



Board of Commissioners Agenda

Town of Swansboro

Monday, April 10, 2023

Board Members

John Davis, Mayor | Frank Tursi, Mayor Pro Tem | Pat Turner, Commissioner | Harry PJ Pugliese, Commissioner | Larry Philpott, Commissioner | Jeffrey Conaway, Commissioner

I. Call to Order/Opening Prayer/Pledge

II. Public Comment

Citizens have an opportunity to address the Board for no more than three minutes per speaker regarding items listed on the agenda. There is a second opportunity at the end of the agenda for the public to address the Board on items not listed on the agenda.

III. Adoption of Agenda and Consent Items

The Town Clerk respectfully submits to the Board, the Regular Agenda and the below consent items, which are considered to be of general agreement and little or no controversy. These items may be voted on as a single group without Board discussion "or" if so desired, the Board may request to remove any item(s) from the consent agenda and placed for consideration separately.

III. Consent Items:

a. - December 12, 2023, Regular Meeting

b. - Budget Ordinance Amendment #2023-5

IV. Appointments/Recognitions/Presentations

a. Board Appointments

Presenter: Alissa Fender – Town Clerk

Due to resignations, relocations, and reassignment of board members, there are several board appointments needed. A list of vacancies is provided below as well as a Talent Bank Sheet of those citizens with an interest in serving.

Recommended Action:

- 1. Consider appointments to the Historic Preservation Commission*
- 2. Consider appointment to the Parks Board*
- 3. Consider appointment to the Tourism Development Authority*

V. Public Hearing – none

VI. Business Non-Consent

a. Joint meeting with the Planning Board

Text amendment to the Table of Permitted/Special Uses and pertinent sections

Presenters: Andrea Correll, AICP – Planner

Rebecca Brehmer – Projects/Planning Coordinator

On February 13, 2023, at a joint Board of Commissioner/Planning Board meeting, a subcommittee was appointed, along with staff, to review the Table of Permitted/Special Uses and pertinent sections. The committee met once a week since its creation and has developed a draft text amendment for review.

Recommended Action:

- 1. Review and provide feedback on the text amendments*
- 2. Following discussion, the Planning Board may make a motion to recommend the text amendments; or*
- 3. Return the draft amendments to the committee for further review/edits*

b. EOC/PSB Project Update

Presenter: Commissioner Larry Philpott

c. Future Agenda Topics

Presenter: Alissa Fender – Town Clerk

Future agenda items are shared for visibility and comment. In addition, an opportunity is provided for the Board to introduce items of interest and subsequent direction for placement on future agendas.

Recommended Action: Discuss and provide any guidance

VII. Items Moved from Consent

VIII. Public Comment

Citizens have an opportunity to address the Board for no more than five minutes regarding items not listed on the Agenda.

IX. Manager's Comments

X. Board Comments

XI. Closed Session - *none*

XII. Adjournment

Town of Swansboro
Board of Commissioners
December 12, 2022, Regular Meeting

Item IV - a.

In attendance: Mayor John Davis, Mayor Pro Tem Frank Tursi, Commissioner PJ Pugliese, Commissioner Larry Philpott, Mayor Pro Tem Tursi, Commissioner Pat Turner, and Commissioner Jeffrey Conaway.

Call to Order/Opening Prayer/Pledge

The meeting was called to order at 5:30 pm. Mayor Davis led the Pledge of Allegiance.

Public Comment

Kim Kingrey & Jonathan McDaniel, both members of the Swansboro Historic Preservation Commission, shared their support for the Water Street parcels rezoning.

Adoption of Agenda and Consent Items

On a motion by Commissioner Philpott, seconded by Commissioner Turner, the agenda and the below consent items, were unanimously approved.

- June 13, 2022, Regular Meeting minutes
- June 13, 2022, Closed Session minutes
- June 27, 2022, Regular Meeting minutes
- Lease Renewal: 502 Church Street (Swansboro Historical Association)

Appointments/Recognitions/Presentations

2022 Samuel Swann Bland Community Service Award

The Samuel Swann Bland Community Service Award was created to honor the diligence, hard work, leadership, and dedication that characterized the contributions of Sam Bland to the public and the Swansboro Community. The award is made annually to a public employee, civic leader, or community volunteer that has demonstrated the qualities of outstanding dedication to the improvement of community services that were exhibited in the career and contributions of Samuel Swann Bland.

The 2022 Samuel Swann Bland Community Service Award was given to Debra Pylypiw and Mayor Davis recognized her for her dedication so Swansboro Festivals which totaled over 20 years work, most as volunteer, and as town employee for last 4-5 years. She began several successful programs to include the Wine and Food Event at the Arts by the Sea Festival, Blessing of the Fleet held on the Friday night of Mullet weekend, the Seaside Book Buzz, and the theatre trip program with Swansboro Parks & Recreation.

Mrs. Pylypiw shared that she loved the Swansboro community and she immediately wanted to be a part of it when she moved here in 1986.

Board Appointments

Town Clerk, Alissa Fender reviewed that due to expiration of terms or resignations, there were several board appointments needed. Appointments were needed for:

- Two (2) seats for the Planning Board
- Three (3) seats for the Historic Preservation Commission
- Three (3) seats for the Tourism Development Authority
- One (1) seat for the Park Board

Christina Ramsey and Sherrie Hancock were reappointed to the Planning Board.

Christina Ramsey, Kim Kingrey, and Elaine Justice were reappointed to the Historic Preservation Commission.

Randy Swanson and Jack Harnatkiewicz were reappointed, and Dusty Rhodes was newly appointed.

Public Hearing

Zoning Map Amendment to Rezone Parcels Along Water Street from B2HDO to R6SF
Planner Andrea Correll reviewed that the Town of Swansboro Board of Commissioners had expressed interest to down zone the parcels along Water Street from Drudy Lane to Casper's Marina from B2HDO to R6SF. This zoning classification is the same as other residential properties in the Historic District, including those properties across Water Street. The purpose of the down zoning was to designate the following properties as residential R6 Single Family Zoning.

Par ID 023672 (no active address)

Par ID 018369 (209 Water Street)

Par ID 011128 (211 Water Street)

Par ID 011057 (no active address)

Par ID 005673 (no active address)

Par ID 015594 (215 Water Street)

Par ID 020460 (217 Water Street)

Par ID 006144 (219 Water Street)

Par ID 010430 (no active address)

Mrs. Correll shared that she had received correspondence from the property owner David Pinsky of Par ID 023672, that he did not want his property included in the rezoning.

In response to inquiries from the board, the following details were clarified:

- Mrs. Correll shared that historically the area has been residential with commercial activities occurring at the property but not a storefront. If the area was rezoned to B-2 then development at these properties would not be able to meet the conditions/requirements such as parking. The impacts on the historic district would depend on the size of buildings that could be built on those properties. Newly built structures would be required to be elevated to meet the Flood Zone requirements. Rezoning the parcel would not affect the historic district registry status. Changing from B2HDO to R6SF would not be considered contiguous. Controlling massing (size of structures) on commercial structures was more difficult than on residential, and there are further regulations/amendments needed to protect the historic district related to massing.
- Public Works Director, Gerald Bates shared that the Water Street infrastructure is not capable of handling commercial traffic. Future maintenance of that street is undetermined, but currently awaiting to see if we will receive a grant which will study and give an analysis of stormwater infrastructure which is the main reason that the street is in poor condition.
- Attorney Cliff Parson clarified that a property can be downzoned even if an owner objects, but there would be a timeline for them to appeal the decision further.

Commissioner Philpot shared that he had concerns with massing in the Historic District. Recommended that the board and staff hold off and look at more items that need addressing in the historic district before deciding. Additionally, he had concerns with meeting the recommendation of a sidewalk along Water Street indicated in Waterfront Access and Development plan.

Commissioner Turner shared that in the Waterfront Implementation Plan on Page 18 indicated *"The Town should pursue improvements of the trail route by seeking easements, constructing dock walks or waterside walks, where feasible and constructing sidewalks along Water Street if feasible."*

The public hearing was opened at 6:12 pm and the following individuals spoke.

Charles Rawls of 22 Creekside Woods was present to represent Larry Howard, the owner of 211 Water Street. He shared that Mr. Howard was in support of rezoning his property. Mr. Rawls shared that as a prior surveyor, and having completed surveys on Water Street, there were many challenges with that street due to the different widths of Water Street from one end to the other.

Carol Lanier of 219 Water Street shared that she supported the rezoning of her property.

Rob Armstrong of 307 Elm Street shared that he did not support the rezoning and felt that the area should remain as business. He stated that once waterfront access is taken away it can't be obtained back. Additionally, he shared that there were already parking issues in that area, but not many businesses downtown have onsite parking.

Gregg Casper of 226 Water Street shared that she would love to see a dock walk completed that would go all the way to Ward Shore.

Debbie Wilson of 209 Water Street shared that she supported the rezoning of her property. She had been unable to sell the property due to the business zoning. She felt a residential zoning would be safer from a traffic aspect as well.

The public hearing was closed at 6:22 pm.

After discussion, on a motion by Commissioner Philpott seconded by Commissioner Turner, the rezoning request was tabled to March 13, 2023 to allow the Historic Preservation Commission to complete their ordinance amendments related to the Demolition by Neglect and Massing. The motion was approved unanimously.

Business Non-Consent

2023 Board of Commissioners Meeting Schedule

Town Clerk Alissa Fender reviewed that NCGS 160A-71 provides that the Board establish a time and place for its regular meetings. The 2023 meeting schedule has been prepared based on the Town's Administrative Policy 1F which states that the Board of Commissioners meeting dates fall on the 2nd and 4th Monday of each month. Once adopted, the meeting schedule will be posted on the bulletin board outside the Administrative Offices at Town Hall and on the Town website.

Two meeting schedules are provided for review. Schedule A included all 24 meeting dates based on the Town's Administrative Policy 1F. Schedule B did not include the first meeting in October and the second meeting in December. They were removed from the calendar because they were close to/or on a Town Event or Holiday.

On a motion by Commissioner Turner, seconded by Commissioner Philpott, the Board of Commissioner meeting Schedule B was unanimously approved.

Text Amendment/Town Code Chapter 74 Traffic Schedules Schedule V. One-Way Streets
Police Chief Dwayne Taylor reviewed that after conducting numerous surveys regarding traffic flow on Church Street, it is proposed that traffic on Church Street be designated as "One Way" starting at Front Street and continuing northwest to Walnut Street. The width of Church Street, along with on street parking, make it impossible for two vehicles to travel in opposite directions without causing congestion.

On a motion by Commissioner Conaway, seconded by Commissioner Philpott Ordinance 2022-O16 to designate Church Street as “One Way” starting at Front Street and continuing northwest to Walnut Street was unanimously approved.

Onslow County Interlocal Agreement-Fire Protection Services and Fire Protection Mutual Aid Manager Paula Webb reviewed that during the FY 22/23 budget process we shared information that Onslow County would approve an allocation of \$0.03 of its ad valorem tax rate collected from properties within the Town’s incorporated borders each fiscal year for fire protection services (only) beginning in FY 22/23 and thereafter for as long as the agreement remains in place. In addition to the Interlocal Agreement – Fire Protection Services, a new Fire Protection Mutual Aid Agreement is provided.

In response to inquires from the board, the following details were clarified:

- Includes fire services in general to the White Oak district and mutual aid.
- This would be received in addition to the normal funds received.
- Determining if these funds cover expenses was hard to quantify but it certainly helps

On a motion by Mayor Pro Tem Tursi, seconded by Commissioner Conway, the MOA’s as written and authorization for the Mayor, Manager and Clerk to execute as provided was approved unanimously.

Future Agenda Topics

Future agenda items were shared for visibility and comment. In addition, an opportunity was provided for the Board to introduce items of interest and subsequent direction for placement on future agendas.

The following items were addressed:

- Joint meeting with Planning Board to be scheduled for February 13, 2023
- Social District Consideration was scheduled for the March 27, 2023, meeting

Public Comment

Citizens were offered an opportunity to address the Board regarding items not listed on the agenda. No comments were given.

Manager's Comments

Mrs. Webb shared that with regard to the Water Street conditions the RCCP grant of \$45,000 to address bioretention ponds nearby would initiate some improvements to Water Street.

Board Comments

Commissioner Philpott shared that he learned at the JUMPO meeting he recently attended provided information on a Carbon Reduction Funding for sidewalks available and that could be something the town could explore. Additionally, JUMPO was still trying to remedy the culvert under Highway 24 and obtain funding.

Mayor Davis inquired if the board could review sidewalks during the 1st quarter of next year. Manager Webb shared that currently Priority 3 had challengers, Priority 4 was complete, Priority 5 had challenges, and Priority 6, 7, and 8 were all with NCDOT and she was awaiting cost estimates.

Adjournment

On a motion by Mayor Pro Tem Tursi, seconded by Commissioner Conaway and with unanimous approval, the meeting adjourned at 6:58 pm.



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **Budget Ordinance Amendment #2023-5**

Board Meeting Date: **April 10, 2023**

Prepared By: **Sonia Johnson – Finance Director**

Overview: Streets-State Aid- the Public Works Director received a quote for \$24,304 for the cosmetic resurfacing of Water Street from Church Street, South for approximately 400 feet. Requesting \$24,304 be appropriated from Streets-State Aid fund balance for its intended purpose.

Source-Streets-State Aid Appropriated Fund Balance

Action: _____

ORDINANCE AMENDING THE ANNUAL BUDGET FOR FY 22/23

BUDGET ORDINANCE AMENDMENT #2023-5

BE IT ORDAINED by the Board of Commissioners of the Town of Swansboro that the following amendment be made to the annual budget ordinance for fiscal year ending June 30, 2023:

Section 1. To amend the General Fund budget, the following changes are to be made:

<u>Appropriations</u>	<u>Increase</u>
Streets-State Aid	\$24,304

<u>Revenues</u>	<u>Increase</u>
Streets-State Aid-Appropriated Fund Balance	\$24,304

Section 2. Copies of this budget amendment shall be furnished to the Town Clerk, the Budget Officer, and the Finance Director, to carry out their duties.

Adopted by the Board of Commissioners in regular session, April 10, 2023.

John Davis, Mayor

Attest:

Alissa Fender, Town Clerk



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **Board Appointments**

Board Meeting Date: **April 10, 2023**

Prepared By: **Alissa Fender – Town Clerk**

Overview: Due to resignations, relocations, and reassignment of board members, there are several board appointments needed. A list of vacancies is provided below as well as a Talent Bank Sheet of those citizens with an interest in serving.

Historic Preservation Commission

There is 1 (ALT) vacancy – there are 3 interested applicants on file.

Parks Board

There is 1 in town vacancy – there are 5 interested applicants on file.

There is 1 ETJ vacancy – there are 0 interested applicants on file.

Tourism Development Authority

There is 1 vacancy – there are 4 interested applicants on file.

Background Attachment(s):

NCGS 160A-362 and NCGS 128-1.1

Tourism Development Authority Membership Requirements

Talent Bank Sheet

Recommended Action:

1. Consider appointments to the Historic Preservation Commission
2. Consider appointment to the Parks Board
3. Consider appointment to the Tourism Development Authority

Action: _____

§ 160A-362. Extraterritorial representation.

When a city elects to exercise extraterritorial zoning or subdivision-regulation powers under G.S. 160A-360, it shall in the ordinance creating or designating its planning board provide a means of proportional representation based on population for residents of the extraterritorial area to be regulated. Representation shall be provided by appointing at least one resident of the entire extraterritorial zoning and subdivision regulation area to the planning board and the board of adjustment that makes recommendations or grants relief in these matters. For purposes of this section, an additional member must be appointed to the planning board or board of adjustment to achieve proportional representation only when the population of the entire extraterritorial zoning and subdivision area constitutes a full fraction of the municipality's population divided by the total membership of the planning board or board of adjustment. Membership of joint municipal county planning agencies or boards of adjustment may be appointed as agreed by counties and municipalities. Any advisory board established prior to July 1, 1983, to provide the required extraterritorial representation shall constitute compliance with this section until the board is abolished by ordinance of the city. The representatives on the planning board and the board of adjustment shall be appointed by the board of county commissioners with jurisdiction over the area. When selecting a new representative to the planning board or to the board of adjustment as a result of an extension of the extraterritorial jurisdiction, the board of county commissioners shall hold a public hearing on the selection. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The board of county commissioners shall select appointees only from those who apply at or before the public hearing. The county shall make the appointments within 45 days following the public hearing. Once a city provides proportional representation, no power available to a city under G.S. 160A-360 shall be ineffective in its extraterritorial area solely because county appointments have not yet been made. If there is an insufficient number of qualified residents of the area to meet membership requirements, the board of county commissioners may appoint as many other residents of the county as necessary to make up the requisite number. When the extraterritorial area extends into two or more counties, each board of county commissioners concerned shall appoint representatives from its portion of the area, as specified in the ordinance. If a board of county commissioners fails to make these appointments within 90 days after receiving a resolution from the city council requesting that they be made, the city council may make them. If the ordinance so provides, the outside representatives may have equal rights, privileges, and duties with the other members of the board to which they are appointed, regardless of whether the matters at issue arise within the city or within the extraterritorial area; otherwise they shall function only with respect to matters within the extraterritorial area. (1959, c. 1204; 1961, c. 103; c. 548, ss. 1, 13/4; c. 1217; 1963, cc. 519, 889, 1076, 1105; 1965, c. 121; c. 348, s. 2; c. 450, s. 1; c. 864, ss. 3-6; 1967, cc. 15, 22, 149; c. 197, s. 2; cc. 246, 685; c. 1208, s. 3; 1969, cc. 11, 53; c. 1010, s. 5; c. 1099; 1971, c. 698, s. 1; 1983, c. 584, ss. 1-4; 1995 (Reg. Sess., 1996), c. 746, s. 2; 2005-418, s. 11.)

§ 128-1.1. Dual-office holding allowed.

(a) Any person who holds an appointive office, place of trust or profit in State or local government is hereby authorized by the General Assembly, pursuant to Article VI, Sec. 9 of the North Carolina Constitution, to hold concurrently one other appointive office, place of trust or profit, or an elective office in either State or local government.

(b) Any person who holds an elective office in State or local government is hereby authorized by the General Assembly, pursuant to Article VI, Sec. 9 of the North Carolina Constitution to hold concurrently one other appointive office, place of trust or profit, in either State or local government.

(c) Any person who holds an office or position in the federal postal system or is commissioned as a special officer or deputy special officer of the United States Bureau of Indian Affairs is hereby authorized to hold concurrently therewith one position in State or local government.

(c1) Where authorized by federal law, any State or local law enforcement agency may authorize its law enforcement officers to also perform the functions of an officer under 8 U.S.C. § 1357(g) if the agency has a Memorandum of Agreement or Memorandum of Understanding for that purpose with a federal agency. State and local law enforcement officers authorized under this provision are authorized to hold any office or position with the applicable federal agency required to perform the described functions.

(c2) Repealed by Session Laws 2015-201, s. 3(b), effective August 5, 2015.

(d) The term "elective office," as used herein, shall mean any office filled by election by the people when the election is conducted by a county board of elections under the supervision of the State Board of Elections. (1971, c. 697, s. 2; 1975, c. 174; 1987, c. 427, s. 10; 2006-259, s. 24(a); 2011-31, s. 13; 2014-100, s. 14.11(b); 2015-201, s. 3(b); 2015-241, s. 14.30(u); 2017-6, s. 3; 2018-146, ss. 3.1(a), (b), 6.1.)

RESOLUTION 2011-R8
A RESOLUTION ESTABLISHING THE
SWANSBORO TOURISM DEVELOPMENT AUTHORITY

Section 2. Membership. The Swansboro Tourism Development Authority shall consist of six members, who shall be appointed by the Swansboro Board of Commissioners for a term of two years each that shall coincide with the calendar year; provided, however, that the initial appointments to the authority shall be for a term of 28 months, beginning September 1, 2011. The members shall serve at the pleasure of the Board of Commissioners, and any vacancies on the authority shall be filled by appointment of the Board of Commissioners. At least half of the members of the authority shall be persons who are active in the promotion of travel and tourism in the town, and at least one third of the members shall be persons who are affiliated with businesses that collect the room occupancy tax. Individual members may, if qualified, serve in- and fulfill the representation requirements for more than one category, and the Town officials shall be regarded as being active in the promotion of travel and tourism, so long as the Town appropriates funds in support of these purposes. The remaining member or members of the authority shall be appointed at the sole discretion of the Board of Commissioners and may include members of the town governing board or town administration. The Board of Commissioners shall designate the member of the authority who shall serve – at its pleasure – as the chair of the authority and shall determine the compensation, if any, to be paid to the members of the authority.

THUMBNAIL PROFILES TALENT BANK APPLICANTS

Ruth White Town Limits (919)614-4996 (4/2023)

Interested in Park Board

- Retired Practice Manager of Medical office
- Associate degree: Medical Secretary
- Volunteered at schools, served on beautification committee for Raleigh High School, volunteer with Brownie Troop
- Has worked daily with the Parks & Rec department since 2019 on behalf of the Pickle Ball program. Assisted with raising funds to purchase nets and balls, and assisted with creating of the courts by painting them and patching holes. Accustomed to working as part of a team and problem solving.
- Interested in serving the Swansboro community, events and festivals and would like to contribute.

Elena Messenger Town Limits (480)581-2580 (3/2023)

Interested in Park Board

- Recreation Center Manager, Marine Corps Community Services
- B.S. Recreation Management, M.S. Leadership
- Codirector of Tunnel 2 Towers 5k
- Recreation management for 20 years, certified Parks & Recreation Professional (CPRP), background in inclusion and therapeutic recreation to include having the national certification (CTRS), served on Ability 360 Advisory Committee in Arizona
- As a resident and parent has a vested interest in ensuring high quality, beneficial recreation opportunities and facilities for the community. Recreation is essential for quality of life and vital to community growth & health.

