



**CITY OF SOUTHPORT
PLANNING BOARD
REGULAR MEETING
223 E BAY ST
SOUTHPORT NC 28461
MINUTES**

March 20, 2025
6:00 PM

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

Staff: Maureen Meehan, Planning Services Director
Wendell Biddle, City Planner
Tori Deviney, Deputy City Clerk

A. Chair Hodgins called the meeting to order at 6:00 PM

B. Mr. Hewett gave the Invocation

C. Chair Hodgins led everyone in the Pledge of Allegiance.

D. Approval of Minutes

1. February 20, 2025 Planning Board Meeting Minutes

A motion to approve the February 20, 2025 minutes was made by Mr. Hewett and seconded by Mr. Fiss. ***Unanimous vote, motion carried.***

E. Approval of Agenda

A motion to approve the agenda was made by Mr. Lambert and seconded by Mr. Hewett. ***Unanimous vote, motion carried.***

F. Public Comment

A motion to go into public comment was made by Mr. Fiss and seconded by Mr. Bove. ***Unanimous vote, motion carried.***

There was no public comment.

A motion to go out of public comment was made by Mr. Hewett and seconded by Mr. Lambert. ***Unanimous vote, motion carried.***

G. Old Business

None

H. New Business

1. Unified Development Ordinance (UDO) Amendment to Article 6 Stormwater Regulations - Introduction and Presentation [Maureen Meehan and Tom Zilinek]
Director Meehan introduced Tom Zilinek, the City Engineer, who would present an overview of the proposed Stormwater Management Ordinance. She explained that after the presentation and Board discussion, staff was requesting the proposal be forwarded to the existing UDO Review Committee. The Committee would meet with Mr. Zilinek one-on-one to review the ordinance in greater detail, and then bring the full ordinance back to the Board. A copy of the draft ordinance was distributed to members.

Mr. Zilinek explained that the goal was to update and strengthen the Stormwater Management Ordinance currently in the UDO. The intent of the ordinance is to safeguard property, health, and welfare by regulating stormwater drainage and requiring control measures, including engineering tools. He said this would promote orderly development and protect infrastructure and property—especially in areas prone to flooding. He referenced recent flooding in September as an example of the risks involved.

Mr. Zilinek stated that development increases runoff and erosion, carrying sediment and pollutants into rivers like the Cape Fear. He said adopting the ordinance was necessary for protecting public health and natural resources. He described the problem of increased runoff from impervious surfaces, saying it moves faster and causes localized flooding. He explained that a paved or hardscaped area can double the runoff compared to sandy or grassy areas.

The ordinance would introduce specific requirements to manage the volume and quality of runoff from development sites. He said the objectives include reducing hazards to health and safety, regulating pollutants, preventing illicit discharges, and establishing legal authority for inspections, monitoring, and enforcement.

Mr. Zilinek said the ordinance creates two categories: minor development and major development. It would apply to all lots in the City, including nonconforming ones.

For minor development, such as infill housing and additions, he said the ordinance would apply to projects that add new impervious coverage. Though small individually, these projects contribute significantly over time. Under the ordinance, new impervious coverage would be required to infiltrate two inches of runoff, with an overflow mechanism. As an example, a 2,400 square foot house would need 400 cubic feet of stormwater storage. If only an addition was being built, the requirement would apply only to the new portion.

Mr. Zilinek said this could be achieved with a rain garden—a planted landscape depression that temporarily holds and filters water—or with a dry well system. He suggested that rain barrels could be tied into roof leaders. Estimated costs were about \$1,500 for a rain garden and \$4,000 for a dry well for a 2,400 square foot home.

Mr. Zilinek noted that the ordinance allows for waivers in cases of exceptional hardship, if the public benefit of granting the waiver outweighs the drawbacks. He showed illustrations of rain gardens and described them as attractive and natural additions to yards.

For major development, Mr. Zilinek said the ordinance would apply to projects with more than 10,000 square feet of impervious surface. This would rarely apply to individual lot owners unless they were disturbing that much land. Under the proposed ordinance, stormwater peak flow from a site would be reduced by 50% for the two-year storm, 75% for the ten- year storm, and 80% for the hundred-year storm. This is stricter than the current ordinance, which only requires that peak flow not increase.

For water quality, the ordinance would require 80% removal of total suspended solids (TSS) from the water quality design storm, using green infrastructure and groundwater recharge practices.

