



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

August 17, 2023
6:00 PM

Agenda

Please turn off all cell phones

Meetings are open to the public. Face masks and social distancing may be used at the discretion of each individual. Changes to this policy may occur, as needed to help prevent the spread of the Coronavirus.

The regular monthly meeting of the Planning Board will be held at 6:00 p.m. on the third Thursday of each month. All members are asked to attend.

- A. Call to Order**
- B. Invocation**
- C. Pledge of Allegiance**
- D. Approval of Minutes**
 - 1. July 20, 2023
- E. Approval of Agenda**
- F. Public Comment**
- G. Old Business**
 - 1. None
- H. New Business**
 - 1. None
- I. Other Business**
 - 1. Comprehensive Land Use Plan Update
 - 2. Set Date for Next Sign Review Committee Meeting
- J. Announcements**
- K. Member's Information**
 - 1. Attendance Record
 - 2. Member's Roster
- L. Adjourn**



City of Southport
Planning and Zoning Minutes
Community Building 223 E. Bay Street
July 20, 2023
6:00 P.M.

Members Present: Sue Hodgins, Will Hewett, Dick Sloan, Fred Fiss, Chris Jones, Roy Pender, Kevin Locklin, Scott Jones, and Donnie Joyner

Members Absent: None

Staff Present: Travis Henley, Development Services Director
Tanya Shannon, Deputy Clerk
Sydney Heil, Community Building Administrator

Board of Aldermen John Allen
Liaisons:

- A. Chair Sue Hodgins called the meeting to order at 6:01 p.m.
- B. Mr. Donnie Joyner gave the Invocation.
- C. Chair Hodgins led the Pledge of Allegiance.
- D. Motion to approve the June 15, 2023, Meeting Minutes by Mr. Joyner and second by Vice-Chair Hewett. **Unanimous vote; Motion carried.**
- E. Motion to approve the Meeting Agenda By Vice-Chair Hewett and second by Mr. Sloan. **Unanimous vote; Motion Carried.**
- F. Public Comment: Vice-Chair Hewett made a Motion to open Public Comment and was seconded by Mr. Joyner. **Unanimous vote; Motion Carried.**

There being no public comments, Chair Hodgins requested a Motion to close the Public Comment period. A Motion was made by Mr. Joyner to close the Public Comment period and second by Mr. Sloan. **Unanimous Vote; Motion Carried.**

G. Old Business: None

H. New Business: Zoning Text Amendment for Short-Term Rentals and Homestays:

Director Henley explained that Staff is submitting a Zoning Text Amendment for the City's regulations on homestays and short-term vacation rentals. This will bring the Ordinance into compliance 1) with recent judicial decisions and 2) into line with the City's current enforcement standards. Approval of the Amendment as drafted would result in no change in the City's current enforcement, as the Board of Aldermen has already voted in September 2022 to forego enforcement of the inconsistent sections.

Mr. Henley explained that the primary goal of this revision of the Ordinances relating to these uses is the determination that an annual registration requirement for these uses is not permissible under North Carolina General Statutes as determined by a ruling in *Schroeder v. City of Wilmington*. Staff proposed the removal of Section 2.6.I, which outlines the annual registration requirement. These uses are still required to obtain an initial zoning permit, as would be the case for any other use of the property, and the Ordinance does not need further amendments to ensure that that is the case—additional

references to Section 2.6.I within the use standards for homestays and short-term vacation rentals. Director Henley went over the rules that apply to Short-Term Rentals such as any use of either an STR or a Homestay in a district that is not permitted but not in compliance with the standards, may be allowed to continue as a non-conformity if:

- it was established prior to the adoption date of the original ordinance in 2021; and
- the applicant/property owner followed the standards for capturing these non-conforming uses that the City undertook after adoption.

The staff has a master list of properties that meet these standards and are grandfathered as compliant and allowed. Chair Hodgkin asked how many are on the master list. Director Henley said he would bring that information back to the Board.

Mr. Henley discussed enforcement tactics such as:

- using Airbnb, VRBO, and other sites to cross-reference with the master list;
- using Room Occupancy Tax filings to cross-reference with the master list (anyone using the STR sites can have the site handle the tax component so that when the City receives that information, it does not include what properties are included);
- direct observation; and
- complaints.

