



# Board of Commissioners Agenda

## Town of Swansboro

Monday, March 13, 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: NONE

#### IV. Appointments/Recognitions/Presentations - NONE

#### V. Public Hearing

##### a. Text Amendments related to Demolition by Neglect and Enforcement

***Presenter: Andrea Correll, AICP - Planner***

Following review of Demolition by Neglect draft ordinances and specific statues related to such, staff prepared UDO text amendments to Sections 152.485 through 152.488.

The Planning Board recommended approval of the proposed text amendment at the regular meeting on December 6, 2022. Planning staff worked with the Town Attorney making his recommended changes found in the attached ordinance.

*Recommended Action:*

*1. Hold a public hearing;*

*2. Motion to approve Ordinance 2023-01 amending Sections 152.485 through 152.488 related to Demolition by Neglect to the Town Unified Development Ordinance.*

#### VI. Business Non-Consent

**a. Zoning Map Amendment to Rezone Parcels Along Water Street from B2HDO to R6SF**  
***Presenter: Andrea Correll, AICP – Planner***

The Town of Swansboro Board of Commissioners has expressed interest to down zone the parcels along Water Street from Drudy Lane to Casper's Marina from B2HDO to R6SF. Following the public hearing held on December 12, 2022, the board tabled voting on the rezoning until after the Demolition by Neglect and Massing Text amendments were heard and approved.

*Recommended Action: Motion to approve Ordinance 2023-02 to rezone the parcels on Water Street from Drudy Lane to Casper's Marina from B2HDO to R6SF.*

**b. 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**



# Board of Commissioners Meeting Agenda Item Submittal

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Item To Be Considered: **Text Amendments related to Demolition by Neglect and Enforcement**

Board Meeting Date: **March 13, 2023**

Prepared By: **Andrea Correll, AICP – Planner**

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**Overview:** Following review of Demolition by Neglect draft ordinances and specific statues related to such, staff prepared UDO text amendments to Sections 152.485 through 152.488. The Planning Board recommended approval of the proposed text amendment at the regular meeting on December 6, 2022. Planning staff worked with the Town Attorney making his recommended changes found in the attached ordinance.

**Background Attachment(s):**

1. Draft Ordinance 2023-O1
2. Comprehensive Plan Consistency Statement

**Recommended Action:**

1. Hold a public hearing;
2. Motion to approve Ordinance 2023-O1 amending Sections 152.485 through 152.488 related to Demolition by Neglect to the Town Unified Development Ordinance.

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**Action:** \_\_\_\_\_

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**ORDINANCE 2023-01**  
**AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE**  
**DEMOLITION BY NEGLECT AND ENFORCEMENT**

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 amendment to the Unified Development Ordinance regarding demolition by neglect to be consistent with the Town of Swansboro CAMA LAND USE Plan updated January 22, 2019.

NOW BE IT ORDAINED by the Town of Swansboro Board of Commissioners that the Town Unified Development Ordinance be amended including renumbering section starting with Section 152.485 through Section 152.488 to add a new Demolition by Neglect section.

**TITLE XV: LAND USAGE**  
**CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE**

**§ 152.485 DEMOLITION BY NEGLECT.**

Demolition by Neglect ("DBN") shall mean and include the failure to keep the exterior features of any historic building and/or structures free of decay, deterioration, and structural defects in order to ensure that the same shall be preserved. The owner or such other person who may have legal possession, custody, and control of any building or structure on the DBN List (hereafter defined) is hereafter called an "Offender". Such historic buildings and structures subject to this DBN provision include walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant features, either designated as an historic landmark or found to have historic significance. DBN shall also include the failure of such Offender to repair such exterior features as are found to be deteriorating, or to correct any condition contributing to deterioration, including, but not limited to, the following:

1. Deterioration of exterior walls, foundations, or other vertical supports that cause leaning, sagging, splitting, listing, or buckling.

2. Deterioration of flooring or floor supports, roofs, or other horizontal members that cause leaning, sagging, splitting, listing, or buckling.

3. Deterioration of external chimneys causing leaning, sagging, splitting, listing, or buckling.

4. Deterioration or crumbling of exterior plasters or mortars.

5. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

6. Defective protection or lack of weather protection for exterior walls and roof coverings, including lack of paint, or weathering due to lack of paint and/or other protective coverings.

7. Rotting holes, and other forms of decay.

8. Deterioration of exterior stairs, porches, handrails, windows, and door frames, cornices, entablatures, wall facings, and architectural details that cause the delamination, instability, loss of shape and form, or crumbling.

9. Heaving, subsidence, or cracking of sidewalks, steps or pathways.

10. Deterioration of fences, gates, and/or accessory structures.

11. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

The Town Planner at his or her sole discretion may declare a person or entity as an Offender under this section. The Town Planner shall add any such Offenders and their properties to a list (the "DBN List") and proceed according to the provisions in § 152.487.

#### **§ 152.486 PROCEDURAL REMEDIES WHEN DEMOLITION BY NEGLECT IS DETERMINED.**

Offenders, at the Town Planner's discretion, may be required to:

1. Provide a sealed report from a structural engineer who has inspected the site and consult with the Town Planner who will consult with the N.C. State Historic Preservation Office on the submittal and ask for additional information if needed as well as the Town Building Official and Town Engineer. The report must contain a breakdown of the structural integrity of the building including the roof, walls, floors, windows, doors, and foundation. A detailed description of each structural component that needs work must be provided with the remedy for repair along with documentation that the component is 50% or more structurally unsound.

2. If water infiltration is occurring, provide a sealed site plan from an engineer showing solutions to the stormwater issue. The calculations will be reviewed by the Town's Engineer.

3. Submit two sealed sets of building plans and a site plan along with any exhibits that are needed for the review. The Town staff will work through the review process prior to taking the recommended drawings and exhibits to the Swansboro Historic Commission for consideration of a COA to facilitate and document the corrective action needed.

#### **§ 152.485<sup>7</sup> COMPLIANCE AND ENFORCEMENT.**

(C) When DBN properties have been identified and added to the DBN List, the general steps, actions, decision points, and Offender's needed responses when receiving notice of violation from the Town Planner are as follows:

1. A completed DBN complaint form is submitted to the Town Planner and stamped with the received date and initials. Staff may fill out the complaint form based on email or phone call from a complaint. Email or regular mail is preferred, however if a phone call is received the

Town Planner will respond by email and email should be sent to the complainer and the HPC. The Town Planner will report to the HPC at the next regular meeting.

2. The Town Planner shall investigate any complaint. Within 14 days following receipt of the DBN complaint, the Town Planner shall send a status report of the complaint investigation and actions taken to the complainant and, if warranted, send a notice of violation to the Offender. The Town Planner shall report the complaint investigation to the HPC at its next regular meeting if there is a basis for complaint.

3. If the Town Planner determines there is a basis for the complaint, the Offender has thirty calendar days to respond to the notice of violation documenting violation(s) contributing to the DBN. The Offender may respond by phone, email or in writing. The Town Planner shall send a follow-up email in the event the Offender responds by phone. The Town Planner shall send a copy of that email to the HPC within two business days of the call. The Town Planner shall maintain a record of communication with the Offender. The Town Planner is the responsible party to prepare and present the reports to the HPC.

4. If the Offender fails to respond or to address the violation(s) by the required deadline, the Town may take all action allowed under this Ordinance or other applicable law related to code enforcement. The Town Planner shall report any Town enforcement action at the next HPC meeting.

#### **§ 152.4868 ~~8~~ MUNICIPALLY OWNED PROPERTY.**

(A) Municipally owned property will be subject to the same regulations as privately owned property if located within the Historic District.

(B) If consideration is being made for possible town acquisitions of historic property, the Swansboro Historic Preservation Commission should provide input in all stages of planning on the usefulness of the acquisition. However, acquisition and restoration of historic property should remain the domain of private enterprise whenever possible.

This Ordinance shall be effective upon adoption.

Adopted by the Board of Commissioners in regular session, March 13, 2023.

