



# Planning Board Agenda

Town of Swansboro

Tuesday, September 03, 2024

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## I. Call to Order

## II. Approval of Minutes

- a. August 6, 2024 Regular Meeting

## III. Business

- a. **UDO Text Amendment to § 152.179 Table of Permitted/Special Uses, § 152.180 Notes to the Table of Permitted/Special Uses, and § 152.016 Definitions of Basic Terms**  
**Presenter: Rebecca Brehmer, CFM, CZO – Town Planner**

After direction from the Board of Commissioners at their August 13th regular meeting, Staff was asked to propose a text amendment to limit new vape shops and similar establishments coming to Town.

*Recommended Action: Motion to recommend approval of text amendment to UDO Section 152.179 Table of Permitted/Special Uses, Section 152.180 Notes to the Table of Permitted/Special Uses, and Section 152.016 Definitions of Basic Terms, along with the Comprehensive Plan Consistency Statement.*

## IV. Chairman/Board Thoughts/Staff Comments

## V. Public Comments

## VI. Adjournment

**Town of Swansboro  
Planning Board  
Regular Meeting Minutes  
August 6, 2024**

Item II - a.

**Call to Order**

The meeting was called to order at 5:30pm. Board members in attendance were Christina Ramsey, Lauren Brown, Sherrie Hancock, Tim Vannoy, and Jerry Seddon. Clara Abalos was absent. There was one ETJ vacancy.

**Approval of Minutes**

On a motion by Mr. Seddon, seconded by Mrs. Hancock, April 2, 2024, Regular Meeting Minutes were approved unanimously.

On a motion by Ms. Brown, seconded by Mr. Seddon, July 2, 2024, Regular Meeting Minutes were approved unanimously.

**Business**

***UDO Text Amendment to Section 152. 179 Table of Permitted/Special Uses and Section 152.212 Use Standards***

Town Planner Brehmer shared that after a Board of Adjustment meeting for an appeal to an administrative decision involving boat/boat trailer storage on an empty residential lot, Staff had been directed to present a text amendment to allow boat/boat trailer storage in Town. All boat/boat trailer storage would be permitted in all zoning districts, as long as the use meets the criteria outlined in the proposed use standards captured below.

***TITLE XV: LAND USAGE***

***CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE***

***§ 152.212 USE STANDARDS.***

***(Y) Use- Boat/Boat Trailer Storage.*** Permitted as a use standard in in CON, RA, R6, R6SF, R8SF, R10SF, R15SF, R20SF, R40SF, PUD, MHP, MHS, MHS-15SF, MHS-O, O/I, G/E, B2, B3, B2HDO.

***(1) Requirements for open storage of recreational and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within the Boat/Boat Trailer Storage use, provided that the following standards are met:***

- (a) The storage area shall not exceed 25% of the buildable area of the site.***
- (b) No dry stacking of boats shall be permitted on the site.***
- (c) Valid registration/tag is required on boat trailers.***
- (d) Boats shall be stored in a manner so as to prevent the collection of rainwater.***
- (e) The storage area shall be entirely screened from view from adjacent residential areas and public roads by a building and/or opaque fencing or fencing with landscaping along its exterior side.***
- (f) Storage shall not occur within the area set aside for minimum building setbacks.***

In response to inquiries from the board, the following was clarified by Town Planner Brehmer:

- The Board of Commissioners may modify the language if it deems it appropriate based on Planning board recommendations.
- All standards must be met in order for it to be considered a Permitted Use.

The Board discussed the language in section (e) and expressed concerns about the terms "entirely," and "public roads" as too astringent. Town Planner Brehmer suggested that replacing "entirely" with "encourage" could lead to insufficient follow-through on regulations. Additionally, she cautioned the issue of potentially removing "public roads" from consideration, which could negatively impact residents living nearby who might be affected by unsightly boat/ boat trailer storage across the street.

On a motion by Ms. Brown, seconded by Mr. Seddon, the proposed UDO Text Amendment to Section 152. 179 Table of Permitted/Special Uses and Section 152.212 Use Standards With the recommendation to change the language to section (e) by eliminating the term "entirely" and "public roads" was unanimously recommended for approval to the Board of Commissioners along with the Comprehensive Plan Consistency Statement.

**Chairman/Board Thoughts/Staff Comments**

At the July 2, 2024, meeting staff was asked to inquire if the Planning Board General Rules needed to be signed by the current chair and board members. It was clarified that the Planning Board General Rules are signed only when changes are made.

**Adjournment**

On a motion by Mr. Seddon, seconded by Mrs. Hancock, the meeting adjourned at 5:50 pm.



# Planning Board Meeting Agenda Item Submittal

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Item To Be Considered: **UDO Text Amendment to § 152.179 Table of Permitted/Special Uses, § 152.180 Notes to the Table of Permitted/Special Uses, and § 152.016 Definitions of Basic Terms**

Board Meeting Date: **September 3, 2024**

Prepared By: **Rebecca Brehmer, CFM, CZO, Town Planner**

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**Overview:** After direction from the Board of Commissioners at their August 13<sup>th</sup> regular meeting, Staff was asked to propose a text amendment to limit new vape shops and similar establishments coming to Town.

