



Planning Board Agenda

Town of Swansboro

Tuesday, July 02, 2024

I. Call to Order

II. Approval of Minutes

- [a.](#) May 9, 2024 Special Meeting Minutes

III. Business

- [a.](#) **UDO Text Amendment to Section 152.073 Moratoria**

Presenter: Rebecca Brehmer, Town Planner, CFM, CZO

After a review of North Carolina General Statutes and UDO on Moratoria at a recent Board of Commissioners meeting, the Town Attorney has advised that the UDO Section 152.073, Moratoria, is not consistent with G.S. § 160D-107 Moratoria in that it is missing a portion of the first sentence under section (A) Authority.

Recommended Action: Motion to recommend approval of text amendment to UDO Section 152.073 Moratoria, along with the Comprehensive Plan Consistency Statement.

- [b.](#) **UDO Text Amendment to Section 152.445 Coastal High Hazard Areas (Zone VE)Presenter: Rebecca Brehmer, Town Planner, CFM, CZO**

UDO Section 152.445 Coastal High Hazard Areas (Zone VE) (Q) in the Flood Damage Prevention Ordinance of the UDO is not feasible and needs to be deleted.

Recommended Action: Motion to recommend approval of text amendment to UDO Section 152.445 Coastal High Hazard Areas (Zone VE), along with the Comprehensive Plan Consistency Statement.

- [c.](#) **Town Code/UDO Text Amendment to Section 150.45 Permits Required and Section 152.196 Notes to the Table of Area, Yard, and Height Requirements**

Presenter: Rebecca Brehmer, Town Planner, CFM, CZO

A text amendment is proposed to Town Code Section 150.45 Permits Required to have a zoning permit added to the list of permits required for any new development. A text amendment is also proposed to UDO Section 152.196 Notes to the Table of Area, Yard, and Height Requirements, (F) Note 6.

Recommended Action: Motion to recommend approval of text amendments to Town Code Section 150.45 Permits Required and UDO Section 152.196 Notes to the Table of Area, Yard, and Height Requirements, along with the Comprehensive Plan Consistency Statement.

- [d.](#) **Town Code Amendment to Chapter 93: Streets and Sidewalks, Section 93.007 Playing Games in Streets**

Presenter: Rebecca Brehmer, Town Planner, CFM, CZO

After direction from the Board of Commissioners and Town Manager, due to enforcement capabilities, a text amendment has been proposed to remove Town Code Section 93.007 Playing Games in Street. Allowing this activity to take place in Town Limits.

Recommended Action: Motion to recommend approval of text amendment to Town Code Section 93.007 Playing Games in Streets.

IV. Chairman/Board Thoughts/Staff Comments

V. Public Comments

VI. Adjournment

**Town of Swansboro
Planning Board
Special Meeting Minutes
May 9, 2024**

Item II - a.

Call to Order

The meeting was called to order at 5:30 pm. Board members in attendance were Christina Ramsey, Jerry Seddon, Tim Vannoy, Lauren Brown, and Sherri Hancock. Clara Abalos was absent. There was one ETJ vacancy. The purpose of the special meeting was to handle items originally scheduled for the regular meeting on May 7, 2024, that was rescheduled due to scheduling conflicts.

Business

Amendment to the CAMA Future Land Use Plan

Projects/Planning Coordinator Brehmer reviewed that Ward Farm, LLC, had applied for a text amendment to the CAMA Future Land Use Plan for an exception of up to 18 for Multifamily in B3 zoning, in order to better serve an upcoming condominium project, Brezza Lofts.

Mr. John Plageman, the architect representing Ward Farms for the development project, Brezza Lofts, joined the meeting through a conference call.

In response to inquiries from the board, the following was clarified by Projects/Planning Coordinator Brehmer and Mr. Plageman architect representing Ward Farms:

- Ward Farm was located in the B3 zone and was the only B3 zone in the entire town.
- Parking would be at the rear of the property and would accommodate all residential units.

On a motion by Mr. Vannoy, seconded by Mr. Seddon the proposed amendment to the excerpt from CAMA Future Land Use Plan, for an exception of up to 18 for Multifamily in B3 zoning, along with the Comprehensive Plan of Consistency Statement was unanimously recommended for approval to the Board of Commissioners.