Mr. Zilinek described a maintenance permit requirement. Developments with detention basins or stormwater facilities would need to file quarterly reports with the City confirming that the systems are working properly. These reports would not require an engineer—anyone from the development could complete them. He showed a sample checklist that includes items like mowing grass and clearing trash racks. Property owners with rain gardens or dry wells would be exempt from this reporting.

Chair Hodgkin stated that some neighborhoods already have wetlands and are required by The Department of Environmental Quality (DEQ) to maintain them, including cleanouts. She asked if this city-level requirement would be in addition to those, and whether reports would also be filed with the city.

Mr. Zilinek indicated the requirement would be filed with the City and is separate from the State's. He said the State only requires inspection after major rain events, while the proposed ordinance would require quarterly inspections regardless of weather.

Chair Hodgkin asked whether the City had a record of developments with existing detention or wetland facilities, and whether coordination with those developments was possible.

Mr. Zilinek confirmed that the City had recently completed stormwater mapping that included many of the existing basins. He said the City would send letters to affected Homeowner's Associations (HOAs) explaining the new requirements and offer to meet with them in person. He noted that most HOAs are already doing this type of maintenance—it would just be done more frequently under the new ordinance. Chair Hodgkin responded that she liked the idea, especially for neighborhoods that are already doing this kind of maintenance regularly.

Mr. Zilinek continued, saying that as part of his stormwater review process for development applications, he has started requiring a stormwater manual. Developers had previously submitted only the DEQ permit, but he told them that was not enough. He now requires details on what is being inspected, when, and how often. He said recent developments have been submitting more comprehensive materials, though the maintenance permit process has not yet been implemented.

Mr. Zilinek then compared the current ordinance with the proposed version. Under the current ordinance, stormwater controls only apply when impervious surface increases by 10,000 square feet or when one acre of land is disturbed. That excludes most infill housing projects. The proposed ordinance would lower the thresholds to 800 square feet of impervious surface or 2,000 square feet of disturbance, capturing smaller-scale development. He reiterated that the current ordinance does not allow any increase in peak flow for the 2-, 10-, or 25-year storm events. The proposed ordinance would reduce peak flow by 50% for the two-year storm, 75% for the ten-year, and 80% for the hundred-year

storm, meaning less water would leave the site and at a slower rate. He also clarified that the current ordinance does not include any TSS removal requirements. The proposed ordinance would require 80% TSS removal for the water quality design storm. For minor development, he said that currently, there are no restrictions. A property owner could technically pave over the entire lot. Under the proposed ordinance, infiltration of two inches of runoff for any new impervious surface would be required.

Mr. Zilinek discussed a proposed land disturbance ordinance that would complement the stormwater regulations. He said the goal was to preserve trees and woodland, prevent erosion and sedimentation, and protect the use of topsoil. Exemptions would include gardening for home use and single-family homes disturbing less than 2,000 square feet that are not part of a larger subdivision. Homes in subdivisions with approved stormwater plans would also be exempt. He outlined the possible requirements: a grading plan with existing and proposed elevations; an erosion and sediment control plan; a project schedule; and possibly an environmental impact assessment, depending on the location. He said this would address situations where a property is raised and water is redirected onto neighbors' lots, creating drainage problems. Factors for approval could include retaining natural vegetation when possible, limiting the area of disturbance, stabilizing exposed areas during and after construction, and using vegetative buffers, mulching, and other measures to slow runoff and capture sediment. It would also encourage on-site retention of rainfall and management of increased runoff caused by changes to the landscape. He said the ordinance would promote long-term stabilization and erosion control through all phases of construction.

Mr. Zilinek concluded by saying that additional changes could come in future phases, such as setting limits on impervious coverage based on zoning, establishing lot coverage limits, and possibly applying floor area ratios and that he noted that the draft ordinance in the Board's packet was still a working document. He and Director Meehan had been revising it recently, shifting from a standalone document to a section integrated into the existing Unified Development Ordinance. Some references still need to be updated to match the UDO format.

Chair Hodgins thanked Mr. Zilinek for the detailed work on the ordinance and said she appreciated the thought put into the language. She noted that she had a few questions and asked if Mr. Zilinek could reference specific citations in the ordinance to explain how certain issues were addressed.

Chair Hodgins brought up the topic of soil being brought in during construction and said that in her own neighborhood, it had been a common issue. Two houses on her cul-de-sac had

recently been completed, and both builders had brought in fill dirt to elevate the lots. She noted that her own property sat lower than those lots and asked where and how such practices were addressed in the proposed ordinance.