Eric Young Town Limits (405) 434-7145 (2/2023)

Interested in Historic Preservation Planning Board Board of Adjustment Park Board

Tourism Authority Other

- Retired
- Master of Science in Adult Learning and Leadership, Master of Art Organizational Security
- 27 years in USMC leading organizations ranging in size from 50 to 850. Skilled in coordinating efforts of cross-functional and cross-cultural teams. Practiced in providing vision, strategy, and innovative solutions. Familiar with procedural law as both a commanding officer and member of law enforcement.

John Fitzgerald Town Limits (910)382-4292 (2/2023)

Interested in Historic Preservation Planning Board Board of Adjustment Park Board

Tourism Authority Other

- Retired
- Bachelor of Arts: Urban Planning, Master of Administration, Master of Arts National Strategic Studies
- Highly experience leader with over 40 years of logistics managerial experience with both the Departments of State and Defense. Undaunted when faced with complex logistical problems, draws on vast experience operating at the tactical, operations, and strategic levels of the US government to apply a logical well-thoughtout approach to solve problems.

Lawrence Abalos Town Limits (910) 389-7500 (11/2022)

Interested in Tourism Authority

- Self Employed
- Bachelor's degree
- Current member of Parks & Rec board, Vice President of Swansboro Century Club, Coastal FCS Board member, Youth Sports Coach
- Would like to be a part of our community growth and development.

Note: Applications are kept on file for one year.

(Updated 4/2023) afender Z:\Town Clerk\Advisory Board Members

Clara Abalos Town Limits (910) 358-2110 (12/2022)

Interested in Planning Board

- Director of Learning & Development, Hunt Military Communities
- Bachelor's Degree in Government with concentration in Business
- Founding Board member of Hunt Heroes Foundations, Volunteer with Century Club and local schools, knowledge of legal compliance at local, state and federal levels and understands the importance.
- Desires to provide a positive impact to the Swansboro community for current and future residents.

Miki Devito Town Limits (843)513-4076 (12/2022)

Interested in Historic Preservation Tourism Authority

- Sr clinical Trial Manager/Drug Development – Icon Plc.
- MBA
- Involvement with ACS, Food Bank, Stop Soldier Suicide, Veterans Memorial Reef Foundation, Wounded Warriors
- People person, friendly, loves Swansboro and shares that love with others, cares for the Historic District now and for future generations
- Desires to work to increase and keeping tourism alive & well for the Town. Promote Swansboro as the “go to” place for families, conventions, etc. to enjoy. Live in historic homes and understands the value of maintaining that for others to enjoy.

Joseph C. Brown Town Limits (810) 410-7543 (10/2022)

Interested in Planning Board Other-Special Task for Groups

- Retired
- Associates Degree with 3 years towards bachelor's degree
- Vol Firefighter, Disaster relief volunteer with SUMC, 26 years as Army maintenance specialist, 14 years as senior logistician for DOD
- Interested in community involvement, wants to give back to the community, will be a committed contributor to the town for any or all boards appointed.

Dorothy Tisdale Town Limits (910) 358-1821 (9/2022)

Interested in Park Board

- Retired
- Master of Science Degree in Education
- Volunteer work with Church
- 20 year elementary school teacher, business partner, real estate buying & selling
- Enjoys the facilities offered at the area parks and would like to be active contributor to the parks future.

Note: Applications are kept on file for one year.

(Updated 4/2023) afender Z:\Town Clerk\Advisory Board Members



Board of Commissioners Meeting Agenda Item Submittal

Item To Be Considered: **Text amendment to the Table of Permitted/Special Uses and pertinent sections**

Board Meeting Date: **April 10, 2023**

Prepared By: **Andrea Correll, AICP – Planner**
Rebecca Brehmer – Projects/Planning Coordinator

Overview: On February 13, 2023, at a joint Board of Commissioner/Planning Board meeting, a subcommittee was appointed, along with staff, to review the Table of Permitted/Special Uses and pertinent sections. The committee met once a week since its creation and has developed a draft text amendment for review.

Please note that further grammar and editorial corrections will still occur prior to final adoption of the amendment.

Background Attachment(s):

UDO Chapters:

- § 152.179 Table of Permitted/Special Uses
- § 152.180 Notes to the Table of Permitted/Special Uses
- § 152.211 Specific Criteria for Certain Special Uses
- § 152.212 Use Standards
- § 152.312 Applicability

Draft Comprehensive Plan Consistency Statement.

Recommended Action:

1. Review and provide feedback on the text amendments
2. Following discussion, the Planning Board may make a motion to recommend the text amendments; or
3. Return the draft amendments to the committee for further review/edits

Action: _____

§ 152.179 TABLE OF PERMITTED/SPECIAL USES.

- (A) Districts in which particular uses are ~~permitted as~~ a permitted use-by-right are indicated by “P.”
~~Uses not specifically listed in the Table of Permitted Uses are prohibited. Districts in which~~
~~particular uses are permitted as a use-by-right~~ with certain conditions ~~are indicated by “P” with~~
~~may include~~ a reference to a footnote to this table.
- (B) Districts in which particular uses are ~~permitted as~~ a special use upon approval of the Town Board
 of Commissioners are indicated by “S”. See the Table of Regulations for Special Uses , § [152.211](#),
 for details of each special use .
- (C) Districts in which particular uses are reviewed for compliance by the Town Planner are indicated
by “US”. See § 152.212 Use Standards for details of each Use Standard.
- (D) Districts in which particular uses are a minor special use upon approval of the Town Board of
Adjustments are indicated by “MS”. See the Table of Regulations for Special Uses , § [152.211](#), for
details of each special use .
- ~~(E)~~ (E) Districts in which particular uses are prohibited are indicated by not being listed or by a blank.
- ~~(F)~~ (F) Any land use listed in the Table of Permitted Uses that incorporates or utilizes a drive-in facility
 must have its site design plan and proposed traffic circulation and parking plan approved by the
 Town of Swansboro. Those plans must be approved prior to construction of the drive-in facility.
- ~~(E)~~ (G) Minimum zoning district area (acreage) requirements are defined in § [152.170](#), Establishment of
 Zoning Districts and the Purpose Thereof.

PERMITTED/ SPECIAL USES	ICS ^a	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD ^b	MHP	MHS	MHS-15SF	MHS-O ^c	O/I	G/E	B1 ^d	B2 ^e	B3 ^f	B2HDO ^g	M1 ^h
Accessory uses/structures incidental to any permitted use (see Note 7, § 152.180)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory structures located in the front yard on lots two acres or greater, flag lots, or on a double frontage lots		MS	MS	MS	MS	MS	MS	MS	MS	MS	MS	MS	MS	MS	MS							
Adult care home									MS													
Adult establishments (less than 500 sq. ft.) (see Note 8, § 152.180)																						P
Agricultural supply sales	422910																	MS				
Airports (see § 152.180, note 38)	488119		P																			S
Alcoholic beverages, packaged retail sales only											S							S-P				
Ambulance service/rescue squad	621910		S-P	S			S	S	S	S		S	S		S			S-P	P			S-P
Amusement indoor																		US	US			
Amusement outdoor																		S	S			
Animal aquaculture	112519		P																			
Animal medical care (no kennels)	541940		S-P													S-P		S-P				P
Antique sales	453310																	P	P	P	P	
Apparel & accessory sales	448150										P							P	P	P	P	
Appliance store	443111																	P	P	P		
Art gallery/sales																		P	P	P	P	
Assembly hall (gymnasiums, stadiums)	713940		S-P								S-P					S-P	P	S-P	S-P	S-P		P
Assisted living residence	623110		US								US					US		US	US			
Auction sales																		S-P	S-P	S-P	S-P	P
Automobile graveyard																						
Automobile service stations, general (see Note 9, § 152.180)											P							P				
Automobile/trailer/truck sales and rental (under 26,000 gross vehicle weight)	532111																	MS				MS
Automobile washing	811192																	P				P
Bakeries & confection shops	422420										P							P	P	P	P	
Banks, savings and loans financial activities & ATMs											P					P		P	P	P	P	
Bar, night club, tavern	722410																	US		US	US	
Barber and beauty shops	812111										P					P		P	P	P	P	
Bed and breakfast accommodations, & inns (see Note 29, § 152.180)				US		US										S-P			S-P	S-P	S-P	
Bicycle, sales, repair & rentals											P							P	P	P	P	
Blacksmith or horse shoeing services	541940		P																			
Boat and automobile including accessories (retail sales & service)	441222																	S-P	S-P	S-P	S-P	P
Boat construction (wood) (see § 152.180, note 38)																					P	P

PERMITTED/ SPECIAL USES	ICS ^a	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD ^b	MHP	MHS	MHS-15SF	MHS-O ^c	O/I	G/E	B1 ^d	B2 ^e	B3 ^f	B2HDO ^g	MI ^h
Boat/kayak rental and similar watercraft																		P	P		P	
Boat ramp		S <u>P</u>																S <u>P</u>	S <u>P</u>			<u>P</u>
Bona fide farms		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Bookstore	451211															P		P	P	P	P	
Bottling plants (see § 152.180, note 38)																						P
Building components and construction materials manufacturing (see § 152.180, note 38)	326199																					P
Building supplies	444190																	S <u>P</u>				p
Bulk grain storage (see § 152.180, note 38)	493130		P																			P
Bulk mail and packaging																		<u>US</u>	<u>US</u>	<u>US</u>		P
Bus terminal	488490																	<u>S</u>				<u>P</u>
Cabinet/woodworking shop	337110																					P
Campgrounds & travel trailer parks (see note 23, § 152.180)		<u>S</u>	<u>S</u>																			
Carnivals and fairs (temporary)	711190		S <u>P</u>															S <u>P</u>				
Catering establishments	722320																	P				P
Cemetery, public	812220		S <u>P</u>		<u>P</u>													S <u>P</u>				
Churches & related uses	813110		<u>US</u>	<u>US</u>	<u>US</u>	<u>US</u>	<u>US</u>	<u>US</u>	<u>US</u>	<u>US</u>	<u>US</u>		<u>US</u>	<u>US</u>	<u>US</u>	<u>US</u>	<u>US</u>	<u>US</u>	<u>US</u>			
Clothing alteration and repair																		P	P	P		
Clothing and textile manufacturing (see § 152.180, note 38)	313312																					P
Club or lodge, public or private (see note 25, § 152.180)			<u>US</u>				<u>US</u>	<u>US</u>		<u>US</u>						<u>US</u>		<u>US</u>	<u>US</u>	<u>US</u>	<u>US</u>	
Cluster development			P	P	P	P	P	P	P	P								<u>MS</u>	<u>MS</u>	<u>MS</u>	<u>MS</u>	
Cold storage (see § 152.180, note 38)	493120																	<u>S</u>	<u>S</u>			P
Colleges, universities & related uses	611310		<u>US</u>														P	<u>US</u>	<u>US</u>			
Commercial storage, flammables fluids & gases (see note 40, § 152.180) (see § 152.180, note 38)																		<u>S</u>				<u>S</u>
Communication or broadcasting facility	513112																	P				P
Computer sales	443120																	P	P	P		
Computer services	541511																	P	P	P		P
Concealed wireless telecommunications facility			S <u>P</u>								S <u>P</u>					S <u>P</u>	S <u>P</u>	S <u>P</u>	S <u>P</u>	S <u>P</u>	S <u>P</u>	S <u>P</u>
Conference center/retreat facilities	813110																	P	P			
Contractors office/equipment storage	234990																					P
Cosmetics manufacturing (see § 152.180, note 38)	325620																					P
Country clubs, private or public	713910		S <u>P</u>	P			P	P	P	P	P											
Courier service	492110																	P				P
Courtyard mall																		P	P	P		
Crating services	488991																	P				P
Crude petroleum & natural gas (see § 152.180, note 38)	211111																					<u>US</u>

PERMITTED/ SPECIAL USES	ICS ^a	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD ^b	MHP	MHS	MHS-15SF	MHS-OC ^c	O/I	G/E	B1 ^d	B2 ^e	B3 ^f	B2HDO ^g	MI ^h
Dairy products (sales)	42243 ^a										P							S P		P	P	P
Dairy products (processing)																						P
Day care facility (adult)			S P								S					S		P	P	S P		
Day care facility (child)	62441 ^a		S P	S	S	S	S	S	S	S	S	S	S	S	S	S		S P	S P	S P		
Department stores	45211 ^a																	P		P		
Detention facilities																						
Distribution centers (see § 152.180, note 38)	221 ^a																	P				P
Docks, piers (commercially operated, with or without launching facilities)																		MS	MS		MS	
Docks, piers (not commercially operated, with or without launching facilities)		P	P	P	P	P	P	P	P	P	P	P	P		P	P		P	P		P	
Docks, piers (government operated with or without launching facilities)		P	P	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P	
Drug store	44611 ^a																	P	P	P	P	
Drugs, manufacture of (see § 152.180, note 38)	42221 ^a																					P
Dry cleaning & laundry service (see note 11, § 152.180)	81232 ^a										P							P	P	P		
Dwelling, manufactured home (see note 12, § 152.180)	53111 ^a		P									P	P	P	P							
Dwelling, modular home			P	P	P	P	P	P	P	P	P		P		P	P						
Dwelling, multi-family and condominiums (see notes 22 and 37, § 152.180)	23322 ^a			S							S					S		S	S	S		
Dwelling located over a business (see notes 13 and 37, § 152.180)																		P	P	P	P	
Dwelling, single-family	23321 ^a		P	P	P	P	P	P	P	P	P		P	P	P	MS		MS	MS			
Dwelling, three/four family					S	S	S	S		S								S				
Dwelling, townhouses (see note 37, § 152.180)				S							S							S	S	S		
Dwelling, two-family/ duplex	23322 ^a			P	MS						P							MS	MS	MS	MS	
Electrical appliance manufacturing (see § 152.180, note 38)	334 ^a																					P
Electrical appliance sales and service (no outside storage)	44311 ^a																	US				P
Electrical industrial apparatus, assembly (see § 152.180, note 38)																						P
Electrical industrial apparatus, manufacturing (see § 152.180, note 38)																						P
Electrical machinery manufacture and/or assembly (see § 152.180, note 38)																						P
Electronic component assembly operations (see § 152.180, note 38)																						P
Electronic gaming operations (see note 28, § 152.180)																		S	S			

PERMITTED/ SPECIAL USES	ICS ^a	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD ^b	MHP	MHS	MHS-15SF	MHS-Oc	O/I	G/E	B1 ^d	B2 ^e	B3 ^f	B2HDO ^g	MI ^h
Emergency shelter	624221		P	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P	P
Employment/personnel agency	561310																	P	P	P		P
Exterminating services																		P				P
Fabric or piece goods store	451130																	P		P	P	
Fabrication shops (wood, metal, upholstery, fabric, plastics, etc.)	332312																	P				P
Family care home (see § 152.180, note 39)	623990			P	P	P	P	P	P	P		P	P	P	P	P		P				
Family foster home							S P	S P	S P	S P	S P											
Farm equipment and engine repair	811310		P															P				P
Farm machinery sales and service	811310		U S															P				P
Feed and grain sales and storage	422910		U S																			P
Fertilizer wholesale and retail sales	422910		U S																			P
Fiber manufacturing (see § 152.180, note 38)	325221																					P
Financial institutions (bank, savings and loan, credit unions)	522120																	P	P	P		
Fire station	922160	P	P	P	S P	S P	P	P	S P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fish mongers/sales (no outside storage)																		P	P		S P	
Fishing piers (public/commercial)																		S P	S P		S P	S
Flea markets (indoor)	453310																	U S				
Floor coverings, sales	442210																	P	P	P		P
Florist shops	453110										P							P	P	P	P	
Flour and feed mills (see § 152.180, note 38)	311211																					P
Food processing/production facilities (see § 152.180, note 38)	233310																					P
Food sales, pushcart/food truck (see note 30)																		P	P	P		P
Forestry	115310	P	P																			
Fuel sales	422710																	U S	U S			P
Funeral homes and mortuaries	812210					S P										S P		S P				S P
Furniture and fixtures assembly (see § 152.180, note 38)	337215																					P
Furniture and wood product manufacturing (see § 152.180, note 38)	337122																					P
Glass, sales	327212																	P	P	P		P
Golf course (see note 14, § 152.180)	713910		P	P		S	P	P		P	S						S	S	S	S		
Golf course, miniature	713990		S P	S			S	S		S	S							S P	S P	S P		
Golf driving range (see note 14, § 152.180)	713990		S P	S			S	S		S	S							S	S	S		
Government offices, buildings and facilities		P	P	P	P	P	P	P	P	P	P	P	P	P	P	S P	S P	S P	S P	S P	P	P
Grain mill products (see § 152.180, note 38)	311230																					P

PERMITTED/ SPECIAL USES	ICS ^a	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD ^b	MHP	MHS	MHS-15SF	MHS-O ^c	O/I	G/E	B1 ^d	B2 ^e	B3 ^f	B2HDO ^g	MI ^h
Greenhouse operations			P															P				P
Grocery and convenience stores	445110																	S P	S P	S P	S P	
Hardware, paint, & garden supply sales	44413										P							P	P	P	P	P
Hatcheries	112340	P	P																			
Heating, equipment and plumbing fixtures, sales	33341																	US	US	US		P
Heavy equipment manufacturing (see § 152.180, note 38)																						P
Home furnishings & appliance sales (no outdoor storage)	44229										P							S P	P	P		P
Home occupations (see note 15, § 152.180)			S P	S P	S P	S P	S P	S P	S P	S P	P	S P		S P	S P	P		S P	S P	S P	S P	
Horse shows	71131		P																			
Hospitals (add note about 160d)	622110		S P													P	P	P	S	S P	S	
Ice production	312113																					P
Industrial manufacturing the assembly, fabrication, finishing, manufacturing, packaging or processing of goods (see § 152.180, note 38)																						P
Industrial sales & repair of equipment	42183																	S				P
Industrial supplies and equipment services	81131																					P
Jails (see note 16, § 152.180)																						
Jewelry manufacturing (see § 152.180, note 38)	33991																	P				P
Kennels, breeding/boarding (not related to veterinarian's office)			MS													S		S				S P
Laboratory operations, medical or dental (see § 152.180, note 38)	62151 2														P		S				P	P
Laboratory research (see § 152.180, note 38)	54138															S	S	S				P
Landscape and horticultural services	56173		P															P				P
Laundromat	81231																	S P	S P	S	S	
Law enforcement station	54111	P	P	P	S P	P	P	P	P	P	P	P	P	P	P	S P	S P	S P	S P	P	P	P
Leather and leather products (tanning) manufacturing (see § 152.180, note 38)	316110																					P
Library	514120		S	S		S	S	S		S	S					S P	S P	S P	S P	S P		
Livestock and horse boarding			P																			
Livestock, sales & auction			MS																			
Locksmith, gunsmith	56162																	P				P
Machine tool manufacturing (see § 152.180, note 38)	33351																	S				P
Manufactured home park but excl. any manufactured home sales (see note 21, § 152.180)	531190											S P	P	P	P							
Manufacture of millwork, plywood and veneer (see § 152.180, note 38)	337212																					P
Marinas (greater than 10 boat slips)																		MS	MS	MS	MS	
Medical, dental and surgical equipment manufacturing (see § 152.180, note 38)	421450																					P

PERMITTED/ SPECIAL USES	ICS ^a	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD ^b	MHP	MHS	MHS-15SF	MHS-OC ^c	O/I	G/E	B1 ^d	B2 ^e	B3 ^f	B2HDO ^g	MI ^h
Metal fabrication facilities (see § 152.180, note 38)																						P
Mixed use																MS		MS	MS	MS	MS	
Mobile construction site offices, temporary (see note 17, § 152.180)	531110		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Mobile construction site containers (see note 34, § 152.180)			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Mobile home subdivision														P								
Monument sales	327991																	P				P
Mooring fields		P																S P	S P		S P	
Motels/hotels/condotels	721110															S P		P	S P	S P	S P	P
Motor vehicle assembly (see § 152.180, note 38)																		S				P
Motor vehicle sales (new and used)																		P				
Motorcycle sales	441221																	P				
Multi-unit assisted housing with services									US		P					US		P				
Municipal parking lots		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Municipal public facilities		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Municipal utility stations and substations		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Municipal utility workshops and storage, and municipal water towers		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P
Museums & natural science displays and exhibits																	P	P	P	P	P	
Musical recording sales	451220																	P	P	P	P	
Musical instrument sales/ instruction	421990																	P	P	P	P	
Newspaper offices & incidental printing																P		P	P			
Newsstand	451212										P							P	P	P	P	
Nurseries (plants)	444220		P															P	S P			
Nursing home			US	S			S	S		S	US					US		US	US			
Off-street parking and loading facilities (in accordance with §§ 152.290 - 152.296)	812930		P	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P	
Office for business, professional, or personal services											P					P		P	P	P	P	P
Outdoor fruit and vegetable markets	445230		P															P		P	P	
Outdoor market, municipal																		P	P		P	
Paper goods manufacturing (see § 152.180, note 38)	322121																					P
Parking lots (commercial)			S	S	S	S	S	S	S	S		S	S		S		P	P	S	P	S	
Parks and playgrounds, public	712190	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parks and playgrounds, semi- public (see note 26, § 152.180)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Pawnshop or used merchandise store	522298																	P	S P		P	
Pedestrian walkways, waterfront		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P