\_\_\_\_\_  
John Davis, Mayor

Attest:

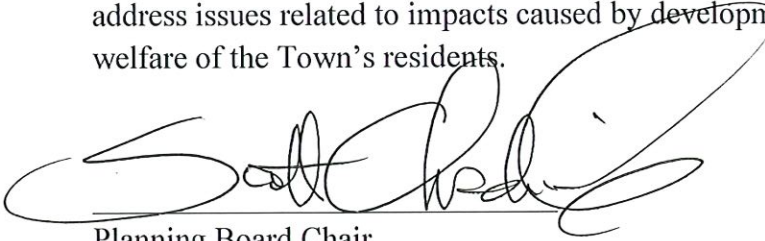
\_\_\_\_\_  
Alissa Fender, Town Clerk

ND:4868-9267-3102, v. 1

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

On December 6, 2022, the Planning Board heard the requested text amendment and recommended unanimous approval of the text amendment to Sections 152.485 through 152.488. of the Town Unified Development Ordinance.

The Town's Planning Board finds that the proposed text amendment is 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

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Item To Be Considered: **Zoning Map Amendment to Rezone Parcels Along Water Street from B2HDO to R6SF**

Board Meeting Date: **March 13, 2023**

Prepared By: **Andrea Correll, AICP – Planner**

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**Overview:** The Town of Swansboro Board of Commissioners has expressed interest to down zone the parcels along Water Street from Drudy Lane to Casper's Marina from B2HDO to R6SF. Following the public hearing held on December 12, 2022, the board tabled voting on the rezoning until after the Demolition by Neglect and Massing Text amendments were heard and approved.

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)

The purpose of the down zoning is to designate the properties referenced above as residential R6 Single Family Zoning. This zoning classification is the same as other residential properties in the Historic District, including those properties across Water Street.

NC General Statute 160D-601(d). Procedure for adopting, amending, or repealing regulations

(d) Down-Zoning. – No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways: (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage. (2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 12, 50(a), 51(a), (b), (d).)

The Planning Board at the November 1, 2022, meeting unanimously recommended the zoning map amendment (rezoning) to the Board of Commissioners.

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**Action:** \_\_\_\_\_  
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**Background Attachment(s):**

1. Ordinance 2023-O2
2. Location Map
3. Future Land Use Plan excerpt
4. Consistency Statement

**Recommended Action:** Motion to approve Ordinance 2023-O2 to rezone the parcels on Water Street from Drudy Lane to Casper's Marina from B2HDO to R6SF.

## Ordinance 2023-O2

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

WHEREAS NCGS 160D-604 also states that when adopting or rejecting any zoning amendment, the governing board shall approve a statement describing whether its action is consistent with an adopted Comprehensive Plan and any other officially adopted plan that is applicable, and briefly explain why the board considers the action taken to be reasonable and in the public interest; and

WHEREAS the Board of Commissioners finds that the proposed re-zoning of PARID Numbers: 018369, 011128, 011057, 005673, 015594, 020460, 006144, 010430 located off of Water Street, is reasonable and in the public interest because the conversion of approximately 1.88 acres from B2HDO (B2 Historic District Overlay) zoning designation to R6SF (Residential) zoning designation is consistent with the Comprehensive Plan, specifically the Land Use Plan, and the property is identified as appropriate for residential land use.

NOW BE IT ORDAINED by the Town of Swansboro Board of Commissioners that the Town Zoning Map be amended by converting PARID Numbers: 018369, 011128, 011057, 005673, 015594, 020460, 006144, 010430 from B2HDO (B2 Historic District Overlay) zoning designation to R6SF (Residential) zoning designation.

This Ordinance shall be effective upon adoption.

Adopted by the Board of Commissioners in regular session, March 13, 2023.

Attest:

\_\_\_\_\_  
Alissa Fender, Town Clerk

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John Davis, Mayor

# Location Map for Rezoning

Item VI - a.



Nov. 21, 2022

REZONING LOCATIONS SHOWN WITH A WHITE STAR



## FUTURE LAND USE DESIGNATIONS

### TRADITIONAL TOWN CENTER (TTC)

This designation is characterized by a mix of residential, commercial, and civic uses in the historic downtown central business district or TTC node. Redevelopment or new development should be compatible with and embody the desired heart of “Swansboro” character.