Mr. Zilinek responded that this issue was not addressed in the current stormwater ordinance. He explained that it would fall under the land disturbance ordinance he had previously mentioned, which was still in development. He said that ordinance was in a rough draft stage, and the intent was to introduce it after the stormwater ordinance, rather than overwhelming the public with multiple new ordinances all at once. He emphasized that stormwater management was prioritized first, with other components like land disturbance to follow.

Chair Hodgkin confirmed that infill lots would be classified as minor development under the proposed stormwater ordinance. She referenced pool installations specifically, saying that in her experience, builders often bring in soil for those as well, and are likely required to do so in order to allow for settling. She asked how such changes in elevation would be addressed, particularly with regard to neighboring properties' hydrology and the risk of increased flooding—especially with events like Hurricane Florence in mind. She noted that many homes in the area are not occupied year-round, and sudden changes in grading could result in unexpected flooding for neighbors.

Mr. Zilinek said that those types of land alterations would also fall under the land disturbance ordinance, not the current stormwater proposal. He acknowledged that a common question in this context is whether a pool should be considered impervious or pervious. He explained that the answer varies by jurisdiction. Some argue that pools are pervious because they're not filled to the top and can absorb several inches of rain. Others argue that pools are effectively a solid surface that prevents infiltration. He said he has worked in places that treat pools as impervious and others that treat them as pervious, and that arguments can be made on both sides.

Mr. Zilinek concluded by saying that this is ultimately a policy decision and would be up to the Board or community consensus to determine how pools should be categorized within the land disturbance ordinance. Chair Hodgkin acknowledged that these would be matters for further discussion as the land disturbance ordinance is developed, and that the community would have input on how to approach these types of issues.

Chair Hodgkin asked how patios and other improvements on existing lots—such as outdoor kitchens—are currently handled. She asked if the City or individual neighborhoods have impervious surface requirements or restrictions, and how additions like patios are monitored or checked for compliance.

Mr. Zilinek explained that, under the current code, there are no city-wide limits on impervious coverage. A property owner could technically make their entire lot impervious. However, in some developments—particularly those with DEQ stormwater permits—impervious limits are assigned per lot. Those limitations would come from the development's own permit, not from the City's ordinance. In general, for lots outside of those developments, there is no restriction.

Chair Hodgkin asked whether the proposed updates were set up to limit impervious

coverage, and if that was the direction the City was headed for better stormwater management. She noted that, as the City continues to grow and development increases, managing impervious surfaces and runoff becomes more critical. She said the goal should be to either restrict impervious surface or provide ways for property owners to manage the resulting runoff more effectively.

Mr. Zilinek confirmed that this is the goal of the proposed ordinance. He explained that this is why the ordinance introduces the minor development stormwater permit—to address the gap in regulation for smaller projects. Currently, there is nothing the City can require from property owners unless their development adds more than 10,000 square feet of impervious surface or disturbs more than an acre. Those thresholds apply to large subdivisions, but not to infill housing or smaller projects. The new permit would allow the City to regulate and manage stormwater runoff from these smaller lots.

Chair Hodgins brought up the flooding that occurred in events like Hurricane Florence and Tropical Cyclone Number 8, particularly in areas like Park Avenue and Stuart Avenue. She asked how the proposed ordinance would help residents in those existing neighborhoods and on those specific roads.

Mr. Zilinek responded that the ordinance would not apply to areas that are already fully developed unless the property owners in those areas undertake changes—such as building an addition, installing a patio, or expanding a driveway. For existing homes and streets where no new development is happening, the ordinance would not require any retroactive changes. He clarified that the ordinance is focused on future development and managing its impact.

He acknowledged the concern and noted that the City had recently completed a Stormwater Capital Improvement Plan as part of the stormwater mapping project. That plan identified 13 top-priority stormwater projects across the City, with a total estimated cost of \$30 million. The City submitted a Letter of Intent to apply for funding through the State Department of Public Safety and FEMA's BRIC grant program. The City's application was accepted, and the project submitted was for Bonnets Creek, Phase One.

That project would remove the existing stormwater line that currently runs beneath the hospital emergency room, which poses a risk if repairs are needed in the future. The project would install a new stormwater system in the rear yard, replacing a privately owned ditch and increasing system capacity in that area. Mr. Zilinek clarified that this work is outside of the ordinance, but is part of what the City is doing separately to address problem areas.

Chair Hodgins confirmed that this grant-funded project was intended to help the area around Bonnets Creek, which often floods due to its low elevation. Mr. Zilinek responded that the issue is not just elevation—he said the problem is that the City is flat, with no natural grade. Rain tends to sit where it falls unless there is a drainage system to carry it away. Because of how the City was originally developed, many areas have minimal or no slope.