PERMITTED/ SPECIAL USES	ICS ^a	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD ^b	MHP	MHS	MHS-15SF	MHS-O ^c	O/I	G/E	B1 ^d	B2 ^e	B3 ^f	B2HDO ^g	MI ^h
Pest or termite control services	561710																	U ^S				P
Pet cremation																						P
Petroleum products, storage and/or distribution (see note 10, § 152.180) (see § 152.180, note 38)	812220																	S				S
Photography, commercial	422720										P					P		P	P	P	P	
Portable storage containers or structures (see note 32, § 152.180)	333315															P	P	P	P			P
Portland cement mixing plants (see § 152.180, note 38)	327310																					S
Post office	491110										P					P		P	P	P		
Pottery and related products, sales	327112																	P	P	P	P	
Precision instrument manufacturing (see § 152.180, note 38)	332212																	U ^S				P
Printing and reproduction establishments	511130																	P	P	P		P
Private recreation club			S ^P	P	S ^P	S ^P	P	P	S ^P	P	P	S ^P	S ^P	S ^P	S ^P			P				
Processing establishments (see § 152.180, note 38)																						
Production of glass products from purchased glass (see § 152.180, note 38)	327215																					P
Production of manufactured housing and wood buildings (see § 152.180, note 38)	421390																					P
Public and private utility facilities (see note 27, § 152.180)																		P	P		S ^P	
Public utility stations & substations		P	S ^P	S ^P	P	P	S ^P	S ^P	S ^P	S ^P	S ^P	S ^P	S ^P	S ^P	S ^P	S ^P	P	S ^P	P	P	S ^P	S ^P
Public utility workshops & storage					S ^P												P	S ^P				S ^P
Radio & television studio activity without associated tower											P					P		P				P
Radio & television transmitting	513112 513120	P	P	P	P	P	P	P	P	P		P	P		P		P	P				P
Recreation or amusement conducted for profit, not otherwise listed											P ^{MS}					P ^{MS}		MS	MS	MS		
Recreational vehicles (see note 18, § 152.180)				P	P	P	P	P	P	P		P	P		P							
Recreational vehicle sales	441210																	S ^P				
Refrigerated warehousing (see § 152.180, note 38)	493120																	S ^P				P
Rehabilitation facility			P	P												P						
Remote off-street parking																U ^S		U ^S	U ^S	U ^S	U ^S	
Research facilities, including manufacturing incidental to same (see § 152.180, note 38)																		S ^P				S ^P
Residential child care facility									S ^P													
Residential family child care home			P	P	P	P	P	P	P	P		P	P	P	P							
Restaurants (including take- out only establishments)	722110										S ^P							S ^P	S ^P	S ^P	S ^P	
Retail fish markets																		S ^P	S ^P		S ^P	

PERMITTED/ SPECIAL USES	ICS ^a	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD ^b	MHP	MHS	MHS-15SF	MHS-O ^c	O/I	G/E	B1 ^d	B2 ^e	B3 ^f	B2HDO ^g	MI ^h
Retail merchandise sales (greater than 5,000 sq. ft.)											MS							MS	MS	MS		
Retail merchandise sales (less than 5,000 sq. ft.)											P							P	P	P	P	
Retail or service, not otherwise listed																		S P				
Riding school or commercial stable	713990		P																			
Salvage and recovery yards (see note 19, § 152.180)																						
Sanitary landfill	562212		MS																			
Sawmill or planing mills	321113		MS																			
School, business or commercial	611410															P	P	P	S P			
School, elementary or secondary & related uses (see note 36, § 152.180)	611110		S P	S P			S P	S P	S P	S P	S P					S P	S P	S P	S P			
School, trade or vocational	611210															S P	S P	S P	S P			P
Service establishments (see note 24, § 152.180)																				P	P	
Shopping centers	233320																	P	S	P		
Sign painting and fabrication shop	541890																	S P				P
Sign, principal use		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solar farms																						S
Stone manufacturing facility primarily engaged in cutting, shaping and finishing marble, granite and other stone (see § 152.180, note 38)																						P
Storage or baling of scrap paper, iron, bottles, rags, or junk	333999																					P
Storage, warehouse, including mini storage	493110																	US				P
Swimming pools (private/ noncommercial) (see note 20, § 152.180)	611620		P	P	P	P	P	P	P	P		P	P	P	P			P				
Swimming pools (public/ commercial) (see note 20, § 152.180)			MS	MS			MS	MS	MS	MS	MS	MS		MS			MS	P MS	MS			
Tattoo/piercing parlor																		P				
Taxicab office or stand																	S P	S P			S P	S P
Telephone exchange operations											S P					S P		S P	S P		P	P
Temporary family health care structures (see § 152.180, note 40)			P	P	P	P	P	P	P	P			P	P	P	S P		S P	S P			
Temporary residential storage units (see note 33, § 152.180)			P	P	P	P	P	P	P	P	P	P	P	P	P							
Textile manufacturing (see § 152.180, note 38)	313210																					P
Theaters, indoor											P					P		P	S	P		
Theaters, outdoor																		P				
Therapeutic massage business																		S P	S P		P	
Tire recapping	326212																	S				P

PERMITTED/ SPECIAL USES	ICS ^a	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD ^b	MHP	MHS	MHS-15SF	MHS-O ^c	O/I	G/E	B1 ^d	B2 ^e	B3 ^f	B2HDO ^g	MI ^h
Tire sales	441320																	S P				P
Tires and inner tubes manufacturing (see § 152.180, note 38)	421130																					P
Tobacco products manufacturing or processing (see § 152.180, note 38)	312220																					P
Tobacco sales (retail)																		S P	S		P	
Tobacco warehousing (see § 152.180, note 38)																						P
Tour guide/charter services																	P	P	P		P	
Travel agency	561510										P					P		P	P	P	P	
Truck terminal activities (see § 152.180, note 38)	447190																					P
Truck/trailer rentals (over 26,000 gross vehicle weight)	811111																					P
Trucking, transfer companies, and heavy equipment terminals (see § 152.180, note 38)	488490																					P
Vehicle storage lot (less than 5,000 sq. ft.)																		P				
Veterinary office/hospitals	541940																	S P	S P			
Warehouse (general storage, enclosed) (see § 152.180, note 38)	493110																	U S				P
Water towers			S P	S P	S P	S P	S P	S P	S P	S P		S P	S P		S P		S P	S P	S P			S P
Wedding chapel																					P	
Welding shops	811310		S P															S P				P
Wholesale fish sales																		S P	S P			P
Wholesale operations not otherwise listed																		M S	M S			P
Windmills			U S			S												S				S
Wireless telecommunication facilities (see § 152.180, note 41)	234920		S													S	S	S				S

PERMITTED/ SPECIAL USES	ICS ^a	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD ^b	MHP	MHS	MHS-15SF	MHS-O ^c	O/I	G/E	B1 ^d	B2 ^e	B3 ^f	B2HDO ^g	MI ^h
Wood products, manufacture (see § 152.180, note 38)	421990																					P
Yacht, sailing, and fishing clubs	713930		S	S			S	S	S	S			S		S			P	P		P	
(a) See § 152.180(B) Note 2. Reserved (b) See § 152.180(C) Note 3. (c) See § 152.180(D) Note 4. (d) See § 152.180(E), (F) Notes 5, 6. (h) See § 152.180(LL) Note 38.																						

(Ord. passed 3-15-2005; Amended 6-08-2005; Am. Ord. 2005-O8, passed 7-19-2005; Am. Ord. 9-20-2005; Am. Ord. 2006-11, passed 4-18-2006; Am. Ord. passed 6-20-2006; Am. Ord. passed 9-18-2007; Am. Ord. 2008-O4, passed 2-19-2008; Am. Ord. 2009-O6, passed 4-21-2009; Am. Ord. passed 1-19-2010; Am. Ord. 2010-O6, passed 2-16-2010; Am. Ord. 2010-O14, passed 5-18-2010; Am. Ord. passed 6-15-2010; Am. Ord. passed 11-16-2010; Am. Ord. passed 1-18-2011; Am. Ord. passed 6-21-2011; Am. Ord. passed 7-19-2011; Am. Ord. 2011-O26, passed 8-16-2011; Am. Ord. passed 2-19-2013; Am. Ord. 2013-O9, passed 3-19-2013; Am. Ord. passed 5-21-2013; Am. Ord. passed 6-12-2013; Am. Ord. 2014-O9, passed 4-15-2014; Am. Ord. passed 1-26-2016; Am. Ord. passed 3-22-2016; Am. Ord. passed 7-26-2016; Am. Ord. 2016-O11, passed 9-13-2016; Am. Ord. 2016-O14, passed 10-25-2016; Am. Ord. passed 11-22-2016; Am. Ord. 1-10-2017; Am. Ord. passed 2-28-2017; Am. Ord. 2019-O4, passed 4-23-2019; Am. Ord. 2020-O6, passed 8-10-2020; Am. Ord. 2021-O3, passed 5-24-2021; Am. Ord. 2021-O7, passed 7-26-2021)

§ 152.180 NOTES TO THE TABLE OF PERMITTED/SPECIAL USES.

(A) Note 1. Conditional Zoning Districts .

(1) Conditional zoning districts are zoning districts in which the development and use of the property is subject to site-specific conditions imposed as part of the legislative decision creating the zoning district.

(2) A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and on the entire community. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the adopted land use plan, adopted area plans and other long range plans. The review process established in this division provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions which ensure compatibility of the use with the use and enjoyment of neighboring properties. A conditional zoning district is generally not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved district or area plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available within a reasonable time period. A separate master plan approval process as described in this division may be utilized only when a proposal is a component of a development project that is the subject of a development agreement between Town of Swansboro and a developer pursuant to G.S. §§ 160D-1001 through 160D-1012.

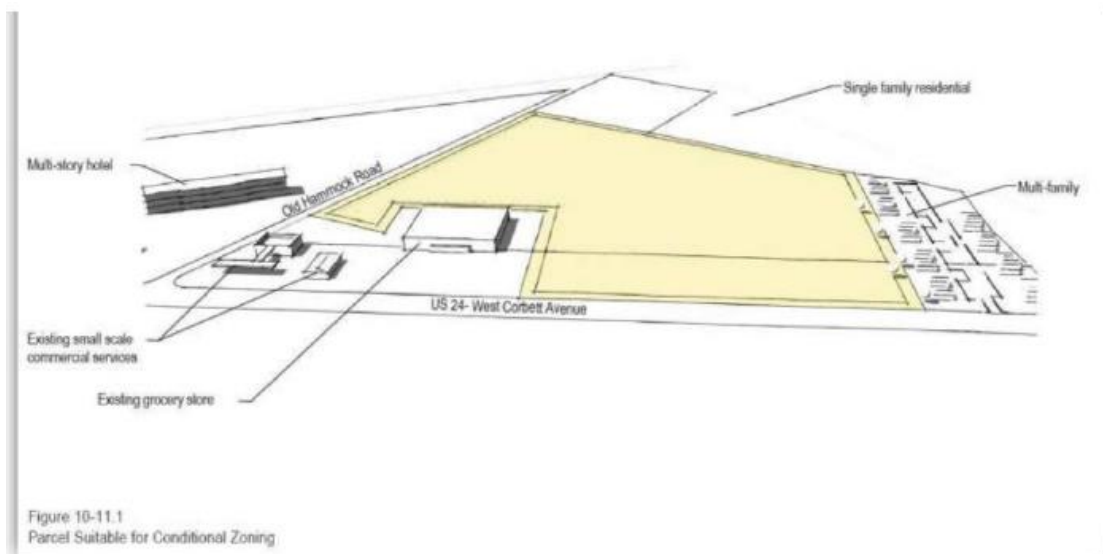


Figure 152.180.1 (Sample parcel suitable for Conditional Zoning)

(a) Flexible lot development , requires rezoning to Conditional Zoning Districts (CZ).

1. Flexible lot development is an area of land under unified control, to be developed as a single entity for a number and variety of dwelling and/or commercial units, according to a Master Plan which is approved at the time of the rezoning.

2. Flexible lot development developments such as mixed use requested within traditional commercial zoning districts such as B1, B2 and B3 shall incorporate a minimum of 25% of the total project area to commercial buildings or services. The development of neighborhood, community or regional commercial centers shall be in scale with surrounding market areas at locations recommended herein or the town's Land Use Plan. The development is intended to permit the establishment of the projects only where planned centers with carefully organized buildings, service areas, parking areas and landscaped open spaces will clearly serve demonstrated public need, reduce marginal traffic friction that would result from strip commercial development along highways, and protect property values in surrounding neighborhoods.

3. Flexible lot development is intended to allow flexibility (variety) in development and encourage the use of innovative design and layout that would not otherwise be permitted under the UDO because of strict application of the zoning district or general development standards. Flexible lot development encourages innovative land planning and design concepts by:

a. Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards (e.g. height, setbacks , lot width) that were designed primarily for individual lots ;

b. Allowing greater freedom in selecting the means to provide access, light, open space and design amenities;

c. Allowing greater freedom in providing a mix of land uses in the same development , including mix of housing types, housing prices, lot sizes, densities and non-residential uses;

d. Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses; and

e. Encouraging quality urban design and environmentally sensitive development by allowing increases in base densities when the increases can be justified by superior design or the provision of additional amenities such as public and/or private open space .

4. In return for greater flexibility in site design requirements, flexible lot developments are expected to: deliver exceptional quality community designs that preserve critical environmental resources; provide above- average open space amenities, incorporate creative design in the layout of buildings, open and circulation; coordinate and unify design elements of the project, including building materials, signage and architectural

compatibility; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure. The Conditional Zoning District process shall not be used as a means of circumventing the town's adopted zoning and development regulations for routine developments .

5. Uses allowed. Flexible lot development may contain any or all of the uses specified in the approved Master Plan, provided the uses are consistent with the town's Land Use Plan. A wide range of uses is possible in flexible lot development , and the specific uses allowed may be different in each development approved through the Conditional Zoning District process. All uses that are set out in an approved Master Plan shall be treated as permitted uses within the development, except that uses which are prohibited shall not be permitted within the development.

6. Certain mixed uses allowed.

a. Mixed use developments are encouraged and allowed in flexible lot developments through the Conditional Zoning District process only as specified in this chapter. Mixed use development may occur by having retail or commercial uses located in the same building (e.g., retail or office space on ground floor , and residential above) or by having non-residential uses located in different buildings sited on the same lot or parcel (e.g., office building located on the same parcel as a freestanding residential structure).

b. Mixed use developments shall be designed, located and oriented on the site so that non-residential uses are directly accessible to residents of the development . For the purposes of this section, directly accessible shall mean pedestrian and vehicular access by way of improved sidewalks, paths, greenways and streets that do not involve leaving the development or using a major thoroughfare . Directly accessible does not necessarily mean that non-residential uses need to be located in a particular location, but that the siting of the uses considers the accessibility of the residential component of the development to the non-residential use.

7. Flexible lot development approved through a Conditional Zoning District shall be subject to all applicable overlay district regulations, all applicable environmental regulations, and all applicable general regulations, unless otherwise waived or modified by the town in the terms of the approved master plan. In case of any conflict between a specific regulation set forth in this chapter and the UDO and town code of ordinances, the regulation in this section shall apply unless otherwise expressly allowed.

8. Notwithstanding division (A)(2)(b)7. of this section, in no case shall the Board of Commissioners waive or modify the following standards for a proposed flexible lot development :

a. All overlay district requirements and standards;

b. Ownership requirements for any open space , buffers or streetscapes unless otherwise permitted in the UDO; Stormwater control and erosion and sedimentation control requirements;

9. Other applicable standards (minimum).

a. Emergency access. Any building established as part of a flexible lot development which cannot properly be served by emergency or service vehicles from an abutting street shall be made accessible to the vehicles by a paved driveway having a roadbed width of not less than 20 feet, exclusive of parking spaces.

b. Transportation and circulation system. The development's Master Plan shall demonstrate a logical, adequate, safe and convenient on-site transportation system that addresses vehicular, bicycle, pedestrian and transit circulation that connects all residential areas with pedestrian destinations on and off-site, such as schools, churches, shopping areas and recreational areas. All elements of the on-site transportation system shall be integrated with all off-site transportation circulation systems, with particular attention to minimizing pedestrian/automobile contact.

c. Off-street parking and loading. The development's Master Plan shall comply with the off-street parking and loading requirements of §§ 152.290 through 152.296, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the development is submitted as part of the Master Plan that is suitable for the development and consistent with the intent and purpose of the off-street parking and loading standards of the UDO.

d. Landscaping. Landscaping shall comply with the standards of §§ 152.525 through 152.544, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas, and is consistent with the urban design objectives and/or character of the area.

e. Utilities. Flexible lot development projects shall provide for underground installation of utilities, including telephone and power in both public and private rights-of-way, except when conditions not reasonably within the control of the developer make this requirement impractical.

f. Areas to be preserved. In all flexible lot development projects, efforts shall be made to preserve historic sites, scenic points, large trees and other desirable natural growths, watercourses and other water areas, and other features worthy of preservation, either as portions of public sites and open spaces, or in the other form as to provide amenities to the neighborhood. Trees or other desirable natural growth located in public or private rights-of-way or public or private easements shall not be removed unless the removal is necessary for the installation of utilities or drainage structures or for other purposes in the public interest. The removal may be prohibited if the amenity of adjacent property, or the amenity of the general neighborhood, is adversely affected.

g. Building form. As provided for in §§ 152.555 through 152.561, Building Design and Compatibility, construction and reconstruction of buildings in a manner that achieves a visually desirable environment is essential in achieving innovative land planning and design concepts. In addition to provided herein are additional requirements for any

modification in height, setbacks and lot dimensions as required in the underlying zoning district:

h. Height. Consideration for height modification shall be reviewed using the techniques as provided in (A)(2)(b)9.ii. through iv below. In no case shall the mean height exceed 40 feet.

i. Stepback. Stepbacks can provide mitigation to views along the corridor by providing relief of the vertical mass. Stepbacks provide a vertical transition between adjacent properties visually reducing the perceived scale of a building in comparison to its surrounding context. An additional building setback of one foot for every requested one foot of height shall be required above the town's 35 foot requirement. (e.g., if the developer request is for 40 feet, an additional five foot setback would be required). See Figure 152.180.2.

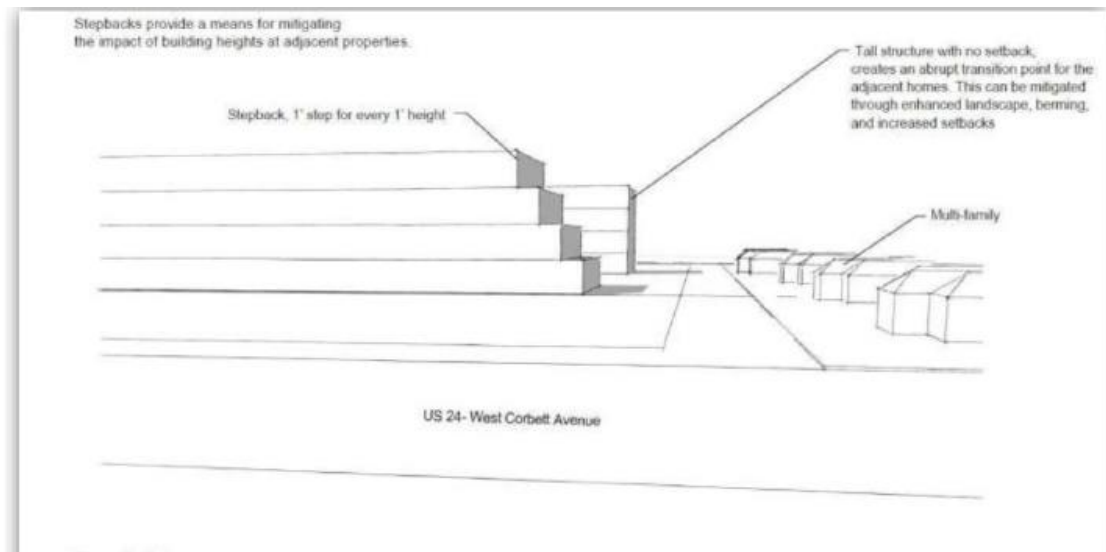


Figure 152.180.2 (Use of Stepbacks for Height Modification)

ii. Corridor setback . In requesting the use of Flexible lot development along the Highway 24/Corbett Street corridor, no structure within 200 feet from the corridor right-of-way shall exceed the 35 foot town-wide height requirement. See Figures 152.180.3 and 152.180.4.

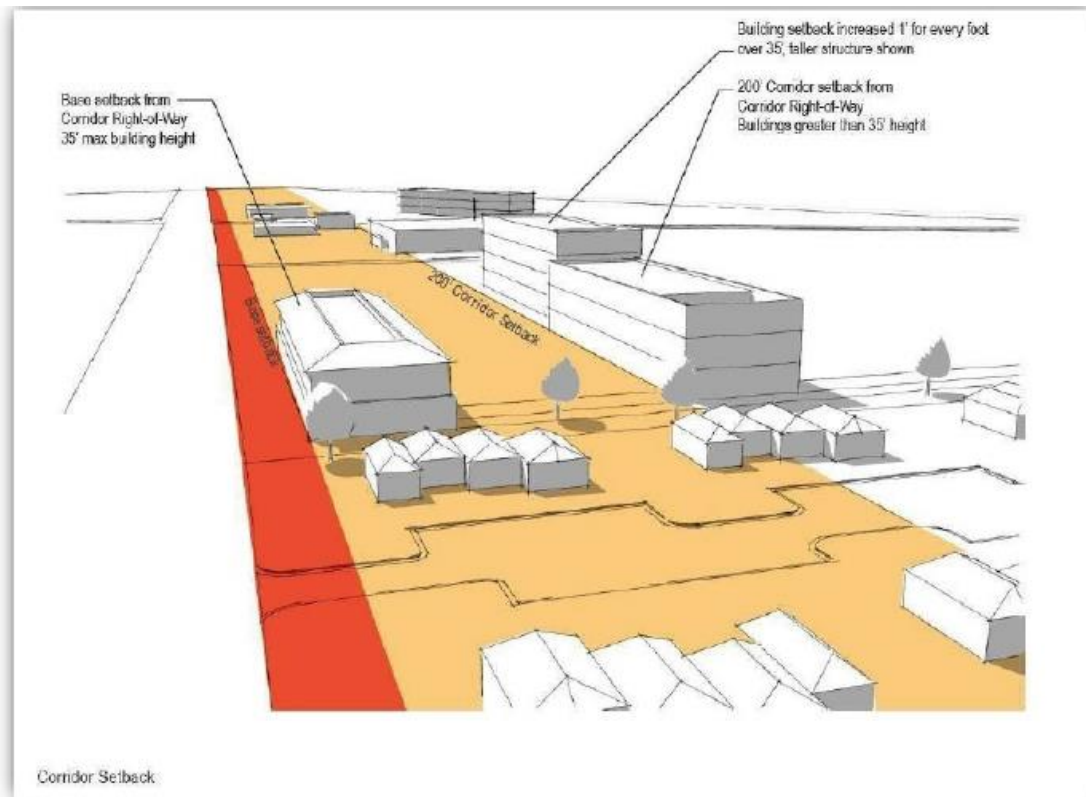


Figure 152.180.3 (Use of Corridor Setback for Height Modification)

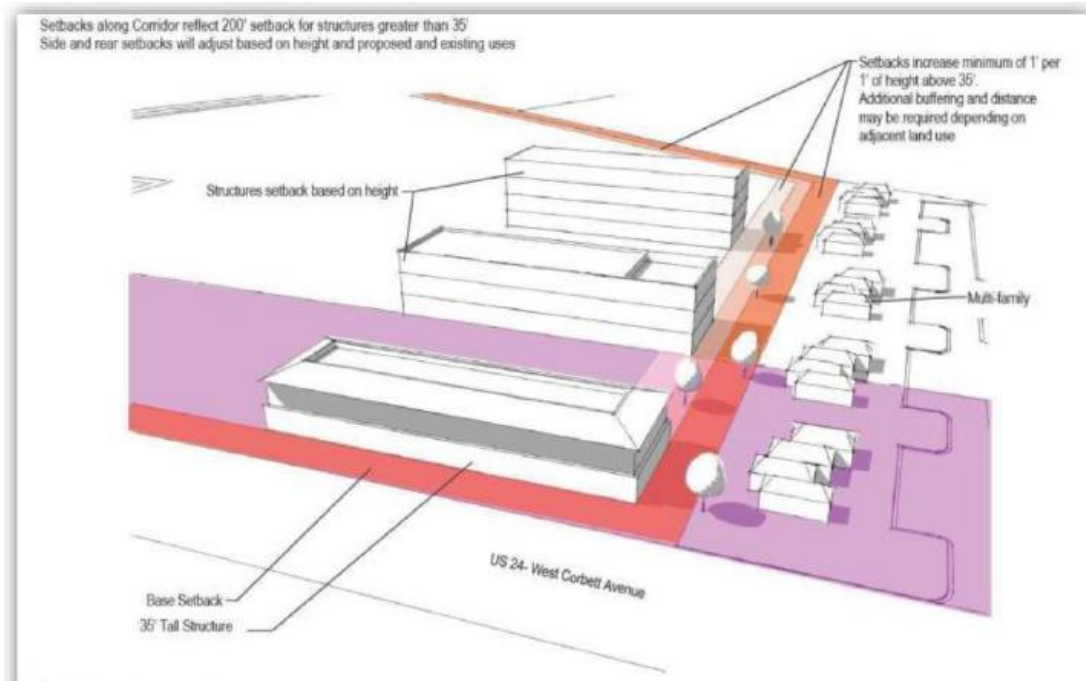


Figure 152.180.4 (Use of Corridor Setback for Height Modification)

iii. Transition zones. The following standards shall be applied between existing and proposed flexible lot developments . See Figure 152.180.5.

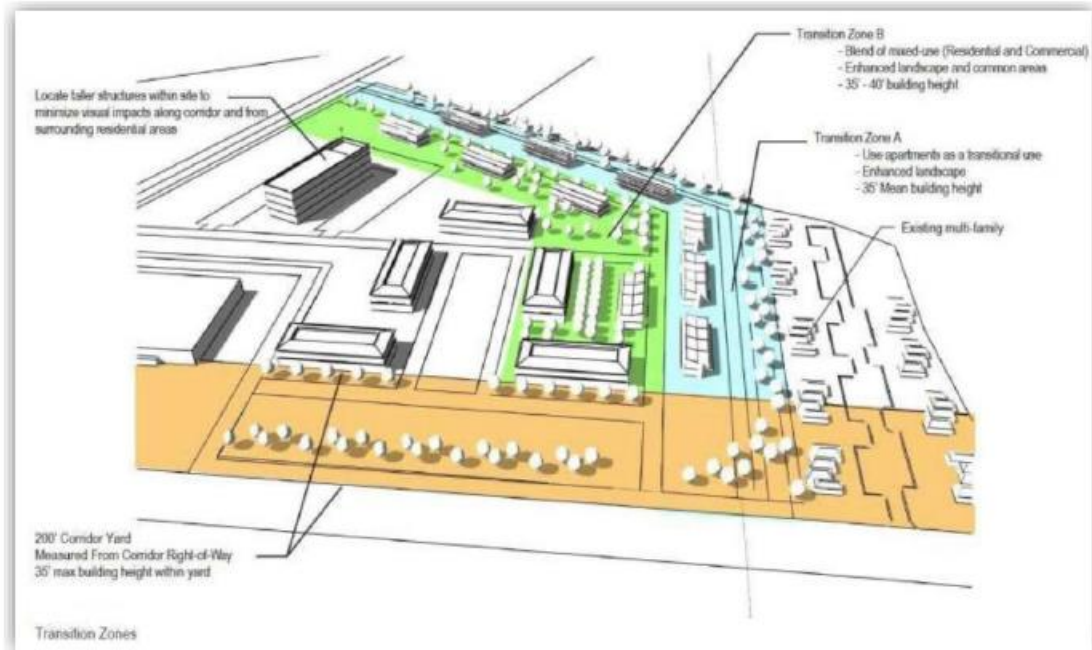


Figure 152.180.5 (Use of Transition Zones for Height Modification)

iv. Massing. A single, large, dominant building mass shall be avoided. Where large structures are required, mass should be broken up through the use of setbacks, projecting and recessed elements, and similar design techniques. See Figure 152.180.6.

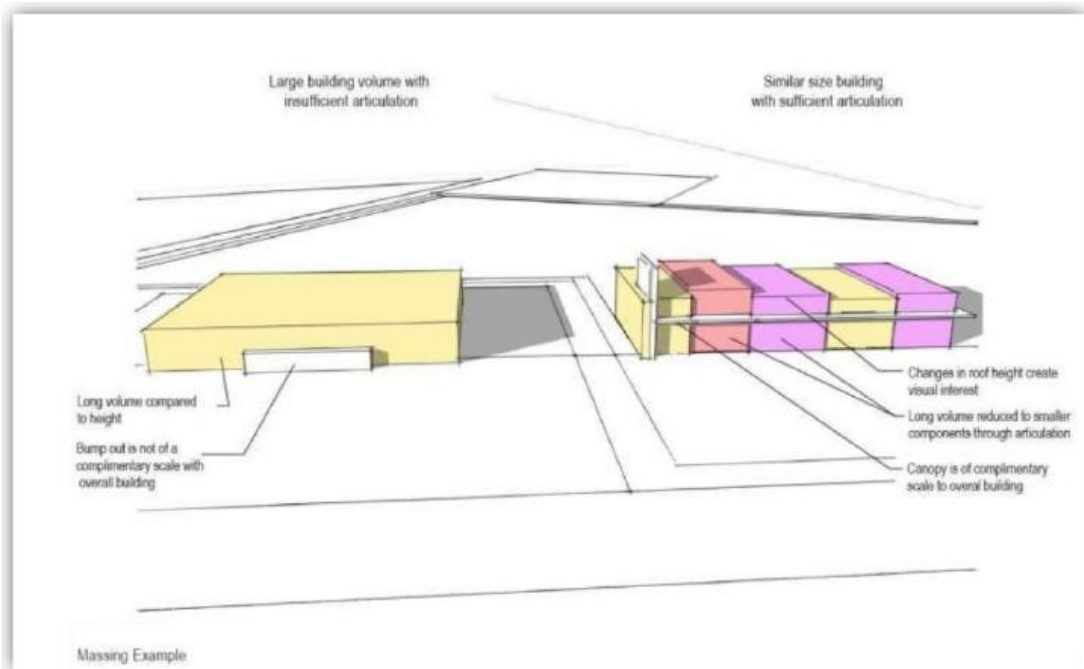


Figure 152.180.6 (Use of Massing for Height Modification)

(c) Plans and other information to accompany petition.

1. Property may be rezoned to a conditional zoning district only in response to a petition submitted by all owners of the property to be included in the district. Specific conditions may be proposed by the petitioner or the town or its agencies, but only those conditions mutually approved by the town and the petitioner may be incorporated into the zoning regulations. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to the town ordinances, plans adopted pursuant to G.S. § 160D-501, or the impacts reasonably expected to be generated by the development or use of the site. A petition for conditional zoning must include a site plan, drawn to scale, and supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to all predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided:

a. A boundary survey and vicinity map showing the property's total acreage, its zoning classification(s), the general location in relation to major streets, railroads, and/or waterways, the date, and north arrow;

b. All existing easements, reservations, and rights-of-way;

c. Approximate dimensions, including height of proposed buildings and other structures;

d. Proposed use of all land and structures, including the number of residential units and the total square footage of any nonresidential development.

e. All yards, buffers, screening, and landscaping required by this article or proposed by the petitioner;

f. All existing and proposed points of access to public and/or private streets;

g. Delineation of areas within the regulatory floodplain as shown on the official flood hazard boundary maps for the Town of Swansboro;

h. Proposed phasing (if applicable);

i. The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development;

j. Approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads and pedestrian walkways;

k. Generalized traffic, parking, and circulation plans;

l. Tree survey (if applicable);

m. Site inventory as required by this subchapter.

2. For a proposed conditional zoning district constituting a component of a development project that is the subject of a Development Agreement, the applicant shall submit a master plan in lieu of a detailed site plan. Board of Commissioners approval of the master plan shall be required. Conditions from any adopted district, corridor, or area plan, including the Town's Land Use Plan shall be adopted as part of the approval where appropriate. The site plan shall be reviewed and recommendations made for conditions by the Technical Review Committee.

3. Submittal requirements - Master Plan. The master plan shall consist of the following:

- a. A boundary survey and vicinity map showing the property's total acreage, its zoning classification(s), the general location in relation to major streets, railroads, and/or waterways, the date, and north arrow.
- b. A conceptual land area plan showing the location of all major land use types and the proposed maximum square footage for each use.
- c. Maximum building heights shall be delineated on the conceptual land area plan.
- d. The plan shall indicate all external access points.
- e. The plan shall indicate proposed buffers.
- f. Generalized open space areas and stormwater facilities shall be indicated.
- g. The applicant shall submit a text narrative indicating how the proposed plan conforms to conditions of any adopted area plan, corridor plan, or other long-range plan, including town's adopted Land Use Plan.
- h. A traffic impact analysis shall be submitted based on the generalized land uses proposed. Maximum trip generation impacts shall be established as part of the plan.
- i. Conditions in the Master Plan. In some cases, the ability to implement or strictly follow the approved Master Plan conditions can be problematic (i.e., conditions requiring specimen trees to be preserved, but the trees have subsequently died due to natural causes following the approval). In those cases, the Town Manager shall implement the condition in a way that most closely meets its original intent.

4. Submittal requirements - Site Plan. Once the conditional zoning and master plan have been approved, the applicant may submit a site plan for approval in accordance with this article. The site plan shall be accompanied by the following information:

- a. The applicant shall submit a text narrative indicating how the proposed site plan conforms to the adopted master plan.
- b. For phased projects, the submitted site plan shall show the generalized location of vehicular and pedestrian accesses to additional phases.

5. The Town Manager has the authority to waive any application requirement where the type of use or scale of proposal makes providing that information unnecessary or impractical.

6. In the course of evaluating the application, the Town Manager, Planning Board or Board of Commissioners may request additional information from the applicant. This information may include the following:

- a. Proposed screening, buffers and landscaping over and above that required in §§ 152.252 through 152.544, as well as proposed treatment of any existing natural features;
- b. Existing and general proposed topography, at two foot contour intervals;
- c. The location of significant trees on the subject property;
- d. Scale of buildings relative to abutting property and/or general development area;
- e. Building elevations and exterior features of proposed development ;
- f. Proposed number and location of signs;
- g. Any other information needed to demonstrate compliance with this subchapter;

7. The site plan and any supporting text shall constitute part of the petition for all purposes under this subchapter.

(d) Required community meetings before public hearing. Before a public hearing may be held on a petition for a conditional zoning district , the petitioner must file in the office of the Town Clerk a written report of at least two community meetings held by the petitioner. The community meeting shall be held prior to the planning board 's consideration of the petition. Written notice of such a meeting shall be given to the property owners and organizations entitled to notice as determined by policies approved by the Board of Commissioners . The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. In an effort to assist the applicant with meeting space, the Town may provide meeting space to accommodate the community meeting. The adequacy of a meeting held or report filed pursuant to this section shall be considered by the Board of Commissioners but shall not be subject to judicial review.

(e) Approval of Conditional Zoning District .

1. Conditional zoning district decisions are a legislative process subject to the same procedures and standard of review applicable to general use district zoning decisions. In considering any petition for a conditional zoning district , the Board of Commissioners shall act in accordance with § 152.032 and § 152.072. Conditional zoning district decisions shall be made in consideration of identified relevant adopted land use plans for the area,

including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, bicycle and pedestrian plans and other policy documents.

2. The Town Board of Commissioners may not vote to rezone property to a conditional zoning district during the time period beginning on the date of a municipal general election and concluding on the date immediately following the date on which the Town Board of Commissioners holds its organizational meeting following a municipal general election unless no person spoke against the rezoning at the public hearing and no comments were submitted under § 152.075. If comments were filed, a zoning petition which would otherwise have been scheduled for a public hearing during the period beginning on the first day of October prior to a municipal general election, but prior to the new Town Board of Commissioners taking office shall be postponed until after the new Town Board of Commissioners takes office.

(f) Conditions to approval of petition. In approving a petition for the reclassification of property to a conditional zoning district, the Planning Board may recommend, and the Board of Commissioners request, that reasonable and appropriate conditions be attached to approval of the petition. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the Board of Commissioners may find appropriate or the petitioner may propose. Such conditions to approval of the petition may include dedication to the town, Onslow Water and Sewer Authority, county or state, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Board of Commissioners. If for any reason any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted to rezone the property to its previous zoning classification.

(g) Effect of approval.

1. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan or master plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the zoning maps.

2. If a petition is approved, only those uses and structures indicated in the approved petition and site plan or land use area indicated on the master plan shall be allowed on the subject property. A change of location of the structures may be authorized pursuant to

subsection division (A)(2)(h) of this section, Alterations to Approval. The changes to the site plan layout will not increase the number of structures.

3. Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning maps by the appropriate district designation. The zoning shall be identified by the same designation as the underlying general district followed by the letters "CZ" (for example "B-2 (CZ)").

4. No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and site plan for the district.

5. Any violation of the approved site plan or any rules, regulations and conditions for the district shall be treated the same as any other violation of this chapter and shall be subject to the same remedies and penalties as any such violation.

6. The Town Manager shall have the delegated authority to approve minor amendments to an approved plan that do not involve a change in the uses permitted or the density of the overall development. The Town Manager shall have no authority to amend the conditions of approval of a petition. The standard for approving or denying such a requested change shall be that the change does not significantly alter the plan and that the change does not have a significant impact on abutting properties. Any decision must be in writing stating the grounds for approval or denial.

7. The Town Manager, however, shall always have the discretion to decline to exercise the delegated authority either because he or she is uncertain about approval of the change pursuant to the standard or because a rezoning petition for a public hearing and Board of Commissioners consideration is deemed appropriate under the circumstances. If the Town Manager declines to exercise this authority, then the applicant can only file a rezoning petition for a public hearing and Board of Commissioners decision.

8. Any request for an administrative amendment shall be pursuant to a written letter, signed by the property owner, detailing the requested change. Upon request, the applicant must provide any additional information that is requested. Upon an approval of an administrative amendment, the applicant must file a sufficient number of copies of a revised site plan as deemed necessary by the Town Manager.

(h) Alterations to approval. Except as provided in division (A)(2)(I) of this section, changes to an approved petition or to the conditions attached to the approved petition shall be treated the same as amendments to these regulations or to the zoning maps and shall be processed in accordance with the procedures in this article. Any changes that would be considered major changes herein shall be subject to this division.

(i) Review of approval of a conditional zoning district.

1. It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than three years after the date of approval of the petition, the Planning Board may examine the

progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval.

2. If the Planning Board determines that progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the Board of Commissioners a report which may recommend that the property be rezoned to its previous zoning classification or to another district.

(B) Note 2. ~~The Standard Industrial Classification Codes indicated in § 152.179 Table of Permitted Uses are for reference purposes only, and do not mean that all uses under a specified code heading as provided in the Standard Industrial Classification Manual are permitted or special uses in the applicable zone. Reserved~~

(C) Note 3. Land use within the planned unit development . All uses listed in the Table of Permitted Uses as a use-by-right in the PUD district shall be specified to be developed on certain sites within the PUD district at the time of the approval of the preliminary plan. Commercial activities shall be permitted only as a special use permit for uses allowed in the B-2 district.

(D) Note 4. Mobile Home Subdivision Overlay. In this district, all provisions of this chapter relating to Mobile Home Subdivisions including permitted and special uses apply with the following additional provisions and conditions.

(1) Any new or used mobile home newly placed within the jurisdiction of this UDO must be in full compliance with all current NC Code established by the North Carolina Department of Insurance (NCDI), as well as any U.S. Department of Housing and Urban Development (HUD) building regulations concerning mobile homes which are applicable.

(2) All mobile homes in the district shall have at least 672 square feet of enclosed heated space

(3) All mobile homes in the district shall be:

(a) Set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall , unpierced except for required ventilation and access shall be installed under the perimeter of the manufactured home ; or,

(b) Set up in accordance with the standards set by the North Carolina Department of Insurance and underpinning or skirting shall be installed and maintained along the perimeter of the manufactured home . Such underpinning or skirting shall be made of a material consistent with or complementary to the material covering the exterior of the mobile home and shall be installed prior to the issuance of a certificate of occupancy.

(E) Note 5. Any person , firm, or corporation hereafter engaging in any development of vacant commercial property shall construct or cause to be constructed upon said development sidewalks that comply with the specifications of the Town of Swansboro as maintained by the Administrator of the Town of Swansboro; provided that if the development involves razing, dismantling, or removal of all principal structures existing on

a tract of land substantially to ground level, then that tract shall be considered vacant, and this section shall apply to such development. Such sidewalks shall run as nearly as practicable parallel with the adjacent public street(s) or highway(s) and shall extend for the entire length of such person's, firm's, or corporation's frontage along any public street or highways.

(F) Note 6. Itinerant merchants prohibited.

(1) No itinerant merchant, as defined in this Unified Development Ordinance, shall be permitted to engage in any of the activities described in the definition of "itinerant merchant" in § 152.016, at any location within the Town of Swansboro or its extraterritorial zoning jurisdiction area.

(2) No peddler or itinerant salesman shall be permitted to engage in any of the activities described in the definition of "itinerant merchant" in § 152.016, upon any private property and the premises thereof, unless such peddler or itinerant salesman has been requested or invited to do so by the owner or occupant of such private property and premises, nor shall any such peddler or itinerant salesman be permitted to engage in any of the activities described in the definition of "itinerant merchant" in § 152.016, upon any public park, street, highway, alley, sidewalk, or other public way or upon any property owned or leased as lessee by the Town of Swansboro without the permission and approval of the town.

(G) Note 7. Accessory uses and structures.

(1) Accessory uses or structures is a use or a structure on the same lot with, but of a nature customarily incidental and subordinate to the principal use or structure and which contributes to the comfort, convenience, or necessity of occupants, business or industry in the principal building or use being served. No tent, mobile home, camper, travel trailer, nor any other temporary, portable, or removable trailer, container, vehicle, or structure of any kind may be considered an accessory use or accessory structure, whether or not the wheels, axles, and/or tongue have or has been removed and whether or not that any container, structure, or vehicle as described herein has been placed on a foundation, except as hereinafter described. Provided, however, that structures such as storage sheds, garden sheds, and similar structures shall be considered accessory buildings, even though they may be capable of being lifted or disassembled and removed from the property. Further provided, that a trailer, tent, or similar container, structure, or vehicle may be placed on property on a temporary basis for promotional or other business or charitable related purposes, but such use shall not continue for more than six months.

(2) No accessory building or use may be erected or installed on any lot where a principal building does not exist. No lot shall have in excess of two accessory buildings unless it is identified as a bona fide farm. No accessory structure or swimming pool is allowed in the front yard or on a double frontage lot unless authorized by special use permit.

(H) Note 8. Adult establishments. Shall be a permitted use in the MI district provided that the following conditions are met:

(1) No adult establishment shall be located within 1,000 feet of any other adult establishment .

(2) No adult establishment shall be located closer than 1,000 feet from the lot line of any school , church, public park , or from the lot line of any district zoned residential, mobile home park, or mobile home subdivision .

(3) All distance provided in this section shall be measured by following a straight line from the nearest point of the lot line of the lot on which the adult establishment is proposed to the nearest point of the lot line of the lot on which an adult establishment is located, or to the nearest point of the lot line of any school , church, public park , residential district, mobile home park district, or mobile home subdivision district.

(I) Note 9. Automobile service stations.

(1) Automobile service stations shall be a permitted use in B1 and M1 districts provided the following conditions are met.

(a) The service station is limited in function to dispensing gasoline, oil, grease, antifreeze, tires, batteries, and automobile accessories directly related to motor vehicles; to washing, polishing and servicing motor vehicles, only to the extent of installation of the above-mentioned items; and to selling at retail the items customarily sold by service stations .

(b) The service station shall not overhaul motors, provide upholstery work, auto glass work, painting, welding, bodywork, tire recapping, or auto dismantling.

(c) The service station shall provide a screen planting and/or fence along the property lines that abut residential properties. Lighting facilities shall be arranged and of such nature that nearby residential properties are not disturbed.

(d) Service stations shall extinguish all floodlights at the close of daily operation or 11:00 p.m., whichever is earlier.

(2) Automobile service stations located within the town shall have no gasoline or oil pump located within 12 feet of any street right-of-way line. Outside the town, no such pump shall be located within 15 feet of any street right-of-way line.

(J) Note 10. ~~Storage of flammables. The permitted use of bulk storage of bottled gas (distribution) or storage of flammables in the Town of Swansboro Fire District shall be regulated by the Town of Swansboro Fire Prevention Code. Refer to § 152.211, Table of Specific Criteria for Special Uses- Reserve.~~

(K) Note 11. Dry cleaning and laundry establishments. Such establishments shall be permitted when only oil, gas, or electricity is used for heat. Screening and filtering devices shall be used to prevent the emission of smoke, dust, fumes, odors, or steam into the atmosphere.