UDO Text Amendment to Section 152.180 Notes to the Table of Permitted/Special Uses

Project Coordinator/Planning Brehmer reviewed that Ward Farm, LLC, had also applied for a text amendment to Section 152.180 Notes to the Table of Permitted/Special Uses, Note 37. B-3 Traditional Business District. The purpose of this amendment was to allow Brezza Lofts, an upscale condominium project located on Lot 8 of the Ward Farm Town Center, to be exempt from the limitation currently outlined in Note 37 that permits buildings to only have 20% of first floor be used for residential use. (I added this from the agenda memo because the quick summary from the agenda page doesn't give context of exactly what the amendment was for and that needs to be captured.

On a motion by Mr. Vannoy, seconded by Mr. Seddon the proposed text amendment to Section 152.180 Notes to the Table of Permitted/Special Uses, Note 37 to allow Brezza Lofts, an upscale condominium project located on Lot 8 of the Ward Farm Town Center, to be exempt from the limitation currently outlined in Note 37 that permits buildings to only have 20% of first floor be used for residential use was unanimously recommended for approval to the Board of Commissioner along with the Comprehensive Plan of Consistency Statement

UDO Text Amendment to Section 152.195 Table of Area, Yard, Square Footage and Height Requirements

Project Coordinator/Planning Brehmer reviewed that Ward Farm, LLC, had also applied for a text amendment to Section 152.195 Table of Area, Yard, Square Footage and Height Requirements to adjust dimensional requirements in the B-3 zoning district for an upcoming condominium project, Brezza Lofts. The purpose of this text amendment was to raise the maximum building height in B-3 Traditional Business from 35ft to 40ft in order to allow for more desirable floor to floor heights in the ground floor commercial spaces.

On a motion by Mr. Vannoy, seconded by Mr. Seddon the text amendment to Section 152.195 Table of Area, Yard, Square Footage, and Height Requirements to raise the maximum building height in B-3 Traditional Business from 35ft to 40ft was unanimously recommended for approval to the Board of Commissioners along with the Comprehensive Plan of Consistency Statement.

Chairman/Board Thoughts/Staff Comments

Mrs. Ramsey reminded the board of the upcoming workshop for Legislative Zoning Decisions scheduled for May 16, 2024, at 12:30 pm

Mrs. Correll informed the board that this would be her final Planning Board meeting and had enjoyed working with them.

Mrs. Ramsey thanked Mrs. Correll for her service to the Town of Swansboro.

Adjournment

On a motion by Mr. Vannoy, seconded by Mr. Seddon, the meeting was adjourned at 5:58 pm.



Planning Board Meeting Agenda Item Submittal

Item To Be Considered: **UDO Text Amendment to Section 152.073 Moratoria**

Board Meeting Date: **July 2, 2024**

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

Overview: After a review of North Carolina General Statutes and UDO on Moratoria at a recent Board of Commissioners meeting, the Town Attorney has advised that the UDO Section 152.073, Moratoria, is not consistent with G.S. § 160D-107 Moratoria in that it is missing a portion of the first sentence under section (A) Authority.

The proposed text amendment to UDO Section 152.073 Moratoria will have the first sentence (A) Authority to read “As provided by G.S. § 160D-107, the Board of Commissioners may adopt temporary Moratoria on any development approval required by law, except for the purpose of developing and adopting new or amended plans or development regulations governing residential uses.” in order to be consistent with 160D-107 Moratoria.

Background Attachment(s):

1. Draft Ordinance
2. Comprehensive Plan Consistency Statement

Recommended Action: Motion to recommend approval of text amendment to UDO Section 152.073 Moratoria, along with the Comprehensive Plan Consistency Statement.

Action: _____

DRAFT ORDINANCE 2024-
AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE
§152.073 MORATORIA, (A) AUTHORITY.

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

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

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

Minor alphabetical, clerical and numerical changes may occur after the fact in an ordinance of this size.

TITLE XV: LAND USAGE

CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE

§ 152.073 MORATORIA, (A) AUTHORITY.

(A) *Authority.* As provided by G.S. § 160D-107, the Board of Commissioners may adopt temporary moratoria on any development approval required by law, except for the purpose of developing and adopting new or amended plans or development regulations governing residential uses. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions.

This Ordinance shall be effective upon adoption.

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

Attest:

Alissa Fender, Town Clerk

John Davis, Mayor

**TOWN OF SWANSBORO PLANNING AND ZONING BOARD
STATEMENT OF CONSISTENCY**

On July 2, 2024, the Planning Board heard the requested text amendments and recommended unanimous approval of the text amendments to the Town Unified Development Ordinance as followed: § 152.073 Moratoria, (A) Authority.

