



# Planning Board Agenda

## Town of Swansboro

Tuesday, August 06, 2024

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### I. Call to Order

### II. Approval of Minutes

[a.](#) April 2, 2024 Regular Meeting Minutes

[b.](#) July 2, 2024 Regular Meeting Minutes

### III. Business

[a.](#) **UDO Text Amendment to Section 152.179 Table of Permitted/Special Uses and Section 152.212 Use Standards***Presenter: Rebecca Brehmer, Town Planner, CFM, CZO*

After a recent Board of Adjustment meeting for an appeal to an administrative decision involving boat/boat trailer storage on an empty residential lot, Staff has been directed by the Board of Commissioners to present a text amendment to allow boat/boat trailer storage in Town.

*Recommended Action: Motion to recommend approval of text amendment to UDO Section 152.179 Table of Permitted/Special Uses and Section 152.212 Use Standards, along with the Comprehensive Plan Consistency Statement.*

### IV. Chairman/Board Thoughts/Staff Comments

### V. Public Comments

### VI. Adjournment

**Town of Swansboro  
Planning Board  
Regular Meeting Minutes  
April 2, 2024**

**Call to Order**

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

**Minutes**

On a motion by Mrs. Abalos, seconded by Mrs. Hancock, the minutes for the March 5, 2024, Regular Meeting were approved unanimously.

**Business**

***Re-zoning Request- 140, 144, 150, 160 Queens Creek Road***

Projects/ Planning Coordinator Brehmer reviewed Emerald Coast, Inc., on behalf of themselves and other property owners had submitted a rezoning request for four parcels located on Queens Creek Road from O/I (Office and Institutional) to B-1 (Business). The areas were further identified as 140 Queens Creek Road containing 0.48 acres (tax parcel ID 1313-88), 144 Queens Creek Road containing one acre (tax parcel ID 1313-87), 150 Queens Creek Road containing 1.35 acres (tax parcel ID 1313-85), and 160 Queens Creek Road containing 5 acres (tax parcel ID 1313-85.1). The total acreage requested for rezoning was +/-7.83 acres. The properties were located within the ETJ.

The applicant was interested in commercial/office/flex space/condos/townhouse. However, the applicant had not requested conditional rezoning and therefore, any uses permitted in the B-1 Zoning District would be applicable if approved.

The Town's Traffic Engineer, Jeff Hochanadel verified that the most recent bidirectional traffic count on Queens Creek Road was from 2019 and was 14,000 trips a day. A significant increase of 2,000 trips from the past count in 2015 which was 12,000 trips a day.

It was also noted that some recent traffic movement improvements have been made along Queens Creek Road and NCDOT had installed a traffic light at the Swansboro High School/ Queens Creek Elementary School entrance.

Mr. Freeman, owner of Emerald Coast Inc spoke representing all owners of the parcels and shared that when he came to the board in 2017 the primary issue was traffic. Mr. Freeman believed that the new traffic light had helped to alleviate some of the congestion. He also expressed his frustration with the O/I restrictive zoning regulations and the impact it had on the ability to sell the property. He understands that the traffic had increased, however, and that was beyond his control.

In response to inquiries from the board, Mr. Freeman clarified the following:

- An alternate road connecting from Highway 24 to Queens Creek Road was previously suggested but the properties that would run through had been purchased and he was unsure if that would still be an option with the new owners.
- The proposed space would be flex space for retail or offices.

Projects/Planning Coordinator Brehmer clarified that in the 2019 the CAMA Land Use Plan update the area was deemed Low Density Suburban Neighborhood.

Mrs. Ramsey shared that it was inconsistent with our current Land Use Plan. She stated that it would be difficult to go against it without any extraordinary circumstances. The traffic lights had helped, but the school population had increased, and the number of cars had increased along with it.

On a motion by Ms. Brown and seconded by Mrs. Ramsey, the re-zoning request- for 140, 144, 150, and 160 Queens Creek Road was not recommended for approval to the Board of Commissioners and it was not found to be consistent with the Future Land Use Plan. The motion was approved unanimously.

***Text Amendment to Section § 152.179 Table of Permitted/Special Uses and § 152.212 Use Standards to enable Food, Beverage & Craft Processing and Production with Retail Sales***  
Planner Correll reviewed a text amendment to enable food, beverage, and craft processing and production with retail sales in the B2HDO and MI zoning districts. Mrs. Correll shared that one of the owners of the proposed business, Dr. Troy Myers, was present to answer questions.

In response to inquiries from the board, Dr. Troy Myers clarified the following:

- They would not be interested in accepting any modifications to the requested text amendment.
- They would handle waste based on what the local requirements were.
- There were no concerns about parking because they felt there were plenty of parking spaces.

On a motion by Ms. Brown and seconded by Mrs. Sherrie Hancock, the text amendment to Section § 152.179 Table of Permitted/Special Uses and § 152.212 Use Standards to enable Food, Beverage & Craft Processing and Production with Retail Sales was found to be consistent with the current Comprehensive Plan and was unanimously recommended for approval to the Board of Commissioners.