(L) Note 12. Skirting and curtain wall requirements for manufactured homes . All manufactured homes to be placed within Swansboro's planning and zoning jurisdiction

shall have skirting placed around the base prior to the issuance of a certificate of occupancy. The skirting shall be a continuous, uniform enclosure constructed of vinyl, masonry material, or metal fabricated for such purpose and that is unpierced except for required ventilation or access. For all manufactured homes, one row of ventilation ports, eight-inch by 16-inch, shall be provided every ten feet, and one access opening with a door that is between 18 inches and 42 inches in height and between 24 inches and 60 inches in width. All existing manufactured homes within Swansboro's planning and zoning jurisdiction prior to the effective date of this provision which have no skirting or curtain wall shall be required to have skirting installed within 18 months following adoption of this chapter. All existing manufactured homes within Swansboro's planning and zoning jurisdiction prior to the effective date of this provision having a continuous uniform enclosure around the base which serves as skirting shall be considered existing nonconforming, and will be exempt from the specific requirements of this note. All skirting performed after the effective date of this amendment will be done in accordance with Section 47.7 of the State of North Carolina Regulations for Manufactured/Mobile Homes 1995 edition. A certificate of occupancy will NOT be issued until manufactured home skirting is in place.

(M) Note 13. Dwelling over a business. Following the date of the adoption of this chapter, multi- and single-family residential when limited to the following conditions.

- (1) All residential usage shall be second floor or higher levels of buildings.
- (2) Street frontage use requirements: all ground floor space shall be developed for non- residential uses, as permitted in the B2HDO zone or other commercial zones as per the Table of Permitted Uses;
- (3) Preservation design: in order to protect the architectural integrity of existing buildings within the B2HDO zone, and in so doing to preserve the continuity of scale and design within the area, the following requirements shall be met:
 - (a) All slip covers previously applied to the facade of existing buildings shall be removed;
 - (b) All canopies, except for those made of canvas, shall be removed from the facade ;
 - (c) Where evidence exists of original windows and door openings subsequently enclosed, such windows and doors shall be reopened in an operable manner and in a style in keeping with the building. Where other unique architectural features remain, including cornices, mid-cornices, and window surrounds, they shall be repaired and/or replaced with elements of like design; and
 - (d) Nothing in this subsection shall supersede applicable North Carolina State Building Code requirements;
- (4) Signage: all signs shall be erected in accordance with §§ 152.265 through 152.277 of this chapter, but in no event shall they be mounted over existing windows, doors, or other architectural features described in division (M)(4) of this section. All signs on buildings designed and/or occupied for partial residential usage shall be flush mounted

signs, not projecting more than 12 inches perpendicular to the building face; not extending any distance vertically above the building wall; or not extending any distance horizontally beyond the building sides.

(N) Note 14. ~~Golf course/~~Golf driving range. All greens and structures ~~of a driving range~~ shall be setback at least 50 feet from any property line. ~~Driving ranges must be located on a golf course and cannot be operated outside of golf course hours.~~

(O) Note 15. Home occupations.

(1) Shall be permitted only as an incidental use and are limited to the following:

(a) Art gallery or the office or studio of a physician, artist, commercial photographer (film processing prohibited), general or trades contractor, musician, insurance agent, lawyer, real estate broker, instruction in music or dancing, tutoring of academic subjects, teacher or other like professional person residing on the premises;

(b) Workshops not conducted for profit;

(c) Customary home occupations such as millinery, dressmaking, laundering, or pressing and tailoring conducted by a person residing on the premises;

(d) Single operator beauty shop or barber shop.

(e) Pet grooming services without the boarding of animals or operation of kennels. The outside containment of animals is prohibited.

(2) And provided, furthermore, the home occupations listed above shall be permitted subject to the following limitations:

(a) No exterior display of products;

(b) No mechanical equipment shall be installed or used except such that is normally used for domestic or professional purposes and which does not cause noises or other interference in radio and television reception;

(c) No accessory buildings or outside storage shall be used in connection with the home occupation; Not over 25% of the total floor area or 500 square feet, whichever is less, shall be used for a home occupation;

(d) Signage is prohibited.

(e) Parking is limited to original residential use only.

(4) Only one employee may be employed by the home occupation who is not a resident of the dwelling.

(P) Note 16. ~~Jails. Jails shall not be site within 200 feet of any existing church, school, or day care facility. The jail shall be fenced and screened as provided in the case of salvage operations and junkyards except that this requirement may be modified or waived by the~~

~~Administrator upon the showing by the operator that a modification or waiver is needed for security reasons. Reserved.~~

(Q) Note 17. Mobile construction site office , temporary. Shall be a permitted use and are limited to the following:

- (1) Minimum lot area : none.
- (2) Parking: one space for each person employed in the office at any given time during a 24 hour period.
- (3) Requirements: a certificate of occupancy/compliance may be issued for a manufactured office building for use as a temporary field office for contractors by the Swansboro Building Inspector or his authorized agents if the manufactured office building :
 - (a) And the structure under construction are located on the same property;
 - (b) Is not moved to the site more than 30 days prior to construction and is not removed later than 30 days after construction has been completed;
 - (c) Is not used for any other purpose other than that connected with on-site construction;
 - (d) Is justified by the size and nature of the construction project;
 - (e) Is to be used for a period not to exceed 18 months;
 - (f) Is utilized only incidental to on-site construction during daylight hours and not for residential living quarters;
 - (g) Is parked in a location approved in advance by the supervision of Building Inspector or his authorized agents;
 - (h) Sanitary facilities are connected with an approved sewer system;
 - (i) Electrical facilities are connected in compliance with regulations as set forth in the North Carolina Building Code.

(R) Note 18. Recreational vehicles. Recreational vehicles occupied for human habitation and intended for permanent residential use must be placed in an approved manufactured home or recreational vehicle park . However, temporary residential use may occur in cases where the recreational vehicle is secondary to a primary residential use, and when construction or repair of a single family home occurs. Two general restrictions for either temporary residential use shall apply, as well as specific restrictions and limitations for each. The general restrictions and limitations are as follows: (1) R6, R6SF, R8SF, R20SF, or O-I zoning is required; (2) Location of the recreational vehicle shall be in the rear yard, unless evidence can be provided to the Administrator that size constraints or other factors prevent rear yard location. The specific restrictions and limitations are as follows: (1) When secondary to a primary residential use, the period of human habitation shall not exceed 14 days, and may not be re-established for a period of 90 days from the last day terminated; (2) When construction or repair of a single family home occurs, the

homeowner and his family may occupy a recreational vehicle for a period of 180 days. An extension of 180 days may be granted by the Administrator upon presentation of evidence that construction cannot be completed within 180 days due to factors beyond their control. All recreational vehicles shall maintain an adequate disposal system and a source of potable water. Emptying of wastewater disposal systems shall be done in accordance with Section 4.1 of the Town of Swansboro Sewer Use Ordinance. Recreational vehicles which are not occupied may be stored in accordance with the provisions of this chapter, provided that such storage is not relating to manufactured home/recreational vehicle sales and further provided that such storage is not upon the right-of-way of any public street or public land.

(S) Note 19. Fence and screen required for salvage and recovery yards.

(1) The salvage and recovery yards shall be entirely surrounded by a screened security fence, or by a nonscreened security fence, and vegetation screen. In the event that a salvage operation or junkyard shall be surrounded by a nonscreened security fence, a vegetation screen shall be planted on at least one side and contiguous to the security fence. The vegetation shall be of a type that will reach a minimum height of six feet within five years and shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken hedgerow will exist along the length of the security fence surrounding the salvage operation or junkyard. Each owner, operator, or maintainer of a salvage operation or junkyard to which this chapter applies and who chooses to surround said salvage operation or junkyard with a security fence and vegetation screen shall utilize good husbandry techniques with respect to said vegetation, including, but not limited to, proper pruning, proper fertilizer and mulching so that the vegetation will reach maturity as soon as possible and will have maximum density and foliage. Dead or diseased vegetation shall be replaced at the next appropriate planting time.

(2) The security fence shall be maintained in good order and shall not be allowed to deteriorate.

(3) All gates shall be closed and securely locked at all times, except during business hours.

(4) The Administrator or his authorized agents shall have discretion to determine whether screened fence or security fence and vegetation screen is in compliance with this section. The Administrator shall be available to assist an owner or operator, or maintainer of a salvage operation or junkyard, upon request of the said owner or operator, in the formulation of plans for said fencing and vegetation screen.

All salvage operations existing at the time of adoption of this chapter must comply with the fencing and screening requirements within 24 months following the date of adoption of this chapter.

(T) Note 20. Swimming pools. All outdoor swimming pools located within the town shall be completely enclosed by a fence. All fence openings or points of entry into the pool area enclosure shall be equipped with gates with self-latching devices designed for and capable of keeping such gate securely closed. The fence and gates shall be at least four feet in

height above the grade level and shall be constructed of a minimum number 11 gauge corrosion resistant woven wire mesh and shall be set in a concrete base. Other equivalent fence materials may be approved upon application to the Code Enforcement Official .

(U) Note 21. Manufactured home park.

(V) Note 22. Dwelling , multi-family and condominiums .

(W) Note 23. Campgrounds and travel trailer parks. Reserved.

(X) Note 24. Service establishments. Including but not limited to:

- (1) Aerobic/dance/martial arts schools ;
- (2) Alteration services including tailoring shops, shoe repair, jewelry repair, bicycle repair, optical repair of glasses, and other similar services;
- (3) Bars and taverns;
- (4) Barber and beauty shops;
- (5) Bus terminal;
- (6) Clinic services, medical and dental;
- (7) Funeral homes and mortuaries;
- (8) Opticians and optical supply sales;
- (9) Restaurants including outdoor dining facilities so long as the seating is located on the principal property with the restaurant;
- (10) Amusement , indoor and outdoor; and
- (11) Bakeries, candy stores, ice cream, coffee shops, and the like.
- (12) Service establishment stores are limited to a building footprint of 5,000 square feet in size.

(Y) Note 25. Clubs/lodges. Including but not limited to meeting places of fraternal organizations such as Masons, Rotary, Night of Columbus, Elks, and others. Pools and gyms are allowed in these clubs/lodges.

(Z) Note 26. Parks and playgrounds, semi-public. Site plans are required and must be submitted to the Administrator .

- (1) Minimum lot area . See § 152.195, Table of Yard , Area, and Height Requirements.
- (2) Buffering. As specified in §§ 152.525 through 152.544, buffering shall be required by the Board of Commissioners.
- (3) Plans are required and must show:

- (a) Structures: location of buildings and sign, and size of sign.
 - (b) Circulation: proposed points of ingress and egress, and pattern of internal circulation.
 - (c) Parking: layout of parking spaces. Space shall be equivalent to one percent of the total land area. Parking area available along park roads or private drives may be used to fulfill requirement.
 - (d) Lighting: lighting plan, inclusive of wattage and illumination. Refer to §§ 152.500 through 152.512.
 - (e) Drainage: if required by the Administrator, proposed provision for storm drainage (including retention pond facilities, when applicable).
 - (f) Proposed use areas: including playgrounds, playing fields, dog parks, swimming pools /swimming areas, fishing areas, walking/biking trails, and the like.
- (4) Other requirements. The Planning Board and Board of Commissioners may provide additional requirements as it deems necessary in order to make the proposed project more compatible with adjacent areas and existing or proposed traffic patterns. The following additional conditions shall apply:
- (a) Public facilities. All public facilities must meet the NC Accessibility Code, all ADA Standards, and OSHA Standards.
 - (b) Restrooms. Two buildings with male/female facilities per three acres or portion thereof permitted; number of stalls shall be per the NC Building Code.
 - (c) Picnic shelters. Maximum of four per acre or portion thereof. This does not include uncovered stand-alone picnic tables.
 - (d) Concession stands. Maximum of one per acre or portion thereof.
 - (e) Gazebos. Maximum of one per acre or portion thereof.
 - (f) Baseball/softball field dugouts. Maximum of two per playing field.
 - (g) Additional accessory structures. Must be approved by the administrator.
 - (h) Scoreboards. One lit or non-lit scoreboard per playing field. Scoreboard lighting must be pre-approved.
 - (i) Maintenance/equipment storage sheds. Maximum of one 600 square foot building per three acres or portion thereof.
 - (j) Press boxes. Maximum of one per playing field.
 - (k) Playing field signage. No maximum set. Signage must be located on a perimeter fence, dugout, press box, or other pre-approved structure. All signage must be uniform in size.

(l) Fencing. All fencing must be pre-approved. Pools must be fenced and meet all NC Building Code Standards (3109.3) and all standards set forth in § 152.180, Note 20. Dog Parks are required to have perimeter fencing.

(m) Lighting. Any and all lighting must be approved prior to installation. Lighting shall be uniform and accommodating to surrounding residential areas and meet all requirements set forth in §§ 152.500 through 152.512. In the B-2HDO district, lighting shall be prohibited except for minimum lighting that may be required for security purposes.

(n) Hours of operation. Hours of operation for all facilities will be from 6:00 am to no later than 11:00 pm.

(o) Sidewalks. All facilities shall have sidewalks along adjacent streets or rights-of-way. Additional sidewalks may be required by the Administrator.

(p) Landscaping. Will be required at all facilities.

(q) Swimming. Only permitted in designated areas. Public pools will have a designated life guard on duty at all times during operational hours.

(r) Dogs. Dogs will be allowed in designated areas. Leashes must be worn at all times except in designated dog parks. Clean-up/watering stations shall be installed and maintained in these areas.

(s) Statement of facility maintenance. A statement of facility maintenance must accompany all permit applications. This statement should include contact information for the organization in charge of maintaining fields, mowing grass, maintain structures on the property, and the like. This statement should be updated as needed.

(t) Appeals. The Town Board of Commissioners shall be the reviewing authority for all appeals under the provisions of this section. Notice of intent to appeal an administrative decision and request for a hearing shall be addressed to the Town Manager in writing and shall detail the nature of the appeal. A date for the hearing shall be set by the Town Board of Commissioners and the appellant promptly notified in writing and letter sent by certified mail. The decision of the Town Board of Commissioners after the hearing shall be final and inclusive and shall be conveyed to the appellant in writing and sent by certified mail.

(AA) Note 27. Public and private utility facilities. Including but not limited to: Pump stations, power sub-stations, telephone exchange buildings, and other similar land uses subject to other requirements of this chapter and provided the following conditions are met:

- (1) No open storage allowed.
- (2) The boundaries of the entire site shall be buffered in accordance with this chapter
- (3) Lighting shall be prohibited except for minimum lighting that may be required for security purposes.

(BB) Note 28. ~~Electronic gaming operations may be permitted as special uses in designated districts, provided that the operation complies with the following conditions:~~

~~— (1) All electronic gaming operations shall be located at least 1,500 feet from any church or other religious institution, day care center, public or private elementary or secondary school, public park or playground, library, theatre, arcade, tattoo parlor, adult or sexually-oriented business, or other electronic gaming operations, and must be located at least 300 feet from any residential zoning district;~~

~~— (2) No more than ten electronic gaming machines shall be operated at any location, the machines must not be prohibited by state or federal law, and must have all applicable permits or licenses required under law;~~

~~— (3) The electronic gaming operation does not operate outside the hours of 8:00 a.m. to 10:00p.m.;~~

~~— (4) There shall be 1.5 parking spaces for every two electronic gaming machines, plus one space for every employee on the maximum shift. **Reserved.**~~

(CC) Note 29. Bed and breakfast accommodations, and inns . Bed and breakfast accommodations, and inns include only legitimate lodging businesses available for public reservation and use, although there may be an owner or manager room or living quarters on the premises. Such businesses must:

(1) Possess a current ~~privilege license~~ town approved business packet for a bed and breakfast accommodation or inn ;

(2) Possess any health department licenses or permits that may be applicable;

(3) Provide, if requested by the town, evidence that lodging is being offered and advertised for public use and is available for same;

(4) Provide evidence, if requested by the town and subject to an audit of documents, that the premises are in actual use for paid short term lodging of guests.

(DD) Note 30. Food sales, push cart/food truck. A zoning permit is required prior to the establishment of a push cart or food truck on any property within the jurisdiction of the town. The permit application must include the following information, documentation and acknowledgments by the vendor, and must be submitted at least three business days prior to the vendor occupying the property:

(1) List of the proposed location(s) of the cart/truck and duration for each location proposed. Vendors will be allowed in the zoning districts shown in the Table of Uses when the property is identified as being within the Traditional Town Center, Suburban Town Center, or Employment/Light Industrial land use designation as identified within the 2019 CAMA Land Use Plan on the Future Land Use Map;

(2) The appropriate fee as established by the town schedule of fees;

(3) Push carts and food trucks may operate under an annual permit or may obtain a permit for a one- day event when not subject to the exemptions found in Chapter 112;

(4) Push carts and food trucks must be located on private property and not within any street right-of-way. Evidence of property ownership or written permission from the property owner for the proposed location(s) must be submitted;

(5) Push carts and food trucks must be set back at least 50 feet from the right-of-way of NC Highway 24;

(6) Any push cart or food truck must be located at least 100 feet from the main customer entrance of any restaurant or outdoor dining area, and at least 50 feet from any other permitted push cart or truck;

(7) Food trucks and push carts may not occupy any handicap parking space;

(8) Hours of operation are limited to 7:00 a.m. to 10:00 p.m. daily;

(9) Any food truck or trailer must display a valid license plate;

(10) A copy of a Health Department inspection/score or a certificate issued by the Department of Agriculture must be provided;

(11) Proof of insurance must be submitted;

(12) Compliance with any applicable Building Code requirements must be demonstrated, such as inspection of electrical power connections;

(13) No signage, to include banners or flags, external to the cart or truck is permitted other than one two foot x three foot sandwich board (portable) sign;

(14) Vendors are responsible for maintaining their service areas to include trash removal;

(15) A certificate of registration with the North Carolina Department of Revenue must be provided;

(16) No music or other amplified sound is permitted to emanate from the push cart or food truck;

(17) Flashing or moving lights are prohibited whether attached to or external of the push cart or food truck;

(18) The Town Manager reserves the right to temporarily suspend food sales permits during special events; and

(19) Violations of this section will result in the permit being revoked, and the vendor will be subject to the penalties as established by § 152.133.

(EE) Note 31. Docks and piers. All docks and piers constructed in the B-1, B-2 or B-2 HDO zoning districts, whether intended for commercial or residential use, must be engineered and constructed to meet the NC Commercial Building Code.

(FF) Note 32. Portable storage containers or structures . Portable storage containers are permitted if the following conditions are met:

- (1) Portable storage containers shall not be permitted as principal structures;
- (2) Two portable storage containers per site shall be permitted on lots less than one acre in size. On lots greater than one acre, one additional container per acre will be permitted;
- (3) Portable storage containers shall be used for storage purposes only;
- (4) No signage or lettering, other than the name and/or logo of the company supplying the portable storage containers , shall be permitted on the containers;
- (5) Portable storage containers must be located in the side or rear yard of the principal building and must meet all setback requirements. In addition, the containers cannot project further than the front or side of any building facing an adjoining street ;
- (6) Portable storage containers must be screened from view from any residential use or district within 75 feet by a solid fence (excluding chain-link) or hedge of dense plant material at least six feet in height;
- (7) Portable storage containers and the area surrounding them shall be maintained by the owner , lessee, or other possessor thereof in a safe and sanitary condition;
- (8) Portable storage containers must not occupy required parking spaces and must not interfere with vehicle or pedestrian mobility;
- (9) Portable storage containers are not permitted to be rented or leased to a use not located on the same lot ;
- (10) Portable storage containers cannot exceed a length of 40 feet, width of eight feet or height of ten feet with an overall height of 14 feet from the ground;
- (11) No stacking of containers is allowed;
- (12) A permit is required and must be obtained prior to the installation of any portable storage container . A site plan is required to show the location of the container and how the container will meet all of the specified requirements;
- (13) These regulations shall not apply to construction trailers, dumpsters or recycling equipment.

(GG) Note 33. Temporary residential storage units . Residential storage units are permitted if the following conditions are met:

- (1) Storage units will be permitted for a period up to 30 days unless a 30 day extension is granted by the Administrator ;
- (2) A maximum of two storage units are allowed per site;

(3) Units may be located in the driveway or yard outside of the front yard setback of the property;

(4) A permit is required and must be obtained prior to the installation of any storage unit. A site plan is required to show the location of the unit;

(5) Units shall not exceed a width of eight feet, height of eight feet, or length of 16 feet;

(6) These regulations shall not apply to construction trailers or dumpsters.

(HH) Note 34. Mobile construction site containers. Temporary construction site containers are allowed on the premises for which there is an active building permit if the following conditions are met:

(1) Containers must be used for storage purposes only;

(2) Containers located in residential districts must be located in the driveway or side or rear yard within the required setbacks of the property. Containers located in commercial or other zoning districts must be located in the side or rear yard and must meet all setback requirements;

(3) Containers must be removed once the construction activity has concluded or if the building permit has expired or otherwise become void.

(II) Note 35. Manufactured home sales. A certificate of occupancy/compliance may be issued for a manufactured office building for use as a manufactured home sales office if the manufactured building meets the following criteria:

(1) Sanitary facilities are connected with an approved sewer system;

(2) Electrical facilities are connected in compliance with regulations as set forth in the North Carolina Building Code;

(3) Provisions pertaining to a manufactured home foundation and anchorage of the manufactured building to the foundation are met as required by the North Carolina Building Code ; and

(4) All skirting and curtain wall requirements must be met per Note 12.

(JJ) Note 36. School , elementary or secondary and related uses. A certificate of occupancy/compliance may be issued for a manufactured office building for use as a classroom by a public or private school or for a school administrative office if the manufactured building meets the following criteria:

(1) Sanitary facilities are connected with an approved sewer system;

(2) Electrical facilities are connected in compliance with regulations as set forth in the North Carolina Building Code;

(3) Provisions pertaining to a manufactured home foundation and anchorage of the manufactured building to the foundation are met as required by the North Carolina Building Code; and

(4) All skirting and curtain wall requirements must be met per Note 12.

