



City of Boiling Spring Lakes

9 East Boiling Spring Road
Southport, NC 28461

STAFF REPORT

Agenda Date:

May 12, 2026

Title:

Public Hearing: Text Amendment - UDO Article 7, Part V: Venus Flytrap Protection & Notification, Appendix A: Definitions & Appendix B: Submission Requirements

Department:

Planning & Zoning

Background Information:

This City-initiated text amendment is intended to support the conservation of Venus flytrap populations that may occur within the jurisdiction. In recognition of the City's unique ecological resources and its role within a broader regional conservation landscape, the proposed ordinance seeks to balance responsible development with the encouragement of voluntary identification and preservation of Venus flytraps prior to land-disturbing activity. At their duly held meeting on April 16, 2026 the Planning Board voted unanimously to recommend of approval of the amendments to UDO Article 7, Part V: Venus Flytrap Protection & Notification, Appendix A: Definitions, and Appendix B: Submission Requirements.

Financial Impact:

Cost to advertise for public hearing.

Recommendation:

Staff recommends approval of the proposed amendments based upon research, the City of Boiling Spring Lakes Comprehensive Land Use Plan, and other adopted plans and policies.

Action Needed:

No action needed at this time. Public hearing only.

Attachments:

Proposed Text Amendment: Article 7; Part V – Venus Flytrap Protection & Notification,
Appendix A: Definitions, Appendix B: Submission Requirements
Plan Consistency & Reasonableness

Proposal:

Proposed language is identified by underlined text and language to be deleted is shown as strikethrough text.

Article 7, Part V. - Venus Flytrap Protection & Notification

Sec. 7-40. – Purpose

The purpose of this section is to encourage preservation of native Venus flytrap populations, support the City’s role as a bird sanctuary and contributor to regional conservation efforts, promote protection of wetlands and habitat connectivity across both public and private lands, ensure compliance with State regulations, and provide an opportunity for voluntary rescue and relocation prior to land disturbance.

Sec. 7-41. – Plan Submission Requirements

The location and extent of any Venus flytrap populations present on property subject to site plan approval, or preliminary plat approval shall be identified and clearly depicted, in accordance with the submission requirements outlined in Appendix B. Depictions shall include, at a minimum, the boundaries of all areas containing Venus flytrap populations and the approximate size (acreage or square footage) of each area on the subject property and within adjacent right-of-ways.

Sec. 7-42. – Notification

Property owners or authorized agents conducting development activity on property not subject to site plan or preliminary plat approval are strongly encouraged to contact the City upon identification of Venus flytraps on the site prior to any land-disturbing activity. Early notification allows the City to provide guidance regarding applicable State laws, encourage protection of sensitive habitat areas where practicable, and coordinate, with the property owner’s consent, with qualified conservation organizations for potential rescue and relocation.

Sec. 7-43. – Voluntary Conservation and Rescue

- (A) Property owners are encouraged, but not required, to allow access for conservation purposes prior to land-disturbing activity
- (B) Any removal of Venus flytraps shall comply with N.C.G.S. 14-129.3, including landowner permission
- (C) The City may assist in coordinating with conservation organizations, but assumes no cost or liability

Sec. 7-44. – Compliance with State and Environmental Law

Nothing in this section shall be construed to permit the unlawful removal of Venus flytraps or to supersede or conflict with any applicable state or federal laws or regulations, including those governing protected plants, wetlands, water quality, or habitat protection.

Appendix A: Definitions

Qualified Conservation Organization – A nonprofit organization or public agency with a demonstrated mission and experience in the conservation, management, or protection of native plants, wildlife, or natural habitats

Appendix B: Submission Requirements

Information Required	Landscape Plan	Minor Site Plan	Major Site Plan	Preliminary Plat
<u>Location & extent of any Venus flytraps</u>	√	√	√	√
<u>Note on plan stating “Any removal of Venus Flytraps shall comply with NCGS 14-129.3, including landowner permission. Prior to any land disturbing activity a qualified conservation organization will be contacted to coordinate the potential rescue and relocation of Venus flytrap populations identified on the site.”</u>	√	√	√	√

PLAN CONSISTENCY & REASONABLENESS DETERMINATION

In accordance with NCGS, zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare. Prior to adopting or rejecting any zoning amendment, a statement regarding plan consistency shall be adopted.

- (A) X The Planning Board hereby recommends approval of the proposed amendments to the Unified Development Ordinance and finds that it (i) is consistent with the City’s comprehensive plan (2017 Land Use Plan), which states “the City shall update the Unified Development Ordinance (UDO) to address legislative changes, site plan review standards, subdivision regulations, dimensional standards, and other items deemed necessary by the Planning Board, Board of Commissioners, and City staff” and “ensure that development and use of resources or preservation of land balances protection of natural resources and fragile areas with economic development, avoids risk to public health and welfare, and are consistent with the capability of the land” and; (ii) that it is in the public interest because it will advance the public health, safety, and welfare of the City of Boiling Spring Lakes by helping to protect unique ecological resources.
- (B) The Planning Board hereby recommends denial of the proposed amendments to the Unified Development Ordinance and finds that (i) it is not consistent with the City’s comprehensive plan (2017 Land Use Plan) and all other applicable plans and policies adopted by the City for the following reasons: _____ and/or (ii) it is not in the public interests for the following reasons:
