

**Town of Swansboro
Planning Board
Regular Meeting Minutes
September 3, 2024**

Call to Order

The meeting was called to order at 5:29pm. 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 August 6, 2024, Regular Meeting Minutes were amended by changing the word “astringent” on page 2 to “Stringent” and approved unanimously.

Business

UDO Text Amendment to § 152.179 Table of Permitted/Special Uses, § 152.180 Notes to the Table of Permitted/Special Uses, and § 152.016 Definitions of Basic Terms
Town Planner Brehmer shared that after a Board of Commissioners regular meeting on August 13, 2024, Staff was directed to propose a text amendment to limit new vape shops and similar establishments from coming to Town. The proposed text amendment would edit the current use of “Tobacco sales (retail)” to “Hookah, Vape, Tobacco & Similar Retail Establishments” in the Table of Permitted/Special Uses with a note to include specific criteria in B1 zoning district and eliminate it as permitted in B2HDO. Additionally, the use of “Cigar Store” would be defined and added in the Table of Permitted/Special Uses, as permitted in B2HDO in order to protect the current cigar shop that is located downtown.

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

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

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

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

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

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

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

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

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

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

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

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

- In the event that a special use permit application does not meet all the listed criteria, the board may deny the recommendation.
- Current vape shops would be grandfathered in and would be considered non-conforming however, if the building becomes damaged 50% or more or vacant for 180 days, they must undergo the special use approval process.
- In reference to (BB) Note 28. Number 1. The 500 feet measured property line to property line would be considered the minimum.
- The Town sign Ordinance already regulates signs, which prohibits flashing lights and bright fluorescent colors.
- The Definitions of Basic Terms was developed with the help of the Jacksonville Planner.

On a motion by Mr. Seddon, seconded by Ms. Brown the proposed text amendment to UDO Section 152.179 Table of Permitted/Special Uses, Section 152.180 Notes to the Table of Permitted/Special Uses, and Section 152.016 Definitions of Basic Terms, was unanimously recommended for approval to the Board of Commissioners along with the Comprehensive Plan Consistency Statement.

Chairman/Board Thoughts/Staff Comments

Town Planner Brehmer shared that on the Board of Commissioners approved the UDO Text Amendment to section 152.179 Table of Permitted/Special Uses and section 152.212 Use Standards related to boat/trailer storage.

Town Planner Brehmer requested to change the regular meeting scheduled for October 1, 2024, the board agreed unanimously to schedule a Special meeting for October 3, 2024.

Adjournment

On a motion by Mr. Seddon, seconded by Mr. Vannoy, the meeting adjourned at 5:45 pm.