***Text Amendment to Section 152.009 (E) Maintenance of the Official Zoning Map***  
Planner Correll reviewed a text amendment to enable the time that official zoning maps are posted to be changed from two weeks to sixty days of notification.

On a motion by Mrs. Abalos, seconded by Mrs. Hancock, the text amendment related to §152.009 (E) Maintenance of the Official Zoning Map was found to be consistent with the current Comprehensive Plan and was unanimously recommended for approval to the Board of Commissioners. was unanimously recommended for approval.

***Text Amendment to Appendix III Historic District Design Standards, Section 3: Roofs***  
Projects/Planning Coordinator Brehmer shared that during the February 20, 2024, Swansboro Historic Preservation Commission meeting, the historic board appointed a subcommittee to review and draft a text amendment to Section: 3 Roofs found in the Historic District Design Standards. This draft was reviewed by the historic board on March 19, 2024.

Project/ Planning Coordinator Brehmer shared that Solar collectors had been removed because the subcommittee felt that it created significant damage when they were installed.

On a motion by Mrs. Ramsey, seconded by Ms. Brown, the text amendment to Appendix III Historic District Design Standards, Section 3: Roofs was found to be consistent with the current Comprehensive Plan and was unanimously recommended for approval to the Board of Commissioners.

***Text Amendment to Appendix III Historic District Design Standards, Section 5: Windows and Doors***

Projects/ Planning Coordinator Brehmer shared that during the February 20, 2024, Swansboro Historic Preservation Commission meeting, the historic board appointed a subcommittee to review and draft a text amendment to section 5: Windows and Doors found in the Historic District Design Standards. This draft was reviewed by the historic board on March 19, 2024.

In response to Inquiries from the board Projects/ Planning Coordinator Brehmer clarified the following:

- There was a list of resources that the town could provide to homeowners, as well as websites with relevant information.
- The Historic Preservation Commission was trying to implement educational opportunities like workshops, as well as educational newsletters.

On a motion by Mrs. Abalos, seconded by Mrs. Hancock, the text amendment to Appendix III Historic District Design Standards, Section 5: Windows and Doors was found to be consistent with the current Comprehensive Plan and was unanimously recommended for approval to the Board of Commissioners.

**Board/Staff Comments**

Planner Corell shared with the board that she would be retiring, and that the May 7, 2024, Planning Board meeting would be her last.

Projects/Planning Coordinator Brehmer informed the board that she would be attending the Floodplain Administrator conference May 5-8, 2024 and would inquired if the next meeting scheduled for Tuesday May 7, 2024 could be moved to Thursday, May 9, 2024, so that she may attend. The board agreed to move the meeting as requested.

Mrs. Ramsey thanked the staff for a well-prepared agenda packet.

**Adjournment**

On a motion by Mrs. Abalos, seconded by Mrs. Hancock, the meeting adjourned at 6:29 pm

**Town of Swansboro**  
**Planning Board**  
**Regular Meeting Minutes**  
**July 2, 2024**

**Call to Order**

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

**Approval of Minutes**

On a motion by Ms. Brown, seconded by Mrs. Hancock, the May 9, 2024, Special Meeting Minutes were approved unanimously.

**Business**

***UDO Text Amendment to Section 152.073 Moratoria***

Town Planner Brehmer shared that after a review of North Carolina General Statutes and UDO on Moratoria at a recent Board of Commissioners meeting, the Town Attorney advised that the UDO Section 152.073, Moratoria, was not consistent with G.S. § 160D-107 Moratoria in that it was missing a portion of the first sentence under Section (A) Authority. It was proposed that the UDO Section 152.073 Moratoria should have the first sentence (A) Authority to read “As provided by G.S. § 160D-107”

In response to inquiries from the board, the following was clarified by Town Planner Brehmer and Chief Building Inspector Ingram:

- The Town or any entity would not be allowed to enable a Moratoria for development, adopting new, amended plans, or development regulations governing residential uses.
- Even though the first sentence under Section (A) was not clear the town attorney clarified that the general statute had to be followed.

On a motion by Mr. Vannoy, seconded by Ms. Brown, the proposed UDO text amendment to Section 152.073 Moratoria, Section (A) Authority was unanimously recommended for approval to the Board of Commissioners along with the Comprehensive Plan Consistency Statement.

***UDO Text Amendment to Section 152.445 Coastal High Hazard Areas (Zone VE)***

Town Planner Brehmer reviewed that the Town UDO Section 152.445 Coastal High Hazard Areas (Zone VE) (Q) in the Flood Damage Prevention Ordinance was not feasible and needed to be deleted. Ms. Brehmer further shared that FEMA guidelines did not specifically call out the number of outlets and switches that could be installed. The goal in deleting UDO Section 152.445 (Q) was 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 under the base flood elevation.