### SUBURBAN TOWN CENTER (STC)

The highway commercial designation contains medium to high intensity uses on the NC 24 corridor. A mix of uses including multi-family with managed access is encouraged.

### EMPLOYMENT / LIGHT INDUSTRIAL (ELI)

This designation includes office, light industrial or assembly, and flex-tenant spaces. Site layout should allow for truck circulation, buffers between dissimilar uses, and quality architecture adjacent to the highway.

### GATEWAY CORRIDOR (GC)

State-owned NC 24 and the adjacent development make the first impression of the town. Signage, lighting, sidewalks, landscaping, architectural design along the roadway should reflect the unique features and values of Swansboro.

### CONSERVATION PRIORITY AREA (CPA)

The CPA designation includes lands influenced by the natural environment containing features including but not limited to wetlands, woodland, shoreline, pocosins, open space, vistas that are worth conserving and that define Swansboro.

### COASTAL TRADITIONAL NEIGHBORHOOD (CTN)

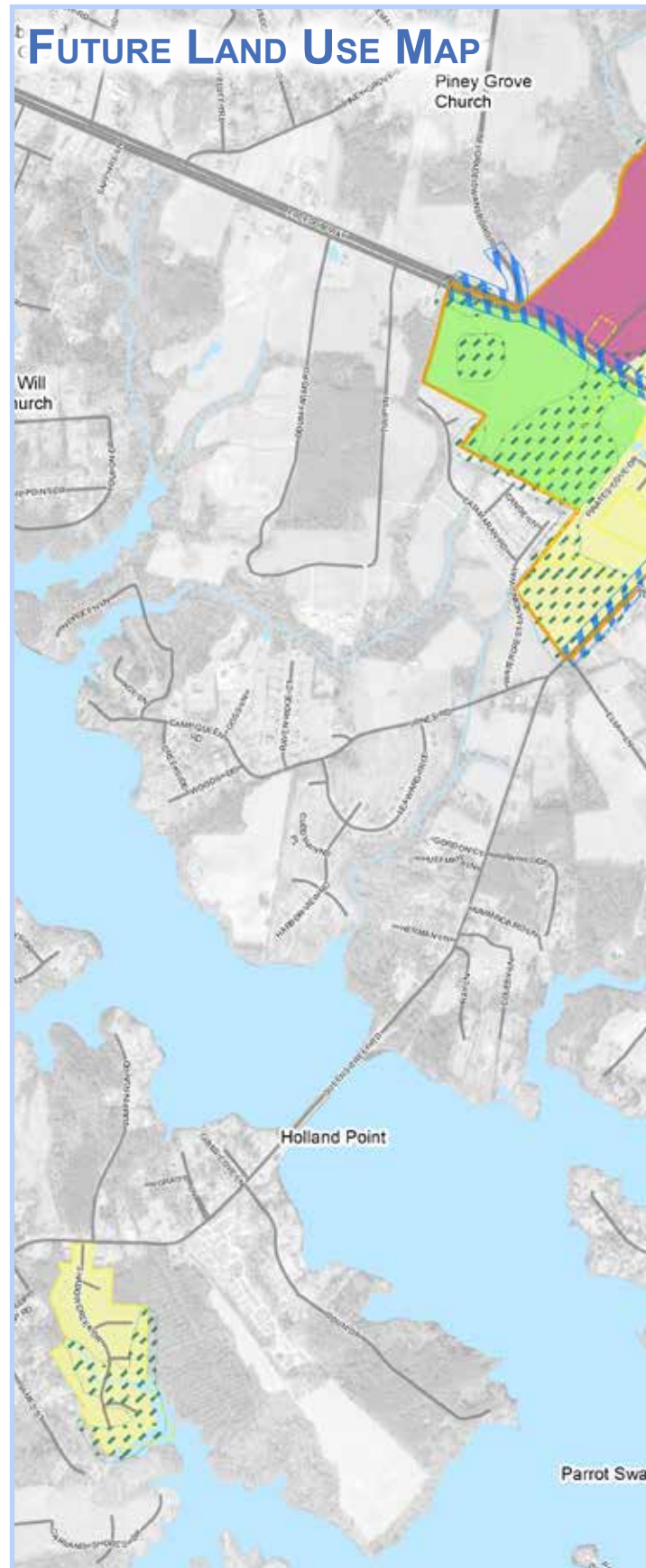
This is a walkable, compact, residential district laid out based on traditional neighborhood development patterns. It generally surrounds the TTC and contains single and two-family residential with small-scale multi-family and neighborhood commercial.