Chair Hodgins asked if the BRIC project would include the installation of new drains in the area.

Mr. Zilinek said yes, the project does include new drainage in areas within that subregion. However, it does not cover the entire city. He said the challenge is prioritizing where to start.

Chair Hodgkin explained that the reason she asked was because residents had approached her about that same area. They were concerned and had been told that their neighborhood did not fall into a priority category in the stormwater study. Chair Hodgkin said people in that area feel like they've been left out of the stormwater improvements.

Mr. Zilinek explained that the area was prioritized because of the hospital emergency room, and the fact that a stormwater pipe currently runs underneath it. That pipe was listed as the number one priority for repair. He said if there were ever a failure in that pipe, the City would face a situation where it would have to tear up the emergency room to make repairs—something they want to avoid at all costs. He added that, typically, stormwater repairs begin at the river and work outward, but this situation required a different approach due to the high-risk infrastructure involved.

Chair Hodgkin asked how the ordinance would be enforced once it is fully implemented. She posed a general question about enforcement—what happens if someone is in violation, whether in a larger development or a single residential project. She asked whether it would fall under what she called the usual “tattletale method.” Would the process be if someone saw a violation—whether enforcement would rely solely on citizen reporting or if there would be a more formal process in place.

Mr. Zilinek explained that most enforcement would begin during the building application process. If a homeowner applies for a permit to add a patio or build an addition, that permit is already routed to him for stormwater review. He noted that even though there is currently no ordinance in place requiring action on stormwater for small developments, the review process is already in motion.

Chair Hodgkin said that what she sees taking shape is a formal process, which would help the public understand how enforcement works. She said that once everything is in place, it would create a structure where City staff can monitor compliance. As permits are submitted and reviewed by staff—including Mr. Zilinek—projects will be flagged for stormwater compliance. She noted that this process would ultimately tie in with inspections.

Mr. Zilinek clarified that stormwater inspections under the ordinance would take place outside of the building inspections department. He said the inspections would likely be handled by himself and the Public Works Director, Tom Stanley. He also noted that Kiley Barefoot, the City Building Inspector, had been involved in developing the ordinance as well, since he would be the one initiating the review process when permit applications are submitted. Chair Hodgkin confirmed with Mr. Zilinek that this would happen at the point when those applications first come in.

Mr. Bove began by stating that if the same individuals were placed in charge of implementing this ordinance, he would expect some pushback. He said that expectations may not match reality, especially when it comes to severe weather events. He pointed out that a 1,000-year storm could produce six inches of rain, and some people might expect a visible improvement in those situations.

Mr. Zilinek responded that this was an important point and said it had come up repeatedly since the September flooding. He emphasized that the City's stormwater system had not "failed" during that event—it had been overwhelmed. The current system is only designed for a 25-year storm, and the storm in question was a 1,000-year event. He clarified that the proposed ordinance is designed to handle up to a 100-year storm, not beyond. He said designing a system for 1,000-year storms would be cost-prohibitive and not reasonable to require.

Mr. Bove said he had several comments but would only mention a few general ones at this time. He stressed the importance of clearly defining impervious surface, noting that it must be Southport's definition. He said DEQ and other agencies differ in their interpretation—for example, some consider pools impervious, others pervious. He referenced a 20-acre reservoir project that was initially deemed impervious. He also mentioned the need to understand types of permeable materials and their actual behavior under use.

Mr. Zilinek responded by referencing the draft ordinance, which defines impervious surface as "a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water."

Mr. Bove agreed with that definition but said the term "highly resistant" is often used in stormwater management discussions. He then pointed to Objective #4 in the ordinance and raised concerns about maintenance failure. He said he had read references to bonding in the proposed ordinance and felt that more stringent bonding requirements should be included, especially for developers who may turn maintenance responsibility over to homeowners' associations as quickly as possible.

Mr. Zilinek agreed, noting that a common weakness in stormwater ordinances is the failure to enforce long-term maintenance. He said that was one of the key points this ordinance aims to address.

Mr. Bove mentioned that some municipalities require development bonds that extend several years beyond the closeout of a project or the establishment of an HOA. This ensures that developers remain responsible for stormwater infrastructure during a transition period. He added that he would be happy to submit written comments and feedback on the ordinance. He also noted that the ordinance language is sometimes unclear about who is responsible for reviewing and ruling on alternatives and waivers. In different sections, it references city staff, the city engineer, or departments, which could lead to confusion.

