

**TOWN OF SWANSBORO  
PLANNING BOARD  
REGULAR MEETING AGENDA**

**July 5, 2022  
Tuesday 5:30 PM**

**Town Hall Community Room  
601 W. Corbett Avenue**

**1. Call to Order**

**2. Approval of Minutes**

A. April 5, 2022 Regular Meeting Minutes

**3. New Business**

**A. Building Design and Compatibility-MI Materials**

At the June 20, 2022, meeting, the Board directed Staff to prepare an amendment to consider an allowance for metal as an approved primary surface material in the MI, Light Industrial, zoning district.

*Action Needed: A motion to recommend an amendment to Section 152.560 (C)(4) of the Unified Development Ordinance to clarify primary surface material allowances in the MI zone.*

*Pursuant to NC GS 160D-604, when conducting a review of proposed zoning text or map amendments, the Planning Board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.*

*The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.*

**B. Window Signs and Lighting**

At the June 20, 2022 meeting, the Board inquired about allowances for window signage and lighting. The current ordinance standards have been provided for review and further discussion.

*Action Needed: Review of the current ordinance requirements regarding windows signage and lighting and direction to Staff on how to proceed.*

**4. Chairman/Board Thoughts/Staff Comments**

**5. Public Comments**

**6. Adjournment**

**TOWN OF SWANSBORO  
PLANNING BOARD  
REGULAR MEETING MINUTES  
APRIL 5, 2022**

**Call to Order**

The meeting was called to order at 5:30 pm. Board members in attendance were Michael Favata, Christina Ramsey, Scott Chadwick, Laurent Meilleur, Edward Binanay, Sherrie Hancock, and Ed McHale.

**Minutes**

On a motion by Mrs. Ramsey, seconded by Mr. Binanay, the minutes for the January 11, 2022, Special Meeting were approved unanimously.

**New Business**

*Harnatkiewicz Special Use Permit*

Planner Jennifer Ansell reviewed that Jack Harnatkiewicz had applied for a Special Use Permit to extend the existing dock at 147 Front Street to add four slips for annual rental and additional spaces for day dockage. The dock will provide eleven total slips; the Unified Development Ordinance defines a “Marina” as dockage with over ten slips. Marinas are allowed in the B-2HDO zoning district pursuant to the issuance of a special use permit. Additionally, a permit with CAMA was applied for and approved.

Chair, Scott Chadwick shared that a letter had been received from Tim and Jane Simpson regarding the matter and requested the letter be entered into the record (*attachment A*).

Mr. Chadwick permitted public comment on the matter. Those who spoke were:

Tim & Jane Simpson – owners of Lady Swan Boat Tours shared a history of their residency in Swansboro that span over 30 years. The voiced their opposition to the construction of the dock not only because it would affect his usage of the nearby dock he utilizes but he felt it would also affect the Town of Swansboro transient dock. He commented that there would also be safety concerns especially when winds and current were high for boats to safely maneuver in the area. He felt that permitting the construction of this dock would negatively affect his business and urged the Board to take that into consideration.

Bob Shuller – owner of nearby dock leased by Lady Swan Boat Tours and a Scuba & fishing company, shared that without the proposed dock that he had witness vessels having difficulty due to winds, tides and currents.

Cindy Norris-Garb – owner of a scuba & fishing company shared that she agreed with the comments shared related to safely maneuvering vessels and urged the Board to consider the affect this could have on businesses and their ability to remain in operation.

Jack Harnatkiewicz – applicant of the Special User permit shared with the Board that the decision to proceed with the project to extend his dock had been considered for over a year and in that timeframe, he observed and watched activity in the waterway, and they have no intention to harm anyone or their business. He shared that those in opposition of this extension were renters of a dock and should not hinder another property owner's rights. He also informed the Board that in the manner of safety, he wanted them to be aware that the slip rented by Mr. Simpson was 20 feet and the Lady Swan Boat was over 40 feet.

In response to inquiries from the Board Mr. Simpson clarified the following:

- The White Oak River was a Federal Turn basin which allows for large transient equipment to moor and dock in our waterway.
- His commercial captain experience consists of obtaining his Operator of Uninspected Passenger Vessels in 1990 and then his Master Captains License in 1991, which provides for the operation of a vessel up to 50 gross tons along with a Towing endorsement. In 31 years, he estimates that he has around 38,000 to 40,000 hours on the water.
- In his opinion, he feels that for safe navigation into a dock the operator needs around 2 1/2 times the boat length, but there are environmental factors that also play into safe navigation.