(KK) Note 37. B-3 Traditional Business District. In the B-3 Traditional Business zoning district, the uses “dwelling , multi-family and condominium”, and “dwelling, townhouses ” shall be limited to 20% of the first floor area . There shall be no limits placed on the use, “Dwelling Located Over a Business”, other than those specified in Note 13.

(LL) Note 38. MI Light Industrial Development Standards. Flexible Lot Development in the MI Zoning District.

(1) Flexible lot development is an area of land under unified control, to be developed as a single entity for a number and variety uses developed with a master plan.

(2) Flexible lot development s such as an industrial park or mixed business park shall be in scale with surrounding areas and follow the intent of the Employment/Light Industrial (ELI) Land Use Designation as outlined in the CAMA Land Use Updated adopted January 22, 2019 at locations recommended herein or the town's land use plan.

(3) Flexible lot development is intended to allow flexibility (variety) in development and encourage the use of innovative design and layout that would not otherwise be permitted under the UDO because of strict application of the zoning district or general development standards. Flexible lot development encourages innovative land planning and design concepts by:

(a) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards (e.g. height, setbacks, lot width) that were designed primarily for individual lots;

(b) Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses; and

(c) Encouraging quality urban design and environmentally sensitive development by allowing increases in base densities when the increases can be justified by superior design or the provision of additional amenities such as public and/or private open space.

(4) In return for greater flexibility in site design requirements, flexible lot developments are expected to: deliver exceptional quality community designs that preserve critical environmental resources; provide above-average open space amenities, incorporate creative design in the layout of buildings, open and circulation; coordinate and unify design elements of the project, including building materials, signage and architectural compatibility; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure. Zoning District process shall not be used as a means of circumventing the town's adopted zoning and development regulation s for routine developments.

(5) Uses allowed. Flexible lot development may contain any or all of the uses specified in the approved Master Plan and allowed in the M1 Zoning District, provided the uses are consistent with the town's Land Use Plan. A wide range of uses is possible in flexible lot development, and the specific uses allowed may be different in each development approved.

(6) Other applicable standards (minimum).

(a) Emergency access. Any building established as part of a flexible lot development which cannot properly be served by emergency or service vehicles from an abutting street shall be made accessible to the vehicles by a paved driveway having a roadbed width of not less than 20 feet, exclusive of parking spaces.

(b) Off-street parking and loading. The development's master plan shall comply with the off-street parking and loading requirements of § 152.290, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the development is submitted as part of the master plan that is suitable for the development and consistent with the intent and purpose of the off-street parking and loading standards of the UDO.

(c) Landscaping. Landscaping shall comply with the standards of §§ 152.525 through 152.544 except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas, and is consistent with the urban design objectives and/or character of the area. Where the property abuts in residential zoning district a double Type C buffer yard must apply (see Table 152.528-1.) Natural forests with heavy underbrush may be utilized instead of a type C planting when approved by the Town Planner.

(d) Building form. As provided for in §§ 152.555 through 152.561 building design and compatibility, construction and reconstruction of buildings in a manner that achieves a visually desirable environment is essential in achieving innovative land planning and design concepts. In addition to standards provided herein there are additional requirements for any modification in height, setbacks and lot dimensions as required in the underlying zoning district:

1. Stepback. Stepbacks can provide mitigation to views along the corridor by providing relief of the vertical mass. Stepbacks provide a vertical transition between adjacent properties visually reducing the perceived scale of a building in comparison to its surrounding context. An additional building setback of one foot for every requested one foot of height shall be required above the town's 35 feet requirement, (e.g., if the developer request is for 45 feet, an additional ten feet setback would be required). See Figure 152.180.3 titled (Use of Corridor Setback for Height Modification).

2. Corridor setback. In requesting the use of flexible lot development along the Highway 24/Corbett Avenue corridor, no part of any structure within 200 feet from the corridor right-of-way shall exceed the 35 feet town-wide requirement. See Figures 152.180.2 through 152.180.6

(e) Height. Consideration for height modification shall be reviewed using the techniques as provided in divisions 1. and 2. below. In no case shall any building height exceed 45 feet.

1. Stepback. Stepbacks can provide mitigation to views along the corridor by providing relief of the vertical mass. Stepbacks provide a vertical transition between adjacent properties visually reducing the perceived scale of a building in comparison to its surrounding context. An additional building setback of one foot for every requested one foot of height shall be required above the town's 35 feet requirement, (e.g., if the developer request is for 45 feet, an additional ten-foot setback would be required).

2. Corridor setback. In requesting the use of flexible lot development along the Highway 24/Corbett Avenue corridor, no part of any structure within 200 feet from the corridor right-of-way shall exceed the 35-foot town-wide requirement. See Figures 152.180.2 through 152.180.6.

(MM) Note 39. Family care homes.

(1) As provided by G.S. § 160D-907, family care homes shall be deemed a residential use of property for zoning purposes and shall be a permissible use in all residential districts. No family care home, its owner, or operator shall be required to obtain, because of the use, a special use permit or variance from any such zoning regulation. Family care homes shall not be located within a one-half mile radius of any existing family care home.

(2) Family care homes shall be deemed a residential use of property for the purposes of determining charges or assessments imposed by local governments or businesses for water, sewer, power, telephone service, cable television, garbage and trash collection, repairs or improvements to roads, streets, and sidewalks, and other services, utilities, and improvements.

(NN) Note 40. Temporary family health care structures. Temporary family health care structures are permitted as an accessory use in all single-family residential zoning districts on lots zoned for single-family detached dwellings subject to the following:

(1) The temporary family health care structure is placed on the property of the residence and is used to provide care for the mentally or physically impaired person as certified in writing by a physician licensed to practice in North Carolina;

(2) Only one temporary family health care structure shall be allowed per lot or parcel of land;

(3) Such temporary family health care structure shall be limited to no more than 300 gross square feet and comply with all setback requirements that apply to the primary structure;

(4) Any person proposing to install a temporary family health care structure shall first obtain a permit from the town;

(5) An annual inspection to validate compliance and renewal of the doctor's certification are required;

(6) Any temporary family health care structure installed under this section may be required to connect to water, sewer, and electric utilities serving the property and shall comply with all applicable state law. Town codes and ordinances, QNWASA rules or other requirements, as if the temporary family health care structure were permanent real property;

(7) No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the structure or elsewhere on the property;

(8) Any temporary family health care structure installed pursuant to this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section;

(9) If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used or may be reinstated on the property within 60 days of its removal, as applicable;

(10) The local government may revoke the permit granted if the permit holder violates any provision of this section; and

(11) Temporary family health care structures shall be treated as tangible personal property for purposes of taxation.

(00) Note 41. Wireless telecommunication facilities. The installation of wireless antennas and equipment or small wireless facilities as a collocation shall be a use by right in all zoning districts as provided in G.S. §§ 160D-934 through 160D-938. Small wireless facilities to be collocated on a utility pole or wireless support structure must be activated for use by a wireless services provider no later than one year from the permit issuance date. The installation of new wireless support facilities must meet the standards as set forth in § 152.211.

(Ord. 2005-03, passed 3-15-2005; Am. Ord. passed 9-20-2005; Am. Ord. passed 9-18-2007; Am. Ord. passed 2-15-2010; Am. Ord. 2010-014, passed 5-18-2010; Am. Ord. passed 6-15-2010; Am. Ord. passed 11-16-2010; Am. Ord. passed 1-18-2011; Am. Ord. passed 7-19-2011; Am. Ord. 2011-026, passed 8-16-2011; Am. Ord. passed 2-21-2012; Am. Ord. passed 11-20-2012; Am. Ord. passed 3-22-2016; Am. Ord. passed 7-26-2016; Am. Ord. 2016-011, passed 9-13-2016; Am. Ord. passed 11-22-2016; Am. Ord. passed 12-14-2016; Am. Ord. passed 2-28-2017; Am. Ord. 2018-01, passed 1-9-2018; Am. Ord. 2019-03, passed 2-26-2019; Am. Ord. 2019-04, passed 4-23-2019; Am. Ord. 2020-06, passed 8-10-2020; Am. Ord. 2021-03, passed 5-24-2021; Am. Ord. 2021-07, passed 7-26-2021)

§ 152.211 SPECIFIC CRITERIA FOR CERTAIN SPECIAL USES.

Detailed regulations for certain special uses are set forth in this section.

(A) *Use -accessory structures in the front yard or on a double frontage lot.*

(1) **Minor** *Special use districts:* RA, R6, R6SF, R8SF, R10SF, R15SF, R20SF, R40SF, PUD, MHP, MHS, MHS-15SF, MHS-O.

(2) *Minimum lot area:* based on zoning classification lot standards.

(3) *Topography:* topography of the site at contour intervals not greater than two feet.

(4) *Structures:* location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.

(5) *Circulation:* proposed points of access and egress and pattern of internal circulation.

(6) *Other details:*

(a) All accessory structures shall be placed a minimum of 20 feet from the edge of the road right of way.

(b) All accessory structures, shall be screened from view by a minimum four-foot opaque fence with the finished side facing the street and a landscape screen on the street side of the fence. The screening shall be a type A buffer as required by § 152.528(E)(1) and Table 152.528-1.

~~(B) *Use -amusement, indoor.*~~

~~(1) *Special use district:* B1 and B2.~~

~~(2) *Minimum lot area:* based on zoning classification lot standards.~~

~~(3) *Buffering:* as specified in §§ 152.525 through 152.544 of this chapter, buffering shall be required by the Board of Commissioners.~~

~~(4) *Plans are required and must show:*~~

~~(a) *Topography:* topography of the site at contour intervals not greater than two feet.~~

~~(b) *Structures:* location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~

~~(c) *Circulation:* proposed points of access and egress and pattern of internal circulation.~~

~~(d) *Other details:*~~

~~1. An area capable of storing at least one third as many cars as can be accommodated within the viewing area shall be provided, away from the flow of incoming or outgoing traffic, for waiting vehicles.~~

~~2. Proposed provision for storm drainage (including retention pond facilities, when applicable) approved by the Swansboro Building Inspector; sanitary sewage approved by the Swansboro Building Inspector or County Health Department, whichever is applicable.~~

~~3. Size and proposed location of any signs.~~

~~4. Proposed solid waste storage facilities.~~

~~5. Proposed water system and firefighting facilities such as hydrants or sprinkler connections.~~

~~6. Types of surfacing for drives, sidewalks, malls, and the like.~~

~~7. The location and height of all fences, walls, and hedges shall be shown.~~

(~~E~~ **B**) Use - *amusement, outdoor*.

(1) *Special use district*: B1 and B2.

(2) *Minimum lot area*: a minimum of five acres.

(3) *Buffering*: as specified in §§ [152.525](#) through [152.544](#) of this chapter, buffering shall be required by the Board of Commissioners.

(4) Plans are required and must show:

(a) *Topography*: topography of the site at contour intervals not greater than two feet.

(b) *Structures*: location and approximate size of all existing and proposed structures within the site and of all buildings within 1,000 feet adjacent thereto.

(c) *Circulation*: proposed points of access and egress and pattern of internal circulation.

(d) *Other details*:

1. Parking standards will be established by the town.

2. Proposed provision for storm drainage (including retention pond facilities, when applicable) approved by the Swansboro Building Inspector; sanitary sewage approved by the Swansboro Building Inspector or County Health Department, whichever is applicable.

3. Size and proposed location of any signs.

4. Proposed solid waste storage facilities.

5. Proposed water system and firefighting facilities such as hydrants or sprinkler connections.

6. Types of surfacing for drives, sidewalks, malls, and the like.

7. The location and height of all fences, walls, and hedges shall be shown.

8. Other standards for the specific outdoor amusement will be established in the special use permit process.

~~(D) Use - *assisted living residence*.~~

~~(1) *Special use district*: RA, O/I, and PUD, B1, B2.~~

~~(2) *Minimum lot area*: minimum lot area of district in which located plus 1,000 square feet for each person to be accommodated.~~

~~(3) *Buffering*: as specified in §§ [152.525](#) through [152.544](#) of this chapter, buffering shall be required by the Board of Commissioners.~~

~~(4) Plans are required and must show:~~

- ~~(a) *Topography*: topography of the site at contour intervals not greater than two feet.~~
- ~~(b) *Structures*: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~
- ~~(c) *Circulation*: proposed points of access and egress and pattern of internal circulation.~~
- ~~(d) *Buffering*: shall be required.~~
- ~~(e) *Parking and Loading*: Layout of parking spaces.~~
- ~~(f) *Drainage*: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.~~
- ~~(g) *Other requirements*:~~
 - ~~1. Must meet all requirements for licensing by the State of North Carolina.~~
 - ~~2. Types of surfacing, slope, grade, and cross section of drives, sidewalks, malls, and the like.~~
 - ~~3. Erosion and sedimentation control plan.~~
 - ~~4. Lighting plan, inclusive of wattage and illumination.~~
 - ~~5. All plans and construction details must meet current specifications of the Town of Swansboro.~~
 - ~~6. Size and proposed location of any signs.~~
 - ~~7. Proposed solid waste storage.~~

~~(E) *Use – automobile graveyard.*~~

- ~~(1) *Special use districts*: ML.~~
- ~~(2) *Requirements*: the junk /salvage yard shall be set back at least two times the distance from the street right of way line as required in the setback requirements of the district in which it is located.~~
- ~~(3) *Plans are required and must show*:~~
 - ~~(a) *Topography*: topography of the site at contour intervals not greater than two feet.~~
 - ~~(b) *Structure*: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~
 - ~~(c) *Circulation*: proposed points of access and egress and pattern of internal circulation.~~
 - ~~(d) *Lighting*: proposed lighting location and design.~~
 - ~~(e) *Buffering*: shall be required as specified in §§ 152.525 through 152.544.~~
 - ~~(f) *Parking and loading*: Layout of parking spaces and type of proposed surfacing.~~
 - ~~(g) *Drainage*: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.~~

~~(F) Use – campgrounds and travel trailer parks.~~

~~(1) Special use districts: CON, RA, and B1.~~

~~(G) Use – carnivals and fairs.~~

~~(1) Special use districts: RA, B1, and MI.~~

~~(2) Requirements:~~

~~(a) Minimum lot area: the minimum lot size shall be three acres.~~

~~(b) The hours of operation allowed shall be noon to midnight.~~

~~(c) The amount of noise generated shall not disrupt the activities of the adjacent land uses.~~

~~(d) The permit issuing authority shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.~~

~~(f) Plans are required and must show:~~

~~(3) Topography: topography of the site at contour intervals not greater than two feet.~~

~~(4) Structure: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~

~~(5) Circulation: proposed points of access and egress and pattern of internal circulation.~~

~~(6) Lighting: proposed lighting location and design.~~

~~(7) Buffering: Shall be required as specified in §§ [152.525](#) through [152.544](#).~~

~~(8) Parking and loading: layout of parking spaces and type of proposed surfacing.~~

~~(9) Drainage: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.~~

~~(H) Use – cemetery, public.~~

~~(1) Special use districts: RA and B1.~~

~~(2) Minimum lot area: none.~~

~~(3) Parking and loading: adequate off-street parking facilities for funeral processions. Two-side parking on roads with cemetery with center lane open for vehicle travel.~~

~~(4) Screening and fencing: a screen not less than six feet high of dense plant material where cemetery abuts a residential lot.~~

~~(5) Buffering: As specified in §§ [152.525](#) through [152.544](#) of this chapter, buffering shall be required by the Board of Commissioners.~~

~~(6) Plans are required and must show:~~

~~(a) Topography: well drained site with adequate storm drainage facilities (including retention pond facilities, when applicable).~~

- ~~— (b) *Structures*: location of signs, entrance, and buildings must be shown on the plan.~~
- ~~— (c) *Circulation*: proposed points of access and egress and pattern of internal circulation, and funeral procession route, if possible.~~
- ~~— (d) *Buffering*: shall be required.~~
- ~~— (7) *Other details*:~~
 - ~~— (1) Proposed restrictions, if any.~~

~~**(I) Use – church and related uses.**~~

- ~~— (1) *Special use districts*: all districts require a special use permit with the exception of MHP, B3, B2HDO, M1 and CON (not allowed).~~
- ~~— (2) *Minimum setbacks*: the structure (if new) shall have minimum side and rear yards of not less than 30 feet; and a front yard at least 15 feet greater than that required for other principal structures within the district.~~
- ~~— (3) Plans are required and must show:~~
 - ~~— (a) *Topography*: on new construction, well drained site with adequate storm drainage facilities (including retention pond facilities, when applicable).~~
 - ~~— (b) *Structures*: location of signs, entrance, and buildings must be shown on the plan.~~
 - ~~— (c) *Circulation*: proposed points for access and egress and a parking layout.~~
 - ~~— (d) *Buffering*: Shall be required.~~
- ~~— (4) *Other details*:~~
 - ~~— (a) Proposed restrictions, if any.~~
 - ~~— (b) Sign size and location must be shown.~~

~~**(J) Use – club or lodge, public or private.**~~

- ~~— (1) *Special use districts*: RA, R10SF, R15SF, R40SF, OI, and B1.~~
- ~~— (2) *Requirements*:~~
 - ~~— (a) *Parking*: shall conform to §§ [152.290](#) through [152.296](#), Off Street Parking and Loading Requirements.~~
 - ~~— (b) *Lighting*: lighting shall be such that it is not directed onto any adjacent residential lot.~~
- ~~— (3) Clubs or lodges shall have direct access to a federal or state highway.~~
- ~~— (4) *Minimum lot area*: minimum lot area shall be the same as required for nonresidential uses in the RA district.~~
- ~~— (5) Plans are required and must show:~~
 - ~~— (a) *Topography*: topography of the site at contour intervals not greater than two feet.~~

— (b) *Structure*: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.

— (c) *Circulation*: proposed points of access and egress and pattern of internal circulation.

— (d) *Lighting*: proposed lighting location and design.

— (e) *Buffering*: shall be required as specified in §§ ~~152.525~~ through ~~152.544~~.

— (f) *Parking and loading*: layout of parking spaces and type of proposed surfacing.

— (g) *Drainage*: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.

~~(K) Use—concealed wireless telecommunications facility.~~

— (1) *Special use district*: RA, PUD, O/I, G/E, B1, B2, B3, B2HDO AND M1.

— (2) *Minimum lot area*: based on zoning classification lot standards.

— (3) Plans are required and must meet the standards of Appendix IV.

— (4) *Structures*: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.

— (5) *Circulation*: proposed points of access and egress and pattern of internal circulation.

— (6) *Other details*: concealed wireless telecommunications facilities shall be permitted in the RA, PUD, O/I, G/E, B1, B2, B3, B2HDO and M1 districts as an accessory use provided the following conditions are met:

— (a) In order to be considered an accessory use, a concealed wireless telecommunications facility must be clearly incidental and subordinate to the main use of a structure.

— (b) Antennas associated with a concealed wireless telecommunications facility shall be concealed from exterior view.

— (c) The addition of antennas, support or other equipment shall not add more than ten feet in height to the attached structure unless a variance is obtained from the Zoning Board of Adjustment. Notwithstanding the foregoing, any increase in the height of an existing structure must comply with other provisions of this chapter unless appropriate approvals are obtained.

— (d) Electronic equipment associated with concealed wireless telecommunication facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or façade which is camouflaged to match or complement the color and architectural treatment of the building. If placed on the ground on a concrete pad, equipment enclosures shall be screened so as to make them unobtrusive.

— (e) All cabling and wiring connecting antennas, equipment enclosures, and other components of concealed wireless telecommunications facilities shall be colored or concealed in a manner as to render them unobtrusive.

— (f) Antennas associated with a concealed wireless telecommunications facility may not be co-located on a tower or other support structure used by amateur radio operator.