Mr. Zilinek said he wasn't certain what the state model ordinances say in this regard, but he acknowledged the ambiguity. He clarified that even though the City has its own ordinance, developers must also comply with DEQ permitting. The City's ordinance can be more stringent than the State's, and applicants would be required to meet both standards. He explained that this is why DEQ references still appear in the draft. He added that the ordinance includes language stating that final approval must comply with city standards.

Mr. Bove asked whether that language applied specifically to waivers and alternatives,

and Mr. Zilinek confirmed that it did. Mr. Bove also commented on the purpose statement, saying it was broad and inconsistent in parts. He raised the concern that pervious surfaces may not stay pervious if they are not properly maintained. Mr. Zilinek agreed and elaborated on the need for maintenance. He said the maintenance sheet shown earlier was specific to retention basins, but there is also a separate one for pervious pavement. He shared that he had experience installing pervious pavement in parks and found it effective—if maintained.

Mr. Zilinek emphasized that pervious pavement must be vacuumed quarterly, especially in sandy environments like Southport. Without maintenance, pervious pavement becomes clogged and turns impervious over time. He clarified that sweeping with a broom does not count as maintenance, as it simply pushes debris further into the material. He said that each type of stormwater management system would have its own maintenance sheet detailing the appropriate procedures.

Mr. Ashley raised concerns about rain gardens, specifically relating to their functionality. He said that, in his opinion, they simply don't work and questioned their effectiveness in practice. Mr. Zilinek acknowledged the concern and explained that certain standards must be followed for rain gardens to be effective. He said a percolation test is critical to confirm that the water will actually infiltrate the ground.

Mr. Zilinek added that he doesn't anticipate rain gardens being a major problem in Southport because the City's soil is predominantly sandy, which allows water to percolate easily down to the groundwater table. However, he said there are two key factors that must be addressed in the design: the soil type and the depth of the groundwater table. If the groundwater table is too high and intersects with the rain garden, then it would perform poorly, validating the concern. These considerations would need to be clearly included in the design process.

Mr. Ashley said that in his personal experience, clay had been brought into his property during construction. The clay was packed so densely that it made the soil almost impermeable, preventing the rain garden from functioning as intended. He asked how the City plans to ensure that rain gardens are properly maintained.

Mr. Zilinek said this was a significant challenge. He stated plainly that if individual homeowners were required to formally maintain their rain gardens, there would be strong resistance. He said that enforcing such a requirement would become burdensome and impractical. While the City could send reminder letters or notices, actively policing individual homeowners would be infeasible. He added that this is why the ordinance includes a maintenance waiver for single-family homes, recognizing that it would be difficult to enforce compliance on that scale. Otherwise, the City would constantly be chasing noncompliance and telling homeowners to dig up and rebuild their rain gardens, which would lead to negative public perception.

Mr. Ashley agreed and added that maintenance means more than just keeping it functional—it includes clearing debris and keeping vegetation properly maintained. He then asked about the possibility of installing rain gardens in the City's rights-of-way, noting that he's seen them used in such areas elsewhere.

Mr. Zilinek responded that there was no reason rain gardens couldn't be located in the

rights-of-way. He said they are not obstructions and are often considered aesthetic enhancements. He noted that many people already maintain landscaping in rights-of-way areas. He said ultimately it would be a decision for the Board to make, depending on how they want to handle installations in those locations. He added that, as with many issues, there could be arguments both for and against it.

Mr. Ashley closed by complimenting staff on the work done so far and said he appreciated the effort that went into preparing the ordinance and presentation.

Chair Hodgkin asked if there were any further comments from the Board. She noted that the ordinance includes language related to preventing runoff onto neighboring properties and began to raise a point about enforcement in such situations.

Mr. Fiss expressed his support for rain gardens and said he believed they are a good idea. However, echoing earlier concerns, he added that there would likely be pushback from homeowners who feel overregulated. He noted that rain gardens are often designed for low-lying areas and asked if that would create problems.

Mr. Zilinek responded that low-lying areas could work for rain gardens if they are deep enough to provide storage. He said that in many cases, they would still be effective.

Mr. Fiss asked whether the rain gardens would need to be directly connected to the home's downspouts or tied into a more structured system.

Mr. Zilinek said that while a direct connection wasn't required, the rainwater would need to reach the garden, whether by a swale, surface flow, or some form of redirection. The key is that the water is directed to the designated infiltration area.