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



Planning Board Meeting Agenda Item Submittal

Item To Be Considered: **UDO Text Amendment to Section 152.445 Coastal High Hazard Areas (Zone VE)**

Board Meeting Date: **July 2, 2024**

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

Overview: UDO Section 152.445 Coastal High Hazard Areas (Zone VE) (Q) in the Flood Damage Prevention Ordinance of the UDO is not feasible and needs to be deleted.

After contact with our State NFIP Coordinator, the discussion behind this text amendment is FEMA guidelines do not specifically call out the number of outlets and switches that can be installed. They simply recommend minimizing secondary electrical components below base flood elevation unless they are specially designed. The goal in deleting UDO Section 152.445 (Q) is to both follow FEMA guidelines more accurately as well as give homeowners/business owners more options when it comes to outlets and switches being installed in a flood zone.

Background Attachment(s):

1. Draft Ordinance
2. Comprehensive Plan Consistency Statement

Recommended Action: Motion to recommend approval of text amendment to UDO Section 152.445 Coastal High Hazard Areas (Zone VE), along with the Comprehensive Plan Consistency Statement.

Action: _____

DRAFT ORDINANCE 2024-
AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE
§152.445 COASTAL HIGH HAZARD AREAS (ZONE VE)

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

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

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

Minor alphabetical, clerical and numerical changes may occur after the fact in an ordinance of this size.

TITLE XV: LAND USAGE
CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE
§ 152.445 COASTAL HIGH HAZARD AREAS (ZONE VE)

~~(Q) No more than four electrical outlets and no more than four electrical switches may be permitted below RFPE unless required by building code.~~

This Ordinance shall be effective upon adoption.

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

Attest:

Alissa Fender, Town Clerk

John Davis, Mayor

**TOWN OF SWANSBORO PLANNING AND ZONING BOARD
STATEMENT OF CONSISTENCY**

On July 2, 2024, the Planning Board heard the requested text amendments and recommended unanimous approval of the text amendment to the Town Unified Development Ordinance as followed: § 152.445 Coastal High Hazard Areas (Zone VE), section (Q).

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



Planning Board Meeting Agenda Item Submittal

Item To Be Considered: **Town Code/UDO Text Amendment to Section 150.45 Permits Required and Section 152.196 Notes to the Table of Area, Yard, and Height Requirements**

Board Meeting Date: **July 2, 2024**

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

Overview: A text amendment is proposed to Town Code Section 150.45 Permits Required to have a zoning permit added to the list of permits required for any new development. A text amendment is also proposed to UDO Section 152.196 Notes to the Table of Area, Yard, and Height Requirements, (F) Note 6.

Accessory Structures will have specific guidelines added to differentiate when a building permit is required, or a zoning permit is required for any new accessory structure. As of July 1, 2024, the Town's 2024-2025 fee schedule will be implemented, and a Zoning Permit and fee will be separate from a Building Permit. Previously, the Zoning Permit/sign off was combined to be a part of the Building Permit.

Background Attachment(s):

1. Draft Ordinance
2. Comprehensive Plan Consistency Statement

Recommended Action: Motion to recommend approval of text amendments to Town Code Section 150.45 Permits Required and UDO Section 152.196 Notes to the Table of Area, Yard, and Height Requirements, along with the Comprehensive Plan Consistency Statement.

Action: _____

**DRAFT ORDINANCE 2024-
AN AMENDMENT TO THE SWANSBORO TOWN CODE OF ORDINANCES
TO MODIFY §150.45 PERMITS REQUIRED.**

THE BOARD OF COMMISSIONERS OF THE TOWN OF SWANSBORO ORDAINS:

That the following section of the Code of Ordinances, Town of Swansboro, North Carolina, be hereby amended to read as follows:

***TITLE IX: GENERAL REGULATIONS
CHAPTER 150 BUILDING REGULATIONS:
§150.45 PERMITS REQUIRED***

(A) *Building permits.* No person shall commence construction, addition, alteration, reconstruction, extensive repairs, reconstruction after damage, moving, demolition or change of use of any type of building without first securing from the Inspector a permit to engage in the work.

(B) *Plumbing permits.* No person shall commence with the installation, extension, alterations or general repairs of any plumbing system without first securing from the Inspector a permit to engage in the work.

(C) *HVAC permits.* No person shall commence with the installation, erection or alteration of any mechanical systems consisting of heating, ventilating, air conditioning and refrigeration systems, fuel burning equipment and appurtenances, without first securing from the Inspector a permit to engage in the work.