~~(g) Antennas associated with a concealed wireless telecommunication facility shall not be located upon a single family dwelling or a multi family dwelling.~~

~~(h) Should the existing support structure require to be replaced and/or rebuilt, it shall comply with all applicable codes including but not limited to these provisions.~~

~~(i) Any modifications to an existing structure associated with the installation of a concealed wireless telecommunication facility shall comply with all limitations, requirements, and standards contained in other provisions of the ordinance including, but not limited to the receipt of approvals that may be required by § 152.478 should the concealed wireless telecommunication facility be located within a historic preservation district. All other applicable local, state, and federal approvals and permits shall also be obtained.~~

~~(j) Prior to installation of a concealed wireless telecommunication facility, a structural analysis shall be performed by a licensed professional engineer in the State of North Carolina in accordance with the current revision to ANSI EIA/TIA-222 certifying that the structure is capable of supporting the proposed loading.~~

~~(k) Prior to installation of a concealed wireless telecommunication facility, a copy of the operators FCC license shall be submitted to the planner. If the party installing the concealed wireless telecommunication facility is not an FCC licensee, the party must demonstrate that it has binding commitments from one or more FCC licenses to utilize the concealed wireless telecommunication facility and must submit a copy of each wireless service provider's FCC license.~~

~~**(L) Use – country clubs, private or public.**~~

~~(1) Special use district: RA.~~

~~(2) Requirements:~~

~~(a) Parking: shall conform to § 152.290 through 152.296, Off Street Parking and Loading Requirements.~~

~~(b) Lighting: lighting shall be such that it is not directed onto any adjacent residential lot.~~

~~(c) All buildings and swimming pools must be set back a minimum of 50 feet from all exterior property lines.~~

~~(d) Outdoor swimming pools shall be protected by a secured fence.~~

~~(e) Plans are required and must show:~~

~~1. Topography: topography of the site at contour intervals not greater than two feet.~~

~~2. Structure: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~

~~3. Circulation: proposed points of access and egress and pattern of internal circulation.~~

~~4. Lighting: proposed lighting location and design.~~

~~5. Buffering: shall be required as specified in §§ 152.525 through 152.544.~~

~~6. Parking and loading: Layout of parking spaces and type of proposed surfacing.~~

~~7. *Drainage:* proposed provision for storm drainage (including retention pond facilities, when applicable), approved the Administrator.~~

~~(M) *Use - day care facilities (child).*~~

~~(1) *Special use districts:* all residential districts, PUD, MHP, MHS, MHS-O, O/I, B1, and B2.~~

~~(2) *Minimum lot area:* none.~~

~~(3) *Screening and fencing:* see "other details."~~

~~(4) *Buffering:* as specified in §§ ~~152.525~~ through ~~152.544~~ of this chapter, buffering shall be required by the Board of Commissioners.~~

~~(5) *Plans are required and must show:*~~

~~(a) *Structures:* location and approximate size of all existing proposed buildings and structures within the site and on the lots adjacent thereto.~~

~~(b) *Circulation:* proposed points of access and egress and pattern of internal circulation.~~

~~(c) *Buffering:* Shall be required.~~

~~(d) *Other details:*~~

~~1. Location and extent of open play area.~~

~~2. Day care center shall provide 100 square feet of outdoor play space per pupil.~~

~~3. Outdoor play area shall be enclosed by a solid or open fence or wall at least four feet in height. Where the outdoor play area is directly adjacent to a residentially used or zoned lot (s), a solid fence or wall at least six feet high or the maximum applicable fence /wall height limitations, or an open fence at least four feet high and a screen planting designed to grow three feet thick and six feet high, shall be erected. The Board of Commissioners may at its discretion require additional screening and/or fencing to be located adjacent to abutting nonresidential land uses.~~

~~4. In residential districts, a day care center shall not be operated between the hours of 7:00p.m. and 6:00a.m. No outside signs in excess of six square feet in area shall be permitted. Such signs shall be non-illuminated and mounted flat against the wall of the principal building or in any yard at least ten feet from any property line. Outside signs in the B-1 and B-2 districts shall conform to §§ ~~152.265~~ through ~~152.277~~.~~

~~(N) (C) *Use - dwelling, multi-family and condominiums.*~~

~~(1) *Special use district:* ~~R6, PUD, O/I, B1, and B2,~~ and B3.~~

~~(2) *Requirements:* refer to Section 14-x.~~

~~(O) (D) *Use - dwelling, townhouses.*~~

~~(1) *Special use district:* ~~R6, PUD, B1,~~ B2, and B3.~~

~~(2) *Requirements:* refer to Section 14-x.~~

~~(P) Use electronic gaming operations.~~~~(1) Special use districts: B 1, B 2 and M 1.~~~~(2) The following findings must be made:~~~~(a) The proposed business meets the location requirements, based on accurate maps or surveys submitted with the application showing the proposed electronic gaming operation location, the location of any of the land uses listed in § 152.179 that exist within a 1,600 foot radius, and any residential zoning districts located within a 500 foot radius.~~~~(b) The proposed business operation appears to be legal, based, at a minimum, on a written opinion that specifically describes the proposed business operation and provides specific rationale and statutory justification for its legality, issued by an attorney licensed to practice law in North Carolina.~~**~~(Q) Use fire station.~~**~~(1) Special use districts: R6SF, R8SF, R20SF.~~~~(2) Requirements:~~~~(a) Parking: Shall conform to §§ 152.290 through 152.296, Off Street Parking and Loading Requirements.~~~~(b) Lighting: lighting shall be such that it is not directed onto any adjacent residential lot.~~~~(c) All buildings shall be set back a minimum of 30 feet from all exterior property lines and an off-street parking area, at least twice as large as the floor area in the fire station, shall be provided on the lot.~~~~(d) Plans are required and must show:~~~~1. Topography: topography of the site at contour intervals not greater than two feet.~~~~2. Structure: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~~~3. Circulation: proposed points of access and egress and pattern of internal circulation.~~~~4. Lighting: proposed lighting location and design.~~~~5. Buffering: shall be required as specified in §§ 152.525 through 152.544.~~~~6. Parking and loading: layout of parking spaces and type of proposed surfacing.~~~~7. Drainage: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.~~**~~(R) Use flexible lot development.~~**~~(1) Special use district: B1 and B2~~~~(2) Minimum lot area: based on zoning classification lot standards.~~~~(3) Buffering: as specified in §§ 152.525 through 152.544, buffering shall be required by the Board of Commissioners.~~

- (4) *Plans are required and must show:*
 - (a) *Topography:* topography of the site at contour intervals not greater than two feet.
 - (b) *Structure:* location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
 - (c) *Circulation:* proposed points of access and egress and pattern of internal circulation.
- (5) *Other details:* utilization of environmentally sensitive development principles such as:
 - (a) Propose stormwater management options in excess of the minimum State stormwater requirements. (i.e. additional or oversized bmps (best management practice(s)) designed to detain stormwater runoff from larger storm events than required by the state).
 - (b) Utilization of methods that promote infiltration rather than detention. For example, utilizing pervious pavement.
 - (c) Utilization of low impact design principles to promote infiltration, dis-connectivity and decrease runoff volumes from the proposed site.
- (6) Utilization of community sensitive development principles include, but are not limited to:
 - (a) Size and proposed location of any signs.

(S) Use funeral homes and mortuaries.

- (1) *Special use district:* R8SF, O/I, BI, MI.
- (2) *Minimum lot area :* See §§ [152.195](#) through [152.196](#).
- (3) *Screening and fencing:* a screen of dense plant or an opaque material designed to grow at least three feet thick by six feet high and a fence at least three feet high shall be installed where the proposed funeral home abuts a residential lot or an area zoned for residential purposes.
- (4) *Buffering:* As specified in §§ [152.525](#) through [152.544](#) of this chapter, buffering shall be required by the Board of Commissioners.
- (5) *Plans are required and must show:*
 - (a) *Topography:* topography of the site at contour intervals not greater than two feet.
 - (b) *Structure:* location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
 - (c) *Circulation:* proposed points of access and egress and pattern of internal circulation.
 - (d) *Lighting:* proposed lighting location and design.
 - (e) *Buffering:* shall be required as specified in Article 18 and §§ [152.525](#) through [152.544](#).
 - (f) *Parking and loading:* layout of parking spaces and type of proposed surfacing.
 - (g) *Drainage:* proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.

~~(6) Other requirements: the Town Board of Commissioners may provide additional requirements if it deems necessary in order to make the proposed project more compatible with adjacent areas and existing or proposed traffic patterns.~~

~~(T) Use - home occupations.~~

~~(1) Special use districts: RA, R6, R6SF, R8SF, R10SF, R15SF, R20SF, R40SF, MHP, MHS-O, B1, B2, and B2HDO.~~

~~(3) See § 152.180, Note 15 for requirements.~~

(U E) Use - kennels, breeding/boarding (not related to veterinarian's office).

(1) Outdoor facilities.

(a) **Minor** Special use district: RA, **O/I, B1, and MI.**

(b) Minimum lot area : minimum of one acre.

(c) Setback : A setback of 50 feet shall be maintained on the front, sides and rear of the property.

(d) Screening and fencing: a screen of dense plant material at least five feet in height at the time of planting or a solid fence or wall shall be installed.

(e) Plans are required and must show:

1. Structures: location of buildings and sign, and size of the sign.
2. Circulation: proposed points of access and egress and pattern of internal circulation.
3. Parking: layout of parking spaces.
4. Lighting: lighting plan, inclusive of wattage and illumination.
5. Hours of operation: days and times.
6. Number of employees: total number of employees
7. Waste management: method of waste disposal to be used.

(2) Indoor facilities.

(a) **Minor** Special use district: RA, **O/I, B1, and MI.**

(b) Plans are required and must show:

1. Structures: location of buildings and sign, and size of the sign.
2. Setback : the area in which animals are to be kept must be 20 feet from the side property lines.
3. Circulation: proposed points of access and egress and pattern of internal circulation.
4. Parking: layout of parking spaces.
5. Lighting: lighting plan, inclusive of wattage and illumination.
6. Hours of operation: days and times.

7. *Number of employees*: total number of employees.
8. *Waste management*: method of waste disposal to be used.
- (b) *Other requirements*: it is mandatory that all activities related to indoor facilities be confined within a building.

(F) *Use - livestock, sales and auction.*

- (1) *Minor Special use districts*: RA.
- (2) *Minimum acreage*: 20 acres.
- (3) Plans are required and must show:
 - (a) *Topography*: topography of the site at contour intervals not greater than two feet.
 - (b) *Structure*: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
 - (c) *Circulation*: proposed points of access and egress and pattern of internal circulation.
 - (d) *Lighting*: proposed lighting location and design.
 - (e) *Buffering*: shall be required as specified in §§ [152.525](#) through [152.544](#).
 - (f) *Parking and loading*: layout of parking spaces and type of proposed surfacing.
 - (g) *Drainage*: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.
- (4) *Other requirements*:
 - (a) Public sanitation measures.
 - (b) Odor control measures.
 - (c) Health department approval.

(G) *Use - mobile signs .*

- (1) *Special use district*: B1 and MI.
- (2) *Requirements*:
 - (a) No part of a sign shall extend beyond the plane of the property line upon which the sign is located or into any easement .
 - (b) Display area shall not exceed six square feet.
 - (c) Mobile sign height measured vertically from ground level to top of sign including trailer or towable device to which sign is attached shall not exceed five feet.
 - (d) Combination of allowed tenant signage square footage shall not be exceeded.
 - (e) Signs shall be displayed only during times when the business being advertised is open for business.

(f) The application for approval of a special use shall include:

1. Sign location;
2. Sign size;
3. Sign illumination;
4. Diagram of the sign;
5. Proposed method of anchoring/securing.

~~(X) Use – motel or hotel.~~

- ~~(1) Special use districts: O/I and B2.~~
- ~~(2) Loading: One space for each 100,000 square feet of motel floor area or fraction thereof.~~
- ~~(3) Screening and fencing: a screen of dense plant material designed to grow at least three feet thick by six feet high and a fence at least three feet high where the proposed site of the motel (hotel) abuts a residential lot or an area zoned for residential purposes.~~
- ~~(4) Buffering: As specified in §§ 152.525 through 152.544 of this chapter, buffering shall be required by the Board of Commissioners.~~
- ~~(5) Plans are required and must show:~~
 - ~~(a) Topography: topography of the site at contour intervals not greater than two feet.~~
 - ~~(b) Structures: location and approximate size of all existing and proposed buildings and structures within 100 feet of the proposed site.~~
 - ~~(c) Circulation: proposed point of access and egress and pattern of internal circulation.~~
 - ~~(d) Buffering: shall be required.~~
 - ~~(e) Parking and loading: layout of parking spaces.~~
- ~~(6) Other details:~~
 - ~~(a) Proposed provisions for storm drainage (including retention pond facilities, when applicable) approved by the Swansboro Administrator ; sanitary sewerage approved by the Swansboro Administrator or County Health Department, whichever is applicable.~~
 - ~~(b) Size and proposed location of any signs.~~
 - ~~(c) Proposed solid waste storage facilities.~~
 - ~~(d) Proposed water system and fire fighting facilities such as hydrants or sprinkler connections.~~
 - ~~(e) Types of surfacing, slope, grade , and cross section of drives, sidewalks, malls, and the like.~~
 - ~~(f) The location and heights of all fences , walls, and hedges shall be shown.~~

~~(Y) Use – nursing home.~~

- ~~(1) Special use districts: R6, R10SF, R15SF, R40SF, B1, B2, and PUD.~~

~~— (2) *Minimum lot area* : the lot size shall be at least two acres and the structure shall have minimum side and rear yard requirements of 50 feet and a front yard requirement of at least 25 feet greater than that required of principal structures within the district.~~

~~— (3) *Buffering*: As specified in §§ [152.525](#) through [152.544](#), buffering shall be required by the Board of Commissioners.~~

~~— (4) *Plans are required and must show*:~~

~~— (a) *Topography*: topography of the site at contour intervals not greater than two feet.~~

~~— (b) *Structure*: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~

~~— (c) *Circulation*: proposed points of access and egress and pattern of internal circulation.~~

~~— (d) *Buffering*: shall be required as specified in §§ [152.525](#) through [152.544](#).~~

~~— (e) *Parking and loading*: layout of parking spaces.~~

~~— (f) *Drainage*: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.~~

~~— (5) *Other requirements*:~~

~~— (a) Must meet all requirements for licensing by the State of North Carolina.~~

~~— (b) Types of surfacing, slope, grade, and cross section of drives, sidewalks, malls, and the like.~~

~~— (c) Erosion and sedimentation control plan.~~

~~— (d) Lighting plan, inclusive of wattage and illumination.~~

~~(Z H) *Use - planned unit development.*~~

~~(1) *Special use district*: PUD.~~

~~(2) *Requirements*: refer to §§ [152.245](#) through [152.253](#) for criteria.~~

~~— (AA) *Use - private recreation club.*~~

~~— (1) *Special use districts*: RA, R6SF, R8SF, R20SF, MHP, MHS, and MHS-O.~~

~~— (2) *Minimum lot area* : swimming club, one acre for each 40 club members (or families). Private nonprofit clubs having only a swimming pool with bathhouse facilities and open only during the swimming season are exempt from the minimum lot area requirement if all activities and facilities (other than parking) are located no closer than 50 feet to any property line.~~

~~— (3) *Screening and fencing*: The swimming pool area shall be enclosed by fencing not less than five feet in height.~~

~~— (4) *Plans are required and must show*:~~

~~— (a) *Structures*: location and approximate size of all existing and proposed structures and playfields.~~

~~— (b) *Parking*: layout of parking spaces and traffic circulation.~~

~~— (5) *Other requirements*:~~

~~(a) There shall be provided in any swimming pool, water area at a depth of five feet or less in the ratio of seven and two tenths square feet per member (or family). Water areas deeper than five feet shall not be included as a part of the minimum pool area to satisfy this requirement.~~

~~(b) No improvements, structures, sidewalks, or play areas or equipment shall be closer than 50 feet to any adjoining property lines. Parking areas may be permitted within 20 feet of any adjoining property line if the above mentioned 20 foot strip is used for planting designed to grow at least three feet thick and six feet high.~~

~~(c) Adjacent to swimming pools there shall be provided paved patio area(s) in the ratio of two square feet of paving for each square foot of water area that is five feet or less in depth.~~

~~(e) Lights shall be located and shielded so as not to adversely affect adjacent property.~~

~~**(BB) Use – public utility stations and substations.**~~

~~(1) Special use district: RA, R6, R10SF, R15SF, R20SF, R40SF, PUD, MHP, MHS, MHS-O, O/I, B1, B2HDO, and MI.~~

~~(2) Minimum lot area : one half acre for public utility station.~~

~~(3) Screening and fencing: A screen of not less than six feet in height of dense plant material shall be provided where the lot abuts a residential lot. Electrical substations shall be enclosed by a fence not less than eight feet in height with three strands of barbed wire turned out at the top.~~

~~(4) Buffering: as specified in §§ 152.525 through 152.544 of this chapter, buffering shall be required by the Board of Commissioners.~~

~~(5) Plans are required and must show:~~

~~(a) Structures: location and approximate size of all existing and proposed structures within the site, and all buildings and structures within 100 feet.~~

~~(b) Circulation: proposed points of access and egress.~~

~~(c) Buffering: Shall be required.~~

~~(d) Parking and loading: location and arrangement of all proposed off-street parking.~~

~~(e) Signage: location and type of proposed signage.~~

~~(6) Other details: proposed provisions for fencing and other protective screening at the lot lines adjacent to abutting residential property.~~

~~**(CC) Use – remote off-street parking (commercial lots).**~~

~~(1) Special use district: O/I, BI, B2, B3 and B2HDO.~~

~~(2) Minimum lot area : none.~~

~~(3) Screening and fencing: a screen not less than six feet high of dense plant material where lot abuts a residential lot. Vegetation must be at least three feet in height at the time of planting.~~

~~(4) Buffering: As specified in §§ 152.525 through 152.544 of this chapter, buffering shall be required by the Board of Commissioners.~~

- ~~— (5) Plans are required and must show:~~
- ~~— (a) *Circulation*: proposed points of access and egress and pattern of internal circulation.~~
- ~~— (b) *Buffering*: shall be required.~~
- ~~— (c) *Parking*: layout of parking spaces.~~
- ~~— (d) *Drainage*: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.~~
- ~~— (6) *Other details*: proposed illumination, if designed for nighttime operation.~~
- ~~— (7) *Other requirements*: proposed location of one sign which may be no larger than ten square feet; sign shall be freestanding and not higher than six feet above the ground. Two incidental unlighted entrance and exit signs not exceeding two square feet each may be provided at each entrance and/or exit. Any remote parking must be within 400 feet of the principal use it serves as measured along any public street right of way(s).~~

~~(DD)~~ **I** Use - sanitary landfill .

- (1) **Minor** Special use district: RA.
- (2) *Requirements*:
 - (a) *Parking*: shall conform to §§ [152.290](#) through [152.296](#), Off-Street Parking and Loading Requirements.
 - (b) *Lighting*: lighting shall be such that it is not directed onto any adjacent residential lot.
 - (c) All buildings, structures, tanks, and pits shall be setback at least 100 feet from all exterior property lines. A natural buffer at least 50 feet in width shall separate all such uses from all exterior property lines. A non-climbable fence , at least six feet in height, shall completely enclose such uses.
 - (d) Plans are required and must show:
 - 1. *Topography*: topography of the site at contour intervals not greater than two feet.
 - 2. *Structure*: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
 - 3. *Circulation*: proposed points of access and egress and pattern of internal circulation.
 - 4. *Lighting*: proposed lighting location and design.
 - 5. *Buffering*: shall be required as specified in §§ [152.525](#) through [152.544](#).
 - 6. *Parking and loading*: layout of parking spaces and type of proposed surfacing.
 - 7. *Drainage*: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.

~~— (EE) Use – school, elementary or secondary and related uses.~~

- ~~— (1) *Special use districts*: RA, R6, R10SF, R15SF, R20SF, R40SF, PUD, O/I, B1, and B2.~~

~~(2) *Minimum lot area* : the minimum lot area for the school shall be computed based upon the highest grade within the school. The minimum lot area shall be as follows:~~

~~(a) *Kindergarten through seventh grade* 200 square feet of land area per student in all grades.~~

~~(b) *Kindergarten through ninth grade* 300 square feet of land area per student in all grades.~~

~~(c) *Kindergarten through twelfth grade* 400 square feet of land area per student in all grades.~~

~~(3) *Parking and loading*: see §§ [152.290](#) through [152.296](#) for applicable parking ratios.~~

~~(4) *Drainage*: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.~~

~~(5) Plans are required and must show:~~

~~(a) *Structures*: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~

~~(b) *Circulation*: proposed points of access and egress and pattern of internal circulation.~~

~~(c) *Parking and loading*: layout of parking spaces.~~

~~**(FF) *Use – school, trade or vocational.***~~

~~(1) *Special use districts*: O1, GE, B1, B2.~~

~~(2) *Requirements*:~~

~~(a) *Parking*: Shall conform to §§ [152.290](#) through [152.296](#), Off Street Parking and Loading Requirements.~~

~~(b) *Lighting*: lighting shall be such that it is not directed onto any adjacent residential lot.~~

~~(c) All buildings and swimming pools must be setback a minimum of 50 feet from all exterior property lines.~~

~~(d) Plans are required and must show:~~

~~1. *Topography*: topography of the site at contour intervals not greater than two feet.~~

~~2. *Structure*: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~

~~3. *Circulation*: proposed points of access and egress and pattern of internal circulation.~~

~~4. *Lighting*: proposed lighting location and design.~~

~~5. *Buffering*: shall be required as specified in §§ [152.525](#) through [152.544](#).~~

~~6. *Parking and loading*: layout of parking spaces and type of proposed surfacing.~~

~~7. *Drainage*: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.~~

(GG I) Use -sign, roof.

- (1) *Special use districts:* B1, MI, and CON.
- (2) Plans are required and must show:
 - (a) *Size:* must not exceed 32 square feet of viewable area.
 - (b) *Lighting:* proposed lighting location, design, and hours of operation.
 - (c) *Design:* design including diagram of sign, sign size, sign location, drawing of display area, and method of anchoring or attachment to building/roof.

(HH K) Use - swimming pools , public/commercial.

(1) **Minor** *Special use districts:* RA, R6, R10SF, R15SF, **R20SF**, R40SF, PUD, MHP, MHS-15SF, G/E, **B1**, and B2.

(2) Requirements:

- (a) *Parking:* Shall conform to §§ [152.290](#) through [152.296](#), Off-Street Parking and Loading Requirements.
- (b) *Lighting:* lighting shall be such that it is not directed onto any adjacent residential lot.
- (c) All buildings and swimming pools must be setback a minimum of 50 feet from all exterior property lines.
- (d) Plans are required and must show:
 1. *Topography:* topography of the site at contour intervals not greater than two feet.
 2. *Structure:* location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
 3. *Circulation:* proposed points of access and egress and pattern of internal circulation.
 4. *Lighting:* proposed lighting location and design.
 5. *Buffering:* shall be required as specified in §§ [152.525](#) through [152.544](#).
 6. *Parking and loading:* layout of parking spaces and type of proposed surfacing.
 7. *Drainage:* proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.

~~(II) Use—telephone exchange operation.~~

~~(1) *Special use districts:* PUD, O/I, BI, B2.~~

~~(2) *Minimum lot area :* one acre.~~

~~(3) *Parking and loading:* one space for each two regular employees.~~

~~(4) *Screening and fencing:* a screen of not less than six feet in height of dense plant material shall be provided where the lot abuts a residential lot or a lot zoned exclusively for residential purposes.~~

~~(5) *Buffering*: as specified in §§ 152.525 through 152.544 of this chapter, buffering shall be required by the Board of Commissioners.~~

~~(6) *Plans are required and must show*:~~

~~(a) *Structures*: location and approximate size of all existing and proposed structures within the site, and all buildings within 200 feet thereof.~~

~~(b) *Circulation*: proposed points of access and egress.~~

~~(c) *Buffering*: shall be required.~~

~~(d) *Parking and loading*: location and arrangement of all proposed off street parking.~~

~~(7) *Other details*:~~

~~(1) Proposed provisions for fencing and other protective screening at the lot lines adjacent to abutting residential property.~~

~~(3) Anticipated service area of the facility to be constructed.~~

~~(H)~~ **L** Use - *wireless telecommunication facilities*.

