n inspection department shall not charge the permit holder a fee or fail an inspection of a building or structure subject to the North Carolina Residential Code, if the permit holder cancels a scheduled inspection more than one business day before the scheduled inspection.”³ The practical effect is that a permit holder cannot be charged for cancelling a Residential Code inspection more than a day before it is scheduled.

LIMIT DESIGN METHODOLOGY AND CONSTRUCTION STANDARDS FOR CERTAIN MUNICIPAL STREETS

N.C.G.S. § 160D-702 was rewritten. It states that zoning or other development regulations shall not do the following:

- (1) Set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code.

¹ This act became effective when it became law on October 6, 2025.

² This law repealed N.C.G.S. § 89C-19.2 and amended Article 22B of Chapter 14 of the General Statutes by adding a new section titled “§ 14-159.15. Limited right of entry by professional land surveyors.”

³ N.C.G.S. § 160D-1104(d2).

- (2) Require a parking space to be larger than 9 feet wide by 20 feet long unless the parking space is designated for handicap, parallel, or diagonal parking.
- (3) Require additional fire apparatus access roads into developments of one- or two-family dwellings that are not in compliance with the required number of fire apparatus access roads into developments of one- or two-family dwellings set forth in the Fire Code of the North Carolina Residential Code for One- and Two-Family Dwellings.
- (4) Establish or require pavement design standards for public roads or private roads that are more stringent than the minimum pavement design standards adopted by the Department of Transportation.⁴

PROHIBIT WAITING PERIODS FOR REILING OF DEVELOPMENT APPLICATIONS

N.C.G.S. § 160D-601 was amended by adding a new subsection that prohibits waiting periods for denied or withdrawn applications for zoning map amendments, text amendments, development applications, or requests for development approval.⁵

LIMIT LOCAL GOVERNMENT AUTHORITY TO REGULATE THE DISPLAY OF AMERICAN FLAGS ON PRIVATE PROPERTY

N.C.G.S. §144-7, which is titled “Display of official government flags; public restrictions,” included a provision that stated reasonable restrictions on “flag size, number of flags, location, and height of flagpoles” were not prohibited, provided that such restrictions did not discriminate against any official governmental flag in any manner. This section was amended to describe extra measures that must be taken if the flag being restricted is the flag of the United States or the State of North Carolina.⁶

CLARIFY EXISTING USE RIGHTS ON PROPERTY

N.C.G.S. §160D-108 is titled “Permit choice and vested rights.” One sentence has been added to the end of this section: “A vested right obtained by permit or other local government approval shall not preclude the use or extinguish the existence of any other vested right or use by right attached to the property.” Put slightly more succinctly, a new permit may not extinguish any other vested right or use by right.

⁴ These prohibitions apply to any road, street, highway, thoroughfare, or other way of passage that is owned by a city or the Department of Transportation. N.C.G.S. § 160D-702(d).

⁵ The law applies to development regulations or unified development ordinances periods prohibiting landowners, developers, or applicants from reiling unless they comply with waiting periods adopted by the local government. N.C.G.S. § 160D-601.

⁶ This restriction now requires an “evaluation of and written findings of fact to document the public health, safety, and welfare concerns justifying enforcement of the ordinance at that particular property.” Further, if the justification asserted relates to traffic, the law requires that a determinative site study be conducted by the Department of Transportation before finding the prohibition is warranted. N.C.G.S. §144-7(b). Also, this section any citation, fine, penalty, action, proceeding, or litigation pending on October 6, 2025, which resulted from application of an ordinance contrary to the provisions of this section.

QUASI-JUDICIAL ZONING DECISIONS

N.C.G.S. §160D-705 is titled “Quasi-judicial zoning decisions.” One sentence has been added to the end of this section: “If a special use permit expires and does not vest, the current zoning classification or regulation for the property applies.” Put slightly more succinctly, if a special use permit expires and does not vest, the “current” zoning applies.

SPLIT JURISDICTION

N.C.G.S. § 160D-203 is titled “Split jurisdiction” and was rewritten. One revision makes clear that if the land which lies in two jurisdictions is assigned to one of the two jurisdictions under a mutual agreement, then that jurisdiction has exclusive planning and development regulation over the land, to include all development phases on the land.

Another revision is that when two or more local governments with land use jurisdiction over a parcel of land fail to mutually agree, with the consent of the landowner, as to which jurisdiction's land use ordinances apply to the entire parcel, the landowner can elect to apply land use ordinances of the jurisdiction with a majority of the acreage of the parcel of land.

The other changes to the section address particulars around the mutual agreement referenced above.⁷

⁷ This mutual agreement is drawn between the two local governments pursuant to Article 20 of Chapter 160A of the General Statutes, and with the written consent of the landowner. “This section shall only be applicable to planning and development regulations and shall not affect taxation or other nonregulatory matters. The mutual agreement ... shall be evidenced by a resolution formally adopted by each governing board and recorded with the register of deeds in every county where the property land is located within 14 days of the adoption of the last required resolution.” N.C.G.S. § 160D-203(c).



Planning Board Update – February 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.**

At the January 27, 2026, meeting, the Board of Adjustment approved a special use permit for an accessory dwelling unit on Atlantic Avenue and rescinded an appeal to staff's decision on property at the corner of S Caswell Avenue and W Bay Street. The agenda for the February 24, 2026, meeting includes two special use permits for an accessory dwelling unit and an appeal to the staff determination for a ROW encroachment violation at 410 E Bay Street.

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 are updated to reflect the suggested changes from the HPC's January 7, 2026, meeting and are available on the city's website. The suggested changes are results of public comment from the July 2025 public hearing and at other open meetings of the HPC through January 2026. New language is underlined, and deleted language is struck through. All changes are highlighted yellow.

The HPC will continue reviewing the updated draft local historic district design standards at the March 4, 2026, meeting.

<https://cityofsouthport.com/wp-content/uploads/2026/02/HPC-Recommendations-Design-Standards-1-22-26.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.**

Staff received notice of the city's certification as a Tree City USA community for the 22nd consecutive year. The forestry committee is starting an inventory of public trees. They will be out and about measuring trees throughout the spring. The annual tree planting continues. Staff are preparing proposed updates to Section 3.18, Tree Protection and Landscape Preservation, to be presented to the committee for input before submitting them to the Planning Board for their recommendation to the Board of Aldermen.

The annual Arbor Day celebration is scheduled for Saturday, April 25, 2026 at Franklin Square Park.

Other Staff Projects:

- The Southport 2050 Comprehensive Plan has been certified by the Coastal Resources Commission.
- The NC Resilient Coastal Communities Program (RCCP) Phase 1 & 2 project is in the beginning stages of preparing a vulnerability assessment report. Stakeholders are being identified and a kickoff meeting will be held in early spring. 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 in the final stage of completion. The 3rd and final stakeholder meeting was held February 12, 2026. Upon completion, the plan will include prioritized pedestrian and bicycle improvements, including cost estimates and funding opportunities. Implementation of the plan will include both short- and long-term projects. A multimodal grant from NCDOT funds the plan.
- The Southeastern NC Hazard Mitigation Draft Plan is complete. Each jurisdiction covered by the plan will adopt the hazard mitigation plan by resolution. The plan will go before the Board of Aldermen at their March meeting. A link to the draft plan is found below. Please be aware that this is a large file. Section 7 and Section 9 have detailed information specific to individual communities.

 [020526 DRAFT SENC Regional HMP.pdf](#)