(D) *Commercial sign permits.* No person shall commence with the erection, construction, alteration or maintenance (except as provided in the North Carolina State Building Code) of any commercial sign without first securing from the Inspector a permit to engage in the work.

(E) *Electrical permits.* No person shall commence or proceed with the installation, erection, alteration or substantial repair of electrical systems and appurtenances thereof, without first securing from the Inspector a permit to engage in the work.

(F) *Zoning permits.* No person shall commence or proceed with any new development without first securing the Planner a permit to engage in the work.

(OC, § 9-1-22) (Am. Ord. 2005-03, passed 3-15-05; Am. Ord. 2005-04, passed 4-13-05) [Penalty, see § 150.99](#)

**DRAFT ORDINANCE 2024-
AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE
§152.196 NOTES TO THE TABLE OF AREA, YARD, AND HEIGHT REQUIREMENTS, (F)
NOTE 6. ACCESSORY STRUCTURES.**

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

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

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

Minor alphabetical, clerical and numerical changes may occur after the fact in an ordinance of this size.

TITLE XV: LAND USAGE

CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE

§152.196 NOTES TO THE TABLE OF AREA, YARD, AND HEIGHT REQUIREMENTS,

(F) NOTE 6. ACCESSORY STRUCTURES.

(F) Note 6. Accessory structures.

(1) Accessory structure setbacks shall also apply to the placement of swimming pools.

(2) No accessory building or use shall be erected in any front yard, or within six feet of the rear lot line unless otherwise allowed by the following, or if the rear lot line abuts navigable waters, and it is therefore subject to the CAMA rules.

(a) Exception, that any “T” or “L” shaped lot may have accessory uses or structures in what is defined by the Unified Development Ordinance as the front yard or side yard as long as that front or side yard does not have a road or street adjacent to the front yard or side yard of the lot.

(b) Accessory structures may be constructed or placed in the front yard on residential lots two acres or greater and on flag lots provided that a special use permit is obtained, and the structure meets the required front and side setbacks for principal structures in the applicable zoning district.

(c) Double frontage lots in residential districts, including double frontage lots on a corner, will require a special use permit to construct or place accessory structures on the property

(3) A permit is required for any new accessory structure. A zoning permit will be required as well as a building permit if the accessory structure exceeds 12 feet in any direction (length, width, or height).

This Ordinance shall be effective upon adoption.

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

Attest:

Alissa Fender, Town Clerk

John Davis, Mayor

**TOWN OF SWANSBORO PLANNING AND ZONING BOARD
STATEMENT OF CONSISTENCY**

On July 2, 2024, the Planning Board heard the requested text amendments and recommended unanimous approval of the text amendments to the Town Unified Development Ordinance as followed: § 152.196 Notes to the Table of Area, Yard, and Height Requirements, (F) Note 6 Accessory Structures.

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



Planning Board Meeting Agenda Item Submittal

Item To Be Considered: **Town Code Amendment to Chapter 93: Streets and Sidewalks, Section 93.007 Playing Games in Streets**

Board Meeting Date: **July 2, 2024**

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

Overview: After direction from the Board of Commissioners and Town Manager, due to enforcement capabilities, a text amendment has been proposed to remove Town Code Section 93.007 Playing Games in Street. Allowing this activity to take place in Town Limits.

Section 93.007 Playing Games in Streets currently reads, “No person shall play baseball, football or any other game of ball, or shall pitch or catch a ball on any street or sidewalk within the corporate limits of the town.”

Background Attachment(s):

1. Draft Ordinance

Recommended Action: Motion to recommend approval of text amendment to Town Code Section 93.007 Playing Games in Streets.

Action: _____

DRAFT ORDINANCE 2024-
AN AMENDMENT TO THE SWANSBORO TOWN CODE OF ORDINANCES
TO MODIFY §93.007 PLAYING GAMES IN STREETS.

THE BOARD OF COMMISSIONERS OF THE TOWN OF SWANSBORO ORDAINS:

That the following section of the Code of Ordinances, Town of Swansboro, North Carolina, be hereby amended to read as follows:

TITLE IX: GENERAL REGULATIONS
CHAPTER 93 STREETS AND SIDEWALKS:
§93.007 PLAYING GAMES IN STREETS

No person shall play baseball, football or any other game of ball, or shall pitch or catch a ball on any street or sidewalk within the corporate limits of the town.
(OC, § 6-2-6) [Penalty, see § 10.99](#)

This Ordinance shall be effective upon adoption.

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

Attest:

Alissa Fender, Town Clerk

John Davis, Mayor