Mr. Fiss asked if any cases of non-compliant STRs have been reported to date. Mr. Henley said that Staff provided a list of houses to the City's Code Enforcement service *Alliance* to cross-reference with the master list to see if rentals are out of compliance. Mr. Chris Jones asked if permitted rentals ever get removed from the master list and if so, does that mean that they can no longer be rentals? Mr. Henley said that the home is permitted regardless of the owner. However, if there is no use after 180 days, the zoning permit will be void, and an owner would need to request a new zoning permit. Mr. Fiss questioned why PUDs have a blanket use of short-term rentals. Mr. Henley said he did not have a reason because he was not here when the original ordinance was approved. He said that he believed it was because PUDs have homeowners' associations that themselves regulate short-term rentals.

Mr. Henley reviewed the legislation on STRs and said that SB667 stalled in the Senate Rules Committee and did not make the crossover deadline. As written, the bill would have made nearly all STRs illegal. He said this proposed bill would return to the Senate for more review. Chair Hodgkin questioned if any or all of the bill's language could be lifted and placed into other legislation under a different guise. Mr. Henley said he remains vigilant, continuously monitoring all local land use legislation.

Staff requested the Planning Board's review and approval of the presented Amendment and the Consistency Statement's adoption. Chair Hodgkin recommended adding a notation to include the date of the adoption, September 2021, in Section 3.8.11 13 a. *A short-term vacation rental in residential zoning districts must have been in operation as a 'short-term vacation rental prior to the September 2021 adoption of the standards and regulations'.* Mr. Henley said yes and that adding provision dates is good to have in every section that has been revised.

Mr. Pender asked why Bed and Breakfasts were not included in the STR and Homestays section. Mr. Henley said that it could be done if that was something that the Board would want to see included. He said, however, that many revisions will come into context with updating the Comprehensive Plan. Mr. Pender expressed concern that the language in the UDO for STRs states, *"No activities other than lodging shall be provided. Special events, including weddings, receptions, and other large gatherings, are expressly prohibited,* and he believes that this should be discussed as to how this is also related to Bed and Breakfasts.

Chair Hodgkin stated that Mr. Pender has a valid point and that the Board should consider evaluating Bed and Breakfast language to be included in this Section unless they are fully regulated by State statute. Mr. Henley said that the proposed Amendment is revising the language to reflect that there is no longer a registration requirement for STRs and Homestays. Everything else stays as it is. What is essential, Mr. Henley said, is that the non-compliant rentals were grandfathered in before the adoption date of the revised UDO. Chair Hodgkin noted that the decision needed to be made regarding Bed and Breakfast and whether it was regulated by statute or made into a separate category because it is a different kind of accommodation. Mr. Henley agreed to research and amend the language as necessary.

Chair Hodgkin asked if the Board could proceed with a recommendation to the Board of Aldermen regarding this Amendment before the discussed revisions. Mr. Henley said these revisions would be an Administrative Decision with the inclusion of the added language that would have no effect on the intent of this Amendment. Chair Hodgkin asked if the Board would like to move forward with a decision or consider it for another month and return for more discussion. It was the consensus of the Board to move forward. Chair Hodgkin requested a Motion to recommend approval of the revised Text Amendment and appropriate definitions for Homestay and Short-Term Vacation Rentals based on Staff's research for forwarding to the Board of Aldermen.

Mr. Fiss made a Motion to recommend approval of the Short-Term Rentals and Homestays revised Zoning Text Amendment to adopt the Statement of Consistency of approval, second by Mr. Sloan. ***Unanimous Vote; Motion Carried.*** Mr. Chris Jones read the Statement of Consistency that recommended approval.

I. Other Business: Update on Comprehensive Land Use Plan

Director Henley said the Request for Qualifications (RFQ) for an updated Comprehensive Plan was sent out last week. The deadline for accepting the RFQs is August 15th, and Staff will work on the selection process. He said it is a qualification-based process, not a priced-based process. The selection is proposed to be on the September Board of Aldermen's Agenda for final approval. He said that after a contract is accepted, the process will begin with the involvement of the Planning Board in late September. Mr. Henley encouraged the Board to think heavily about the goals and direction of the City over the next 30 years. Chair Hodgkin noted that she had a copy of the 1991 City of Southport Development Plan created by the Urban Design Assistance Team with the North Carolina Chapter of the American Institute of Architects. She said it has excellent knowledge and history of how the City's plans were expressed at that time. She requested that copies be sent out to the Board for reference and review.

Chair Hodgkin made a Statement regarding Planning Board Responsibilities and Recent Comments.

"Our roles with the Planning Board can make for bumpy rides. We've already seen that in some of the submittals that have come before us, some of the discussions that have been held for prior UDO text amendments, and those currently in deliberation.

I don't see our ride getting any less bumpy over the next many months. Already there have been comments during a recent Public Meeting and then at last week's Aldermen's meeting -- that City Staff and the Planning Board should not be looking at any changes to the UDO before the completion of the Comprehensive Plan revision, a process that we've heard this evening may take 18 months or longer.