(1) Special use districts: RA, ~~O/I, G/E, B1 and M1.~~

(2) Requirements:

(a) The facility must be setback from adjacent property lines and any residential dwelling(s) at least a distance equal to the fall zone as certified by a structural engineer. Accessory structures shall be setback at least 50 feet from any property line. These measurements shall be taken from the base of the tower or the foundation of the structure, as applicable.

(b) Access roads must be improved and meet the applicable standards of the Fire Code for emergency access. Access to any gated or locked enclosures must be provided to the Fire Chief.

(c) Lighting on the facility must meet the minimum standards of the Federal Aviation Administration (FAA). Lighting shall be muffled so that no audible sound can be heard beyond the distance of the required setback. Other lighting on the property, including lighting on accessory structures or on the surrounding enclosure, should be shielded so as not to trespass onto adjacent properties. The application must contain certification that the lighting on site has been designed to meet these requirements.

(d) Communication equipment or antennas shall meet the emission output levels as specified by applicable federal standard or by the American National Standard Institute (ANSI). The application must contain a certification that these requirements have been met.

(e) A Type C buffer yard per § 152.528 shall be installed around any perimeter enclosure.

(f) If a proposed facility is to be constructed within five miles or less from the perimeter boundary of a military base, or within any mapped flight path overlay, the town shall provide written notice of the proposal by certified mail, return receipt requested, to the commander of the military base not less than ten days nor more than 25 days before the date fixed for the public hearing on the application.

(g) Applications must include the required materials per Appendix IV.

(Ord. 2005-O3, passed 3-15-2005; Am. Ord. 2009-O6, passed 4-21-2009; Am. Ord. 2010-O6, passed 2-16-2010; Am. Ord. passed 7-26-2016; Am. Ord. passed 11-22-2016; Am. Ord. passed 2-28-2017; Am. Ord. passed 4-25-2017; Am. Ord. 2020-O6, passed 8-10-2020; Am. Ord. 2021-O3, passed 5-24-2021)

Draft**Section 152.212 Use Standards**

Detailed regulations for certain use standards are set forth in this section. Please refer to Section 152.528 Buffer Standards, Section 152.529-152.538 Landscaping Requirements, Section 152.500- 152.512 Lighting Standards, and Section 152.265-152.277 Signage.

(A) Use - Amusement, indoor.

- (1) Minimum lot area: based on zoning classification lot standards.
- (2) Buffering: as specified in §§ 152.525 through 152.544 of this chapter.
- (3) Plans are required and must show:
 - (a) Topography: topography of the site at contour intervals not greater than two feet.
 - (b) Structures: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
 - (c) Circulation: proposed points of access and egress and pattern of internal circulation.
 - (d) Other details:
 - (1) An area capable of storing at least one-third as many cars as can be accommodated within the viewing area shall be provided, away from the flow of incoming or outgoing traffic, for waiting vehicles.
 - (2) Proposed provision for storm drainage (including retention pond facilities, when applicable) approved by the Swansboro Building Inspector; sanitary sewage approved by the Swansboro Building Inspector or County Health Department, whichever is applicable.
 - (3) Size and proposed location of any signs.
 - (4) Proposed solid waste storage facilities.
 - (5) Proposed water system and firefighting facilities such as hydrants or sprinkler connections.
 - (6) Types of surfacing for drives, sidewalks, malls, and the like.
 - (7) The location and height of all fences, walls, and hedges shall be shown.

(B) Use - Assisted living residence.

- (1) Minimum lot area: minimum lot area of district in which located plus 1,000 square feet for each person to be accommodated.
- (2) Buffering: as specified in §§ 152.525 through 152.544 of this chapter.
- (3) Plans are required and must show:
 - (a) Topography: topography of the site at contour intervals not greater than two feet.
 - (b) Structures: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
 - (c) Circulation: proposed points of access and egress and pattern of internal circulation.
 - (d) Buffering: shall be required.
 - (e) Parking and Loading: Layout of parking spaces.
 - (f) Drainage: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.
 - (g) Other requirements:
 - (1) Must meet all requirements for licensing by the State of North Carolina.

- (2) Types of surfacing, slope, grade, and cross section of drives, sidewalks, malls, and the like.
- (3) Erosion and sedimentation control plan.
- (4) Lighting plan, inclusive of wattage and illumination.
- (5) All plans and construction details must meet the current specifications of the Town of Swansboro.
- (6) Size and proposed location of any signs.
- (7) Proposed solid waste storage.

(C) Use- Bar, Nightclub or Tavern.

- (1) Size and location of all outdoor areas used for principal use.
- (2) Plans are required and must show:
 - (a) Topography: on new construction, well drained site with adequate storm drainage facilities (including retention pond facilities, when applicable).
 - (b) Structures: location of signs, entrance, and buildings must be shown on the plan.
 - (c) Circulation: proposed points for access and egress and a parking layout.
 - (d) Buffering: Shall be required.
- (3) Sign size and location must be shown.
- (4) Lighting plan
- (5) List of all services to be provided.
- (6) Security/management plan
- (7) Hours of operation
- (8) Specifications for buffer, if required

(D) Use- Bed and breakfast accommodations, & inns.

- (1) Include only legitimate lodging businesses available for public reservation and use, although there may be an owner or manager room or living quarters on the premises. Such businesses must:
 - (a) Possess a current town approved business packet for a bed and breakfast accommodation or inn.
 - (b) Possess any health department licenses or permits that may be applicable.
 - (c) Provide, if requested by the town, evidence that lodging is being offered and advertised for public use and is available for same.
 - (d) Provide evidence, if requested by the town and subject to an audit of documents, that the premises are in actual use for paid short term lodging of guests.

(E) Use – Bulk mail and packaging.

- (1) Buildings, storage, and maintenance areas shall be screened from adjacent residential land and public rights-of-way.
- (2) The facility is constructed, designed, and located on the site to minimize noise, odor, and other impacts on neighboring properties.
 - (a) Submit and go through the Site Plan review process for a new facility.
 - (b) Plans and specifications for buffer and fencing.
 - (c) Lighting plan.
 - (d) Plan including proposed storage of combustible materials.
 - (e) Hours of operation.

(F) Use- Churches and related uses.

- (1) Minimum setbacks: the structure (if new) shall have minimum side and rear yards of not less than 30 feet; and a front yard at least 15 feet greater than that required for other principal structures within the district.
- (2) Plans are required and must show:
 - (a) Topography: on new construction, well drained site with adequate storm drainage facilities (including retention pond facilities, if applicable).
 - (b) Structures: location of signs, entrance, and buildings must be shown on the plan.
 - (c) Circulation: proposed points for access and egress and a parking layout.
 - (d) Buffering: Shall be required.
- (3) Other details:
 - (a) Proposed restrictions, if any.
 - (b) Sign size and location must be shown.

(G) Use - Club or lodge, public or private.

- (1) Requirements.
 - (a) Parking: shall conform to §§ 152.290 through 152.296, Off-Street Parking and Loading Requirements.
 - (b) Lighting: lighting shall be such that it is not directed onto any adjacent residential lot.
- (2) Clubs or lodges shall have direct access to a federal or state highway.
- (3) Minimum lot area: minimum lot area shall be the same as required for nonresidential uses in the RA district.
- (4) Plans are required and must show:
 - (a) Topography: topography of the site at contour intervals not greater than two feet.
 - (b) Structure: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
 - (c) Circulation: proposed points of access and egress and pattern of internal circulation.
 - (d) Lighting: proposed lighting location and design.
 - (e) Buffering: shall be required as specified in §§ 152.525 through 152.544.
 - (f) Parking and loading: layout of parking spaces and type of proposed surfacing.
 - (g) Drainage: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.

(H) Use- Colleges, universities, and related uses.

- (1) A type A or B buffer shall be required along all lot lines abutting a residentially zoned or used lot.
- (2) Depending on the intensity of the use and proposed access points, a traffic impact study may be required.
- (3) Sidewalk extensions and connections may be required in an effort to provide pedestrians with a safe means of travel.
- (4) Pedestrian traffic circulation, drive lanes, sidewalks, and other transportation improvements
- (5) Number and location of designated parking spaces for employees
- (6) Number and location of visitor parking spaces
- (7) Number and location of student parking spaces

- (8) Location and extent of open recreation or training areas
- (9) Student capacity of school as designed.
- (10) Total number of employees at time of greatest shift.
- (11) Lighting plan.
- (12) Storm water plan.

(I) Use- Crude petroleum & natural gas.

- (1) The proposed facility shall conform to the requirements of the Fire Prevention Codes of the North Carolina State Building Code, National Board of Fire Underwriters, and all applicable codes of the National Fire Protection Association and all requirements of the NC Fire Code.
- (2) A security fence at least eight (8) feet in height shall surround all facilities used for the storage and handling of coal.
- (3) A type C or D buffer shall be required where lot abuts a residentially zoned or used lot or is visible from a public right-of-way.
- (4) In addition to the general requirements, the site plan must also include the location of all structures and water bodies within one thousand (1,000) square feet.
- (5) Stormwater plan.
- (6) Lighting plan.
- (7) Plans and specifications for buffer and fencing.
- (8) Certification from fire marshal and building inspector that proposed plan meets fire prevention requirements.

(J) Use- Electrical appliance sales and services. (No Outdoor Storage)

- (1) Storage facilities for appliances and equipment must be fully enclosed.
- (2) Retail space limited to sales and office use.

(K) Use- Farm machinery sales and service.

- (1) The lot for the proposed Farm Machinery Sales and Servicing use shall meet the minimum yard requirements for the zoning district.
- (2) Customer and employee parking and machinery on display shall not be located in any required street yard or public right-of-way and may not impede vehicular or pedestrian traffic or sign distance triangles, if applicable.
- (3) All machinery display areas shall conform to the landscaping requirements for parking areas as set forth in this ordinance.
- (4) On-site machinery loading and unloading areas shall be of a sufficient size to ensure that no such loading or unloading will occur in any public right-of-way or impede ingress, egress, or internal circulation.
- (5) A type A or B buffer shall be required along all lot lines adjoining residentially zoned or used lots.
- (6) No structure or outside storage, display, or activity area shall be within a distance of thirty (30) feet of any abutting residentially zoned or used lot.
- (7) Any repair, servicing, maintenance, or other work on machinery shall be conducted within an enclosed structure or behind an opaque fence six (6) feet in height.
- (8) No outdoor public address system that can be heard beyond the boundaries of the property shall be permitted.

(9) Provide a lighting plan.

(10) Description of all servicing equipment, including noise decibel level

(11) Number of farm machines to be displayed.

(12) Hours of Operation

(13) Proposed storage of combustible materials.

(14) List of all services to be provided.

(L) Use- Feed and grain sales and storage.

(1) A type C buffer shall be required along all lot lines adjoining residential zones or used lots.

(2) No structure, outside storage area, or outside activity area shall be within a distance of thirty (30) feet from any adjoining residentially zoned or used lot.

(3) Plans and specifications for buffer and fencing.

(4) Lighting Plan

(5) Stormwater management plan

(6) Description of all machinery, including noise decibel

(7) Plan including proposed storage location of combustible materials.

(M) Use- Fertilizer wholesale and retail sales.

(1) A type C buffer shall be required along all lot lines adjoining residential zones or used lots.

(2) No structure, outside storage area, or outside activity area shall be within a distance of thirty (30) feet from any adjoining residentially zoned or used lot.

(3) Plans and specifications for buffer and fencing.

(4) Lighting Plan

(5) Stormwater management plan

(6) Description of all machinery, including noise decibel

(7) Plan including proposed storage location of combustible materials.

(N) Use- Flea market. (indoor)

(1) A minimum lot area of one (1) acre is required.

(2) Flea Market use will not be allowed as an accessory use.

(3) Adequate and safe permanent public restrooms and/or toilet facilities are required. No portable restroom facilities will be allowed.

(4) A type A buffer shall be required along all lot lines adjoining residential zoned or used lots.

(O) Use- Fuel sales.

(1) The site shall front a thoroughfare or residential collector street.

(2) No aboveground equipment for the vehicular service of gasoline, oil, or other petroleum product shall be closer than twenty-five (25) feet to any public right-of-way and ten (10) feet to any exterior property line.

(3) Pump island canopies shall not be located closer than ten (10) feet to a public right-of-way or exterior property line.

(4) A type A buffer shall be required along all lot lines adjoining residentially zoned or used lots.

(5) All accessory uses shall be subject to all ordinance requirements as stated in this ordinance.

(6) In addition to the general requirements, the site plan must also include the location and size of gasoline, oil, or other petroleum product tanks.

(7) Lighting plan

(8) Location, type, and dimensions of signage

(9) List of all proposed accessory uses for the site.

(P) Use- Heating, equipment and plumbing fixtures, sales. (No outdoor storage)

- (1) Outside processing or repair activities shall not be permitted.
- (2) Limited to retail sales.

(Q) Use- Multi-unit assisted housing with services.

- (1) Minimum lot area: minimum lot area of district in which located plus 1,000 square feet for each person to be accommodated.
- (2) Buffering: as specified in §§ 152.525 through 152.544 of this chapter.
- (3) Plans are required and must show:
 - (a) Topography: topography of the site at contour intervals not greater than two feet.
 - (b) Structures: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
 - (c) Circulation: proposed points of access and egress and pattern of internal circulation.
 - (d) Buffering: shall be required.
 - (e) Parking and Loading: Layout of parking spaces.
 - (f) Drainage: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.
 - (g) Other requirements:
 - (1) Must meet all requirements for licensing by the State of North Carolina.
 - (2) Types of surfacing, slope, grade, and cross section of drives, sidewalks, malls, and the like.
 - (3) Erosion and sedimentation control plan.
 - (4) Lighting plan, inclusive of wattage and illumination.

(R) Use- Nursing home.

- (1) Minimum lot area: the lot size shall be at least two acres and the structure shall have minimum side and rear yard requirements of 50 feet and a front yard requirement of at least 25 feet greater than that required of principal structures within the district.
- (2) Buffering: As specified in §§ 152.525 through 152.544, buffering shall be required by the Board of Commissioners.
- (3) Plans are required and must show:
 - (a) Topography: topography of the site at contour intervals not greater than two feet.
 - (b) Structure: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
 - (c) Circulation: proposed points of access and egress and pattern of internal circulation.
 - (d) Buffering: shall be required as specified in §§ 152.525 through 152.544.
 - (e) Parking and loading: layout of parking spaces.
 - (f) Drainage: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.
- (4) Other requirements:
 - (a) Must meet all requirements for licensing by the State of North Carolina.
 - (b) Types of surfacing, slope, grade, and cross section of drives, sidewalks, malls, and the like.
 - (c) Erosion and sedimentation control plan.
 - (d) Lighting plan, inclusive of wattage and illumination.

(S) Use- Pest or termite control services. (No Outdoor Storage)

- (1) Storage facility for pest control equipment must be fully enclosed.
- (2) Retail space is only limited to office use.

(T) Use- Precision instrument manufacturing.

- (1) Buildings, storage, and maintenance areas shall be screened from adjacent residential land and public rights-of-way.
- (2) The facility is constructed, designed, and located on the site to minimize noise, odor, and other impacts on neighboring properties.
- (3) The facility is constructed, designed, and located on the site to minimize noise, odor, and other impacts on neighboring properties.
- (4) Plans and specifications for lighting, buffer and fencing.
- (5) Lighting plan.
- (6) Plans and specifications for buffer and fencing.
- (7) Hazardous waste plan (including proposed storage of combustible materials).
- (8) Hours of operation.

(U) Use- Remote off-street parking.

- (1) Minimum lot area: none.
- (2) Screening and fencing: a screen not less than six feet high of dense plant material where lots abut a residential lot. Vegetation must be at least three feet in height at the time of planting.
- (3) Buffering: As specified in §§ 152.525 through 152.544 of this chapter.
- (4) Plans are required and must show:
 - (a) Circulation: proposed points of access and egress and pattern of internal circulation.
 - (b) Buffering: shall be required.
 - (c) Parking: layout of parking spaces.
 - (d) Drainage: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.
- (5) Other details: proposed illumination, if designed for nighttime operation.
- (6) Other requirements: proposed location of one sign which may be no larger than ten square feet; sign shall be freestanding and not higher than six feet above the ground. Two incidental unlighted entrance and exit signs not exceeding two square feet each may be provided at each entrance and/or exit. Any remote parking must be within 400 feet of the principal use it serves as measured along any public street right-of-way(s).

(V) Use- Storage, warehouse, including mini storage.

- (1) 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 Storage, Self-Service use, provided that the following standards are met:
 - (a) The storage shall occur only within a designated area. The designated area shall be clearly delineated.
 - (b) The storage area shall not exceed twenty-five percent (25%) of the buildable area of the site.
 - (c) No dry stacking of boats shall be permitted on the site.
 - (d) Boats shall be stored in a manner so as to prevent the collection of rainwater.

(2) 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 the fence's exterior side.

(3) Storage shall not occur within the area set aside for minimum building setbacks.

(4) If separate structures are constructed, there shall be a minimum separation of ten (10) feet between the buildings within the facility.

(5) Interior parking shall be provided in the form of aisles adjacent to the storage bays. These aisles shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisles shall be thirty (30) feet.

(6) Add buffer.

(7) Lighting plan.

(8) Plans and specifications for fencing, if applicable.

(W) Use- Warehouse. (general storage, enclosed)

(1) Buildings, storage, and maintenance areas shall be screened from adjacent residential land and public rights-of-way.

(2) The facility is constructed, designed, and located on the site to minimize noise, odor, and other impacts on neighboring properties.

(3) Submit and go through the Site Plan review process.

(4) Plans and specifications for buffer and fencing

(5) Lighting.

(6) Storage of combustible materials is not allowed.

(7) Hours of operation.

(8) Noise ordinance- Please refer to Section 92.01 of the Town code of ordinances.

(X) Use- Windmills.

(1) Windmills are used to pump ground water to the surface for irrigation in the RA zoning district. The wind turns the blades to utilize wind energy.

(2) No wind turbines are allowed.

§ 152.312 APPLICABILITY.

A traffic impact study shall be required for all projects where the Town Manager or his or her designee has determined from the information submitted that the site generated traffic will have a significant impact on the transportation network . Determinations shall be based on the following criteria:

(A) ~~Special use permit.~~ Business and manufacturing uses Estimated traffic generated by the ~~permit use~~ exceeds 200 trips/day.

~~(B) Single business. Estimated traffic generated by a single business exceeds 200 trips/day.~~

~~(C)~~ (B) *Single-family residential.* Estimated traffic generated by the development exceeds 400 trips/day.

~~(D)~~ (C) *Planned unit development .* Estimated traffic generated by the development exceeds 400 trips/day.

~~(E)~~ (D) *Apartments , condominiums , townhouses .* Estimated traffic generated by the development exceeds 400 trips/day.

~~(F) Campgrounds and campground subdivisions . Estimated traffic generated by the development exceeds 400 trips/day.~~

~~(G)~~ (E) *Manufactured home parks.* Estimated traffic generated by the development exceeds 400 trips/day.

(Ord. 2005-03, passed 3-15-2005) (Am. Ord. 2016-014, passed 4-12-2016)

TOWN OF SWANSBORO PLANNING AND ZONING BOARD STATEMENT OF CONSISTENCY

On April 10, 2023, 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, § 152.211 Specific Criteria for Certain Special Uses, § 152.212 Use Standards, and § 152.312 Applicability.

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.

Planning Board Chair

Town Planner



Board of Commissioners Meeting

Agenda Item Submittal

Item To Be Considered: **Future Agenda Topics**

Board Meeting Date: **April 10, 2023**

Prepared By: **Alissa Fender – Town Clerk**

Overview: The purpose of this memo is to provide the Board with matters that staff anticipates/proposes for upcoming meetings. It should be noted that these items are tentatively scheduled for the specified monthly agenda but are subject to change due to preparation of materials, public notice requirements, etc.

In providing this memo each month, we hope it will also provide an opportunity for the Board to introduce items of interest and subsequent direction for placement on future agendas, which will allow staff the opportunity to plan accordingly.

April 24, 2023

- * Community Meeting Discussion
- * Employee of the Quarter
- * GFL
- * Administrative Professionals Week
- * Municipal Clerks Weeks
- * International Firefighter's Day
- * Financial Report
- * Department Report

May 22, 2023

- * Review of Watershed Plan (*tentative*)
- * Table of Permitted Uses Text amendment (*tentative*)
- * Onslow United Transit System Presentation
- * Safe Boating Week
- * Financial Report
- * Department Report

May 8, 2023

- * Water Street Rehabilitation Public Meeting
- * National Police Week
- * National Public Works Week
- * Rezoning Request/1130 Hammock Beach Road
- * Special Use Permit/108-4 W. Corbett Avenue

June Meeting Dates

Regular – 12th

Regular – 26th

Future Agenda Items

- * American Rescue Plan Funding Recommendations (updates)
- * Further LUP Review/Amendments – Comprehensive Transportation Plan Revisions
- * Text Amendments – Occupancy Tax
- * Text Amendments – R/A Zoning Uses – *referred back to Planning Board*
- * Sub-committee designations for Strategic Plan Implementation (*Eco Dev Committee est. Oct 2020*)
- * Building Standards (*Concerns with tarps and homes in poor repair all around town brought up 2.14 meeting*)
- * Board Meeting Alternatives for Public viewing (*undergoing further research*)
- * Swimming Pool/Consideration for Establishing a Pool Committee (*on hold for P&R Master Plan*)
- * Samuel Swann Bland Community Service Award policy revisions (*ongoing*)
- * Downtown Parking (*parking on grass and in front of homes*)
- * Special Use Permit/Wawa convenience store/gas station
- * Resolution Supporting Veterans Garden
- * Duke Energy Presentation
- * High School Recognitions
- * Onslow Soil & Water Conservation District Presentation (after review of Watershed Plan)
- * Moore Street One-Way direction change consideration
- * Resolution in Opposition of Senate Bill 200
- * Major Subdivision Final Plat – Parrish Green