### LOW DENSITY / SUBURBAN NEIGHBORHOOD (LDSN)

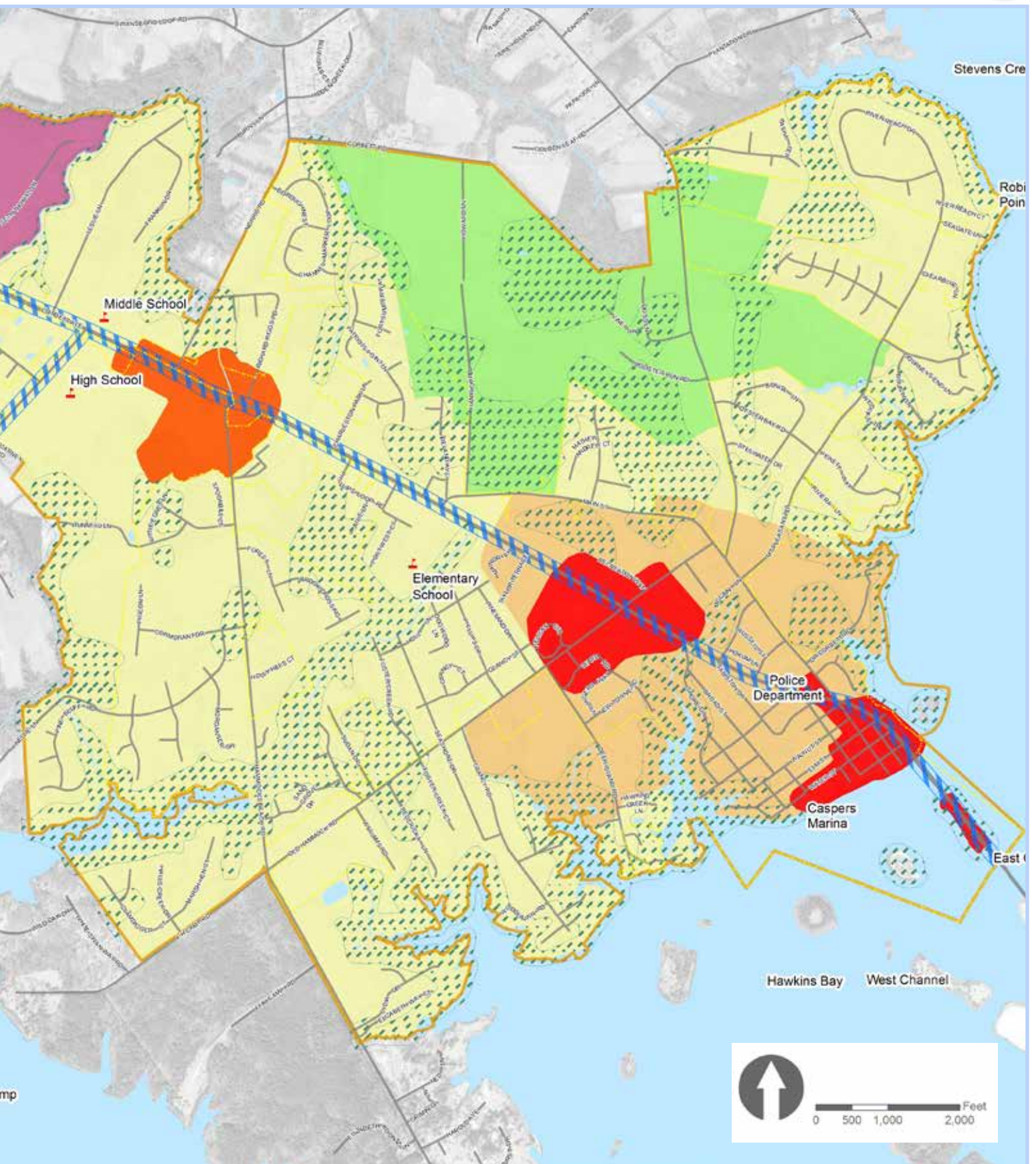
This designation characterizes the majority of new subdivision development. It is auto-oriented and should be connected to water and sewer infrastructure, and contain sidewalks and streets that connect to parks, educational, or religious uses.