Here's my take: the UDO is a living, static document that SHOULD be continuously reviewed and revised as items are identified. I'm only speaking for myself – not the full Board – when I say why WOULDN'T we move ahead with discussion about and action on items in the UDO that could strengthen our town's stances? I believe it would be irresponsible for us to do otherwise.

We'll have those who'll come to comment that they've researched, read a lot of social media posts, to proclaim they know best. Just last week, an individual spoke at the Aldermen's meeting who admitted they'd not been in on City discussions and hadn't even read the proposed text. But *they* felt *they* were experts and needed to advise us.

Travis and Mo, I want to apologize for any inferences that you can't guide our city's planning efforts. I want you to hear from me that I/we appreciate you and want you to keep moving.

This Board will continue to do our job ... we want Staff to continue to move us onward.

Thanks for your indulgence for that."

J. **Announcements:** None

With no other business, Chair Hodgins requested a Motion to Adjourn. A Motion was made to adjourn by Vice-Chair Hewett and seconded by Mr. Sloan. ***Unanimous vote; Motion Carried.***

Adjournment: 6:51 p.m.

Chair, Sue Hodgins

Deputy Clerk, Tanya Shannon

2023 PLANNING BOARD ATTENDANCE

MEETING DATE	Jan.	Feb.	Mar. 8 Special	Mar.	Apr.	May 3 Special	May	June	July	Aug	Sept	Oct	Nov	Dec	
<u>NAME</u>															Total Absences
Sue Hodgins Chair	P	P	P	P	P	P	P	P	P						
Will Hewett Vice-Chair	P	P	P	P	P	P	P	P	P						
Fred Fiss	P	P	P	P	P	P	P	P	P						
Christopher Jones	P	P	P	P	P	P	P	P	P						
Scott Jones	P	P	P	P	P	P	P	P	P						
Donnie Joyner	P	P	A	P	P	A	P	P	P						2
Dick Sloan	P	P	P	P	P	P	P	P	P						
Roy Pender					P	P	P	P	P						
Kevin Locklin					P	A	P	P	P						1
Gustavo E. Mibelli	P	R	R	R	R	R	R	R	R						

P = Present
A = Absent
R= Resigned

M:\PLBFILES\2023 ATTENDANCE PB.wpd

PLANNING BOARD MEMBER LIST SPRING 2023

MEMBER	ADDRESS	PHONE NUMBERS	APPOINTED	EXPIRATION	
Sue Hodgins, Chair sue.hodgin@southportnc.org	608 Cottage Point Way	(910) 477-1808	February 10, 2022	June 2025	IN
Will Hewett, Vice-Chair will.hewett@southportnc.org	129 Cape Fear Dr	(910) 520-3291	August 11, 2022	June 2025	IN
Fred Fiss fred.fiss@southportnc.org	216 N. Atlantic Ave	(910) 269-6901	February 10, 2022	June 2024 (completing the term)	IN
Christopher W. Jones chris.jones@southport.nc.org	1008 Dutchman Cove SE	(910) 549-1407	March 12, 2020	June 2026	ETJ ALT
Scott Jones scott.jones@southportnc.org	1001 Pete's Camp Rd	(910) 471-0802	August 14, 2020	June 2024	ETJ
Donnie Joyner donnie.joyner@southportnc.org	635 Jabbertown Rd	(910) 368-7501	August 14, 2020	June 2024	ETJ
Richard Sloan dick.sloan@southport.nc.org	509 E. Moore St	(910) 946-1771	February 10, 2022	June 2025	IN
Roy Pender roy.pender@southportnc.org	102 S. Fodale	(910) 477-6057	April 13, 2023	June 2026	IN
Kevin Locklin kevin.locklin@southportnc.org	209 N. Lord St.	(540) 272-0808	April 13, 2023	June 2025 (Completing the term)	IN ALT
Travis Henley thenley@cityofsouthport.com	1029 N. Howe St	(910) 269-7212	Staff Director of Development Services		
Mo Meehan mmeehan@cityofsouthport.com	1029 N. Howe St	(910) 457-7900 X 1043	Staff Planner		
Tanya Shannon tshannon@cityofsouthport.com	1029 N. Howe St	(910) 457-7929	Staff Deputy Clerk		
John Allen jallen@cityofsouthport.com	752 Indigo Village Ct	(910) 685-0495	Board of Aldermen Liaison		
Karen Mosteller kmosteller@cityofsouthport.com	310 N. Atlantic Ave	(704) 560-2443	Board of Aldermen Liaison		