Dave Newsom of Crystal Coast Engineering was requested to provide his feedback on the matter. He shared that he also had the same licensing except he was able to operate vessel up to 100 gross tons. He shared that he was taught, that as a rule of thumb, it was 1 1/2 times the boat length or 1 3/4 to be conservative.

After discussion on safety, property owner rights, riparian rights, and procedures that had already been completed, Mr. Chadwick moved to recommend approval of the Special Use Permit for the extension of the dock at 147 Front Street. His motion was seconded by Mr. McHale but failed 2:5.

Ayes: Chadwick, McHale

Noes: Meilleur, Ramsey, Binanay, Favata, Hancock

Mr. Meilleur moved to recommend denial of the Special Use Permit for the extension of the dock at 147 Front Street. His motion failed for lack of a second.

It was noted, that even though the board did not make a recommendation that passed on the matter, the request would still move forward to the Board of Commissioners.

## **Old Business**

### *Building Standards*

Mrs. Ansell reviewed that in April 2021, the Board reviewed the Program of Work goals related to the overall appearance of commercial, industrial, and mixed-use development, and tying square footage to the use of higher quality materials and additional stormwater control measures. In May of 2021 an inventory of unmaintained commercial structures was provided as requested. *Chapter 151: Repair, Closing, and/or Demolition of Non-Residential Building or Structures* of the UDO was provided for review and further direction was requested.

In response to inquiries from the Board, Mrs. Ansell clarified the following:

- Enforcement is handled in correlation with Public Works and the Building Inspectors.
- Addressing poorly kept retention ponds would be handled by DENR as they have to determine if there is a violation

Board members were satisfied with the current ordinance, and this item would be marked complete on the Board's Program of Work.

### *Zoning Map and Table of Uses*

Mrs. Ansell reviewed that another item on the Planning Board's Program of Work was to consider amendments to the zoning map and Table of Uses to reflect the Future Land Use designations. At a prior meeting, there was discussion on creating a commercial node at the intersection of Queens Creek Road and Highway 24, which relates to this discussion. Mrs. Ansell explained that some areas are designated in the Land Use Plan as Agriculture or Low Density Residential but were zoned B-1 Business on the Town Zoning map.

For review at the next regular meeting, Mrs. Ansell was directed to create an analysis the properties starting at the western entrance of Town up to Norris Road. The analysis would show each properties current zoning district compared to the Future Land Use Plan designation.

## **Adjournment**

On a motion by Mr. Meilleur, seconded by Mr. Chadwick the meeting adjourned at 6:51 pm.



April 1, 2022

Dear Mr. Chadwick,

I am contacting you to express my concerns regarding the proposed 11-slip marina at the Bake, Bottle, and Brew on Front Street. It is my understanding that the CAMA Permit has been issued and now the project must be reviewed by the planning board, historical association, and town commissioners for approval of a special use permit. As a mariner and marine business owner who has worked on the local waters for the last 32 years, I believe I have a good understanding of the issues and navigation problems this dock may cause for the general public and myself.

The Swansboro basin area is notorious for its strong currents which often make it difficult for boaters to maneuver to existing dock spaces. The town referred to this problem when they applied for, and then received, the Boating Infrastructure Grant (BIG) in 2013. This grant allowed the town to build a dock specifically targeting large transient boats 26' or greater in length.

With the external forces of wind and water, the existing dock at the Bake Bottle and Brew currently makes it difficult for those larger boats to access two of the slips on one side of the town dock. If the 11-slip marina is constructed, boats 26' and larger will lose access to four of the slips at the town dock. On a paper drawing, everything is legal and looks fine for the dock's location, but in practice boats on the water don't respond like cars on the road. Larger boats will simply not be able to maneuver into those slips. Since the dock was funded and built for large boats, the placement of the new dock seems to conflict with the intent of the grant. It is my understanding that should the town not adhere to the stipulation of the grant targeting boats 26' and larger, Swansboro could possibly be responsible for paying back the \$100,000 that the town received to build it. As a taxpayer, this is a concern to me.