### RURAL / AGRICULTURAL (RA)

Agricultural land generally occurs outside the town limits but is within the town’s ETJ. Though there are working farms, rural residential and agritourism activities may occur here. Water and sewer infrastructure are typically not available.







# TRADITIONAL TOWN CENTER (TTC)

*When most people talk about Swansboro, they are talking about the historic district, businesses on Front Street and surrounding “old town” residential neighborhood. Homes and businesses stand side-by-side in a historical development pattern and complement, rather than detract from each other. Many older residential homes have been converted into businesses, with second -story residential, with a working marina directly adjacent. This is an area where uses are mixed both vertically and horizontally.*

*This active, vibrant part of the community is both a window into the past and provides character that defines the community. Using traditional pattern and character to influence future development of small-lot single family homes in other parts of Swansboro, fulfills a strong desire by many in the community to connect people to destinations, especially by non-motorized means.*

## CHARACTER

A traditional town center district translated to other areas of Swansboro should incorporate the following characteristics to the extent possible. These areas would be mixed use pedestrian-oriented districts with a mixture of small to mid-size retail, restaurants and multifamily residences intertwined with civic and institutional spaces. Upper story residential uses are encouraged. Pedestrians would be prioritized, and automobiles are accommodated.

## ACCESS AND CIRCULATION

The rights-of-way within these districts may be narrower than typical local streets of Swansboro with two-way traffic and on-street parking but will not be as narrow as those in the historic downtown. These roads are meant to handle slow speed traffic and serve a similar purpose as a parking aisle so that people can park-and-walk to their destinations. Sidewalks flank the roads and buildings built up to or within a few feet of the right-of-way line.



*Historic downtown Swansboro*



## SETBACKS

Typical of a downtown district, buildings are set close enough to interact with the street. Minimal setbacks accommodate a greater density and intensity of uses and promote social interaction.

## MASSING AND BUILDING HEIGHTS

Buildings are “human-scaled,” meaning not more than three stories tall, but also should be a minimum of two stories to create a street presence.



*Example of Traditional Town Center (TTC)*

## BLOCKS

Block length of no more than 400 feet further promote walkability and discourage automobile use for short trips. Crosswalks and mid-block pedestrian connections should be used throughout.

## PARKING

Off-street parking requirements for nonresidential uses may be lessened due to the walkable district and availability of on-street, shared or lots for parking. Front-loaded parking is discouraged.

## APPROPRIATE DENSITY / INTENSITY

This district should replicate the densities and intensities of those in downtown to provide an alternative to other housing and retail experiences in Swansboro. The norm should be:

- » Compact residential - Up to eight dwellings per acre single family or 12 for multi-family.
- » Ground floor retail is encouraged but lobbies and entrances would be allowed.
- » Development of this intensity should employ stormwater control measures with extensive Low Impact Design



*Example of downtown development.*



*Example of downtown development.*



# Board of Commissioners Meeting

## Agenda Item Submittal

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

Board Meeting Date: **March 13, 2023**

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

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**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.

### **March 27, 2023**

- \* Social District Consideration
- \* Church Street Dock Safety Policy
- \* Financial Report
- \* Department Report

### **April 10th or 24th 2023**

- \* Planning Board join BOC to review Table of Permitted Uses Amendments (10th)
- \* Community Meeting Discussion (24th)
- \* Financial Report
- \* Department Report

### **May Meeting Dates**

Regular – 8th

Regular – 22nd

### **Future Agenda Items**

- \* American Rescue Plan Funding Recommendations (updates)
- \* Further LUP Review/Amendments
  - o 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*)
- \* Table of Permitted Uses Amendments (*after: consider re-empowering BOA for Special Use Permit Review*)
- \* 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
- \* Community Meetings Discussion
- \* Duke Energy Presentation