In response to inquiries from the board, the following was clarified by Town Planner Brehmer and Chief Building Inspector Ingram:

- Businesses/homeowners were being hindered because the UDO did not allow them to add more than four outlets.
- It was not stated in the FEMA Guidelines that there was a limit of four outlets.
- As a result of the Town Planner’s research, it was unknown as to why the UDO only allowed four outlets.
- The electrical code would allow two circuits.

On a motion by Mr. Seddon, seconded by Mr. Vannoy, the proposed UDO text amendment to Section 152.445 Coastal High Hazard Areas (Zone VE) (Q) was unanimously recommended for approval to the Board of Commissioners along with the Comprehensive Plan Consistency Statement.

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

In response to inquiries from the board, the following was clarified by Town Planner Brehmer and Chief Building Inspector Ingram:

- For any accessory structure that was smaller than 12x12 in any direction, a building permit would not be required. However, due to the wind zone regulations, it would still need an inspection. The zoning permit process includes a component for this inspection.
- There was a cost of \$25.00 for Property additions and \$50.00 for new construction/additions for commercial & residential associated with the zoning permit.

On a motion by Ms. Brown, seconded by Mrs. Hancock, the proposed amendment Town Code Section 150.45 Permits Required to have a zoning permit added to the list of permits required for any new development and the text amendment to the UDO Section 152.196 Notes to the Table of Area, Yard, and Height Requirements, (F) Note 6. was unanimously recommended for approval to the Board of Commissioners along with the Comprehensive Plan Consistency Statement.

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

Town Planner Brehmer was given direction from the Board of Commissioners and Town Manager that due to enforcement capabilities; a text amendment had been proposed to remove Town Code Section 93.007 Playing Games in Street. Allowing this activity to take place in Town Limits.

On a motion by Mr. Vannoy, seconded by Mr. Seddon, the proposed amendment to Town Code Chapter 93: Streets and Sidewalks, Section 93.007 Playing Games in Streets Was unanimously recommended for approval to the Board of Commissioners.

**Chairman/Board Thoughts/Staff Comments**

Town Planner Brehmer shared with the board that the Planning Board General Rules had been provided as requested during the Planning Board's training class on Legislative Zoning Decisions held May 16, 2024.

Mr. Vannoy shared his concern that Mr. Chadwick's signature was on the Planning Board General Rules and would like to possibly have the new Chair's signature along with the current Planning Board member's signature on the Planning Board General Rules. Deputy Clerk Cuadro informed Mr. Vannoy that she would research the request and bring it back to the board at the August 6, 2024, meeting.

**Adjournment**

On a motion by Mr. Vannoy, seconded by Mrs. Hancock, the meeting adjourned at 6:01 pm.



# Planning Board Meeting Agenda Item Submittal

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Item To Be Considered: **UDO Text Amendment to Section 152.179 Table of Permitted/Special Uses and Section 152.212 Use Standards**

Board Meeting Date: **August 6, 2024**

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

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**Overview:** After a recent Board of Adjustment meeting for an appeal to an administrative decision involving boat/boat trailer storage on an empty residential lot, Staff has been directed by the Board of Commissioners to present a text amendment to allow boat/boat trailer storage in Town.

The proposed text amendments include adding “boat/boat Trailer” storage to the Table of Permitted/Specials Uses and permit it as a “Use Standard” which is additional criteria for the use outlined in Section 152.212 Use Standards. This means all boat/boat Trailer Storage will be permitted in all zoning districts, as long as the use meets the criteria outlined in the use standards. For B1 and M1 zoned districts, the proposed addition to the Table of Permitted/Special Uses will be a permitted use, as it is already allowed in our ordinance as a use.

**Background Attachment(s):**

1. Draft Ordinance
2. Comprehensive Plan Consistency Statement

**Recommended Action:** Motion to recommend approval of text amendment to UDO Section 152.179 Table of Permitted/Special Uses and Section 152.212 Use Standards, along with the Comprehensive Plan Consistency Statement.

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**Action:** \_\_\_\_\_  
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**DRAFT ORDINANCE 2024-  
AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE  
§152.179 TABLE OF PERMITTED/SPECIAL USES & §152.212 USE STANDARDS.**

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  
§ 152.179 TABLE OF PERMITTED/SPECIAL USES.***

PERMITTED/SPECIAL USES	CON	RA	R6	R6 SF	R8 SF	R10 SF	R15 SF	R20 SF	R40 SF	PUD	MHP	MHS	MHS-15SF	MHS-O	O/I	G/E	B1	B2	B3	B2 HDO	M1
Boat/Boat Trailer Storage	US	US	US	US	US	US	US	US	US	US	US	US	US	US	US	US	P	US	US	US	P

***TITLE XV: LAND USAGE  
CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE  
§ 152.212 USE STANDARDS.***

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

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

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

This Ordinance shall be effective upon adoption.

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

Attest:

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Alissa Fender, Town Clerk

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John Davis, Mayor

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

On August 6, 2024, the Planning Board heard the requested text amendments and recommended unanimous approval of the text amendments to the Town Unified Development Ordinance as followed: § 152.179 Table of Permitted/Special Uses and §152.212 Use Standards.

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

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Planning Board Chair

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Town Planner