Mr. Fiss then asked whether, for example, in the case of Bonnets Creek, Phase One, adding more development would increase runoff. He wanted to know what the expected impact on stormwater flow might be. Mr. Zilinek said it was likely that there would be increased flow from the new development, but a full hydraulic analysis would be needed to know for sure. He said preliminary indications suggested it would send more stormwater into the surrounding areas.

Mr. Fiss asked if there would be any benefit to improving maintenance of Bonnets Creek as part of broader stormwater management strategies. Mr. Zilinek explained that much of Bonnets Creek, including the area behind his own home, is designated wetlands. He said the natural function of wetlands is to retain floodwater and slowly release it over time. He said the ordinance would have some effect on this natural cycle, but not necessarily a negative one—wetlands are intended to support stormwater retention.

Mr. Fiss suggested that maintaining visibility or accessibility of Bonnets Creek might help address some public concerns. Mr. Zilinek noted that there has been a unique situation in Bonnets Creek. A family of beavers has taken up residence there and regularly builds dams that back up water in the area. He said Public Works frequently removes these dams, but the beavers tend to rebuild them quickly, creating a constant cycle. He said this natural activity is responsible for some of the rising water levels in the creek. He added that the situation with Bonnets Creek and the beaver dams was not part of the ordinance currently under discussion, but rather a separate matter.

Chair Hodgkin commented that the City was experiencing a form of natural recreation and shifted the discussion toward the next steps. She confirmed that the intention was to refer the ordinance to the UDO committee for further refinement and coordination with staff. Director Meehan added that additional concerns could be worked through during that process. Mr. Zilinek agreed, saying that after review and revisions, the ordinance would eventually return to the Planning Board for a recommendation to forward it to the Board of Aldermen.

Chair Hodgkin said they would likely begin to receive letters and hear feedback as the ordinance progresses. She thanked staff for their work and acknowledged the complexity of the issues involved. She also noted that the implementation of the ordinance would require legislative action, and there are corresponding items in the UDO that will need to be reviewed and revised accordingly.

2. Unified Development Ordinance Updates for 160D Consistency [Maureen Meehan]

Director Meehan informed the Board that the proposed ordinance and related updates were part of the Legislative Review of Chapter 160D of the North Carolina General Statutes. She explained that 4 text amendments were being submitted as routine updates to ensure the Unified Development Ordinance (UDO) aligns with State law.

She began with the first amendment, which pertains to Section 2.10(B)(4) – Planning Board Action. She explained that this relates to N.C.G.S. 160D-604 and applies to zoning text and map amendments. The change allows the governing board to act on an amendment even if a written recommendation from the Planning Board has not been received. She noted that the statute uses the word “may,” not “must” or “shall,” giving the governing board discretion.

Chair Hodgkin clarified that this change applies only to text amendments—not subdivision approvals. She asked if this applies to text amendment requests submitted by the public, and Director Meehan confirmed that it does. Chair Hodgkin also asked whether this change starts a 30-day review clock once an application is received. Director Meehan explained that the application can trigger the review timeline, but the recommendation itself does not have to be perfect or complete for the process to move forward.

Director Meehan then reviewed the second amendment, related to Section 2.15(D) – Penalties and Remedies for Violations. Referencing N.C.G.S. 160D-404, she said the revision removes the provision for criminal penalties. Enforcement would now rely solely on the civil remedies outlined in G.S. 160A-175, ensuring the City’s procedures match statutory authority.

The third amendment, she said, concerns Section 2.15(E) – Transferring Lots in Unapproved Subdivisions. This update reflects N.C.G.S. 160D-807(a)(7), which now allows certain types of subdivision transfers that were previously restricted. Director Meehan noted that this is a new provision being added directly into the UDO.

Chair Hodgkin confirmed that the language in these amendments is copied directly from Chapter 160D, and Director Meehan acknowledged that the City has no choice in adopting the changes.

Director Meehan introduced the fourth and final amendment, to Section 4.2 – No Subdivision Without Plat Approval. She said this section reaffirms that no subdivision may proceed

without meeting all seven requirements under Chapter 160D. She described this change as an administrative clarification to ensure property owners are aware of potential consequences if the proper process is not followed.

Chair Hodgkin opened the floor for questions or comments and asked about the practical impacts of these required changes. She asked whether any of the amendments posed disadvantages for Southport.

Director Meehan responded that she did not see any negative impacts resulting from the updates.