With some research to surrounding municipalities code, the proposed text amendment includes editing the current use of “Tobacco sales (retail)” to “Hookah, Vape, Tobacco & Similar Retail Establishments” in the Table of Permitted/Special Uses, as wells as, establish a definition for the use. The use will be designated as Special Use with a note to include specific criteria in B1 zoning district and eliminate it as permitted in B2HDO. Additionally, the use of “Cigar Store” will be defined and added in the Table of Permitted/Special Uses, permitted in B2HDO in order to protect the current cigar shop that is located downtown.

**Background Attachment(s):**

1. Draft Ordinance
2. Comprehensive Plan Consistency Statement

**Recommended Action:** Motion to recommend approval of text amendment to UDO Section 152.179 Table of Permitted/Special Uses, Section 152.180 Notes to the Table of Permitted/Special Uses, and Section 152.016 Definitions of Basic Terms, along with the Comprehensive Plan Consistency Statement.

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**Action:** \_\_\_\_\_  
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**TOWN OF SWANSBORO PLANNING AND ZONING BOARD  
STATEMENT OF CONSISTENCY**

On September 3, 2024, the Planning Board heard the requested text amendments and recommended unanimous approval of the text amendments to the Town Unified Development Ordinance as followed: § 152.179 Table of Permitted/Special Uses, § 152.180 Notes to the Table of Permitted/Special Uses, and §152.016 Definitions of Basic Terms.

The Town’s Planning Board finds that the proposed text amendments are consistent with the current Comprehensive Plan and other applicable plans and policies and considers the action taken to be reasonable and in the public interest because it provides the structure, for Town staff to proactively address issues related to impacts caused by development in order to protect the health, safety, and welfare of the Town’s residents.

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Planning Board Chair

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Town Planner

**DRAFT ORDINANCE 2024-  
AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE  
§152.179 TABLE OF PERMITTED/SPECIAL USES, § 152.180 NOTES TO THE TABLE  
OF PERMITTED/SPECIAL USES, AND §152.016 DEFINITIONS OF BASIC TERMS.**

WHEREAS North Carolina General Statute 160D-605 and 160D-701 requires that zoning regulations shall be made in accordance with a Comprehensive Plan; and

WHEREAS the Board of Commissioners finds that the proposed text amendments to the Unified Development Ordinance regarding referenced above to be consistent with the Town of Swansboro CAMA LAND USE Plan updated January 22, 2019, and amended August 28, 2023.

NOW BE IT ORDAINED by the Town of Swansboro Board of Commissioners that the Town Unified Development Ordinance be amended.

***TITLE XV: LAND USAGE  
CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE  
§ 152.179 TABLE OF PERMITTED/SPECIAL USES.***

PERMITTED/SPECIAL USES	CON	RA	R6	R6 SF	R8 SF	R10 SF	R15 SF	R20 SF	R40 SF	PUD	MHP	MH S	MHS-15SF	MH S-O	O/I	G/E	B1	B2	B3	B2 HD O	M1	
<u>Cigar Shop</u>																					<b>P</b>	
<u>Tobacco sales (retail) Hookah, Vape, Tobacco &amp; Similar Retail Establishments (see § 152.180, note 28)</u>																	<b>PS</b>				<b>P</b>	

***TITLE XV: LAND USAGE  
CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE  
§ 152.016 DEFINITIONS OF BASIC TERMS.***

**Cigar Shop.** A retail store specializing in selling rolls of fermented tobacco wrapped either in tobacco leaf or paper that contains tobacco or tobacco extract.

**Hookah, Vape, Tobacco & Similar Retail Establishments.** A specialized retail establishment primarily used for the sale or storage of tobacco products, electronic smoking/vaping devices, Kratom, CBD, Hemp derived Delta- 8, and related accessories. These products may include but are not limited to cigarettes, cigars, pipe tobacco, smokeless tobacco, vaping devices, e-liquids, and vaping accessories. An area may also be included whereby patrons share the tobacco or non-tobacco products or products from a communal hookah, water pipe, or similar device.

**TITLE XV: LAND USAGE**  
**CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE**  
**§ 152.180 DEFINITIONS OF BASIC TERMS.**

**(BB) Note 28. Hookah, Vape, Tobacco & Similar Retail Establishments**

1. Shall not be located within 500 feet measured property line to property line from the downtown residential district and/or any residential zoning district.

2. Shall not be located within 1,500 Feet measured property line to property line from a school (public or private), churches, daycare facility, youth facility, community center, City recreational facility, City park or hospital.

3. Shall not be located within 2,000 Feet measured property line to property line, from another Hookah Tobacco Vape or Similar Establishment. If an establishment is being proposed within 2, 000 feet of a location where a previous establishment has closed, a permit cannot be issued for the new location until after the previous establishment has been discontinued or abandoned in accordance with § 152.086 Nonconforming Uses.

4. All federal state and local laws rules and regulations must be adhered to in the operation of such establishments. This includes regulations pertaining to advertisements, age restrictions and the legality of products sold.

5. The required site plan shall meet all applicable Town standards to include all land uses within 2,500 feet measured property line to property line from the parcel proposed for a Hookah, Tobacco Vape and Similar Establishment use.

6. Hookah, Tobacco, Vape, and Similar Establishments that are legally existing on the effective date of the enacting ordinance codified in this section may continue to operate/expand/renovate in accordance with § 152.086 Nonconforming Uses.

This Ordinance shall be effective upon adoption.

Adopted by the Board of Commissioners in regular session, \_\_\_\_\_, 2024.

Attest:

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Alissa Fender, Town Clerk

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John Davis, Mayor