Hearing no further questions, Chair Hodgkin called for a motion to approve the text amendments as presented and to forward them to the Board of Aldermen. **A motion was made to approve as presented to forward to the Board of Aldermen by Mr. Ashley. The motion was seconded by Mr. Bove. Hearing no additional discussion, the motion passed unanimously.**

Chair Hodgkin then asked for someone to read the consistency statement aloud.

Mr. Ashley read the following into the record:

AMENDMENT: ZTA-25-01 STATEMENT OF CONSISTENCY AND RECOMMENDATION: The City of Southport Planning Board hereby recommends **adoption** of the proposed Zoning Text Amendments to the Board of Aldermen and finds that they are consistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the Southport Board of Aldermen. More specifically, the proposed amendment is consistent with Policy 7.22: The City shall continually maintain all official planning documents.

Chair Hodgkin thanked Mr. Ashley and moved the meeting forward to the next agenda item.

I. Other Business

1. Planning and Zoning Updates [Wendell Biddle]

Mr. Biddle provided a brief update on planning and zoning activity. He stated that there is only one item anticipated for the month of April. The item is currently in re- review.

The project is a minor site plan submitted by a business called SOPO, located at 724 North Howe Street, in an area zoned BD (Business District). The proposed development is a multi-use retail space, which may include a wine bar, retail area, and potentially a restaurant.

Mr. Biddle noted that the project is still under review, but he expects it to be ready for approval at the Planning Board's next monthly meeting. He added that he will prepare a short presentation to preview what the Board can expect from the site plan proposal.

2. Planning Services Director's Updates [Maureen Meehan]

Director Meehan provided several updates to the Board. She began with a report on the UDO Update Review Committee, which met on March 6 to review legal amendments and broader topics brought forward by the Board of Aldermen as well as Committee members. The Committee is expected to review a proposed ordinance at its next meeting, which will include participation from Tom Zilinek. That meeting has not yet been scheduled. Updates from the Committee will be shared at future Planning Board meetings.

She then shared that the next Board of Adjustment meeting is scheduled for Tuesday, March 25 at 4:30 p.m. and will be held at the Indian Trail Meeting Hall. There are two items on the agenda. The first is a variance request from the Homes2Suites hotel seeking relief from Section 3.8(R) of the ordinance, which includes a height variance. As written, the ordinance allows the Board of Adjustment to grant a height variance if the Fire Chief confirms the structure can be safely served. The second case is a special use permit request for an accessory building on a property located along the highway.

Director Meehan also announced that the Forestry Committee will be hosting the City's Arbor Day Celebration on April 25. The event will take place at Franklin Square Park.

She informed the Board that the Comprehensive Plan has been sent to Division Management for their required review. They have 75 days to complete that review, though she hopes it will be completed sooner. An input form and a copy of the plan are available online, and she encouraged residents to review the document and submit comments. Submissions can be made anonymously or with identification and will go directly to staff.

Director Meehan reported that courtesy letters have been mailed to property owners with structures located within the public rights-of-way. These letters are not violations but serve to inform residents of the updated rights-of-way standards and encourage voluntary compliance. A grace period is in place until June 12 for any needed adjustments. She noted that if someone believes they received a letter in error or has questions, they are encouraged to contact planning staff for clarification and assistance.

Chair Hodgkin asked if waivers are available for any of the affected properties. Director Meehan explained that there are no formal waivers, but certain allowances can be made, such as protective measures around existing permanent trees. These measures are intended to help preserve established trees and prevent vehicle damage from parking or access paths within the rights-of-way.

Director Meehan added that many residents have already reached out to planning staff and are actively working to bring their properties into compliance. She then offered a brief update on House Bill 24, which has been filed to restore local downzoning authority. The bill remains in committee with no movement since the last meeting. She noted that 22 other bills have also been introduced seeking to restore similar authority in other jurisdictions, though unfortunately Brunswick County is not included among them at this time.

Chair Hodgkin noted that her contacts believe the legislation is likely to be repealed. Director Meehan agreed that opinions are mixed and added that sometimes outcomes aren't clear until the final days of the legislative session, depending on political developments.

Chair Hodgkin asked about the entryway corridor following recent conversations at the Board of Aldermen meeting and a subsequent workshop held by the Aldermen. She asked for a general update on the topic and what developments had taken place.

Director Meehan confirmed that the City has been working with Brunswick County Planning Staff to establish an overlay district for the entrance corridor into the City. The proposed overlay area runs from 12th Street or Stuart Avenue to the Robert Ruark and NC-87 intersection—a short but highly visible and significant segment at the City's gateway.

She explained that the goal is to ensure that new development within the county's jurisdiction along this corridor adheres to standards that are consistent or closely aligned with Southport's existing ordinance, even though the area falls outside the city limits. She emphasized that this effort is in part a response to Senate Bill 382 and the removal of the City's ETJ (extraterritorial jurisdiction) authority.

The City is hopeful that the county will include this overlay in its ongoing rewrite of the UDO, and staff has received encouragement from county representatives indicating they would like to include it. While the City has not yet received the final language from the County, the Board of Aldermen reviewed feedback from the County during a workshop session. That feedback responded to Southport's original list of desired standards—such as building height, footprint size, design elements, and use restrictions.

Director Meehan noted that the county had pushed back on the 40-foot height limit proposed by Southport, instead returning with a 50-foot maximum height. However, she explained that the County's version would not allow additional height to be negotiated through increased setbacks, which is currently permitted under county rules. She said City staff is now comparing the Brunswick County ordinance and the County's revisions to determine what has been accepted, rejected, or modified, and will bring this back to the aldermen for review and further direction.

Chair Hodgkin commented that the City had started working on a similar corridor plan years ago, before the loss of the ETJ. She said it was encouraging to see staff continuing that effort now, especially with the potential for a legislative repeal of the ETJ changes in the future. She applauded the proactive work being done and emphasized how important it is to be prepared to act when opportunities arise.

She referenced Alderman Mosteller's comments from the previous week's meeting, pointing out the visual contrast between county-approved development and existing city development—citing the dry stack storage facility at the marina as a stark example of what can happen directly adjacent to city limits. She stressed the importance of aesthetic cohesion and thoughtful design along entry corridors, not only for appearance but also to help manage the influx of traffic and infrastructure strain on the City.

Chair Hodgkin expressed optimism about the ongoing collaboration with the County and said she hoped they would recognize the value in many of the city's existing standards. She then asked about the timeline for the county's UDO adoption.

Director Meehan responded that the county hopes to have the UDO adopted by the end of the year, assuming they remain on schedule.

Mr. Fiss asked for clarification on the height discussion, specifically whether the county was open to the 40-foot height limit proposed by the City.

Director Meehan replied that the County was not open to the 40-foot limit. Southport had originally proposed a reduction from 30 feet (the limit under the previous ETJ) to 40 feet as a compromise. The County returned with a 50-foot limit and said that height would be fixed, without provisions for further increase through negotiated setbacks.

She thanked staff for handling the negotiations and acknowledged that discussions had taken place about involving the Planning Board directly in talks with the County Planning Staff and County Planning Board. Ultimately, it was decided that it would be more effective to allow City Staff to work directly with County Staff, rather than introducing too many parties and complicating the process.

She expressed confidence in the team, noting that Wes Macleod with the Cape Fear Council of Government, was also involved, and said she appreciated the work being done behind the scenes. She concluded by saying, "Y'all got this. I appreciate that. Thank you."

3. Liaison Update [Frank]

Alderman Lai commented on the importance of having a strong HOA or POA Architectural Review Board (ARB) to enforce impervious surface limits within neighborhoods. He shared an example from his own community where the ARB, in coordination with City Planner, Wendell Biddle, denied a noncompliant driveway design. He emphasized that local oversight is key to maintaining development standards and managing stormwater in a flat region like Southport, where flooding is a regular concern and the best the city can do is to mitigate the impacts through careful planning. He commended Mr. Zilinek for his work and said, "Tom Z hit it right on the head."

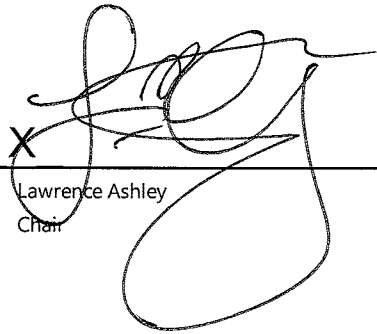
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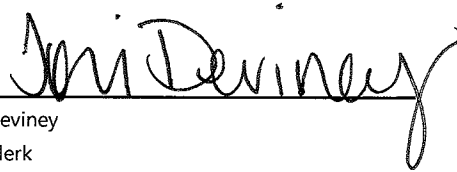
None

K. Adjourn

Chair Hodgins asked for a motion to adjourn the meeting. Mr. Hewett made the motion, which was seconded by Mr. Ashley. ***The motion was approved unanimously.***

The meeting was adjourned at 7:21 PM.

X 
Lawrence Ashley
Chair

X 
Tori Deviney
City Clerk