As a business owner operating two tour boats from the same general area of the proposed dock, my major concern is that the new structure will cut off my access to the dock where my business is located. My wife and I own and operate Lady Swan Tours, located at the Fish House Docks. We have been at that location for the last seven years and in business for ten years. As we come and go from our dock several times a day during the season, we already fight the current, tide, and winds to ensure the safe transportation of our passengers. It is necessary for us to maneuver close to the existing town dock to line our boat up for navigating into our slip and that action causes us to cross over the area of the proposed new dock. If the new structure is built, it will block navigation to our dock making it impossible for us to operate our boats. **This dock will put us out of business.** These navigation issues will also impact the ability of the owners of Fish House Dock to lease slips for boats at their commercial dock.

The CAMA Permit clearly describes other concerns that must be addressed for the structure to be built. On page two of the permit under "Additional Conditions", items 9 and 10 describe conditions regarding navigation that directly relate to what has been explained above.

Last year, Lady Swan Tours brought over 4,500 people to Swansboro to ride on our cruises. A great many of those 4500+ people then shopped in stores, ate in restaurants, attended concerts, leaned more about the history of our town, and made plans to visit again. If our business cannot operate, it impacts more than just Lady Swan Tours.

We are certainly not opposed to a business expanding its services and offerings to help grow their customers. Perhaps the length of the dock could be modified to extend to a distance that does not block access to our dock? Currently, there are pilings located a distance off the existing Bake, Bottle, and Brew dock that we can navigate around. It appears that two to four slips could be added in that location that would not interfere with boats transiting to and from Fish House Dock.

It may be difficult to understand the navigation issues I have described unless you have experienced them yourself. To that end, I would like to invite the planning board, town commissioners, and other town officials to come out with us on our boat to see the concerns we have. I hope you will be willing to fully investigate all the issues I have addressed before making your final decision regarding construction of the proposed dock project.

Respectfully,

Tim and Jane Simpson

Owners/Operators

Lady Swan Tours



# Planning Board Agenda Item Submittal

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Item to Be Considered: **Building Design and Compatibility-MI Materials**

Board Meeting Date: **July 5, 2022**

Prepared By: **Jennifer Ansell, Planner**

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**Overview:** At the June 20, 2022, meeting, the Board directed Staff to prepare an amendment to consider an allowance for metal as an approved primary surface material in the MI, Light Industrial, zoning district.

In 2016, Mr. Richard Peterson constructed a metal building at 146 Seth Thomas Lane for E.L. Jones Development. In review of the file, there is no indication as to why metal was allowed as the primary material. Most of the buildings along Seth Thomas Lane in the MI zone are metal buildings, however some do have brick or stucco facades.

The Building Design and Compatibility Standards, adopted in 2013, currently contain under Section 152.560 (C)(4), a list of approved primary surface materials. Metal is not listed. Section (C)(6) requires that the same material as the front of the building must continue for at least 25% of the area of the side façades in the MI zone. Sections (C)(1), (5) and (6) contain additional architectural requirements for the façade of the building (base/body and entryway features).

**Action Needed:** A motion to recommend an amendment to Section 152.560 (C)(4) of the Unified Development Ordinance to clarify primary surface material allowances in the MI zone.

Pursuant to NC GS 160D-604, when conducting a review of proposed zoning text or map amendments, the Planning Board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.

The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

## **Attachments**

Proposed Ordinance

Planning Board Statement of Consistency

TRC Comments and Elevations-E.L. Jones (2016)

**ORDINANCE 2022-O?**  
**AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE  
TO CLARIFY PRIMARY SURFACE MATERIAL ALLOWANCES IN THE MI ZONE**

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

**WHEREAS** NCGS 160D-605 also states that when adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan; and

**WHEREAS** the Board of Commissioners finds that the proposed text amendment is consistent with the current Comprehensive Plan, specifically the CAMA Land Use Plan, Implementation Recommendations and Strategies, Other Community Priorities, Enhance Appearance and Maintain Small Town Coastal Character, and considers the action taken to be reasonable and in the public interest.

**NOW BE IT ORDAINED** by the Town of Swansboro Board of Commissioners that the Unified Development Ordinance is amended as follows:

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

**§ 152.560 ARCHITECTURAL CHARACTER.**

(C) *Entryways.*

(4) *Building materials/colors.*

- a) Each building shall be constructed with approved primary surface materials.
- b) Approved primary surface materials shall include:
  1. Brick or glazed brick;
  2. Wood;
  3. Fiber Cement (Hardiplank);
  4. Stucco or synthetic stucco;
  5. Tinted and textured concrete masonry;
  6. Concrete (Pre-Cast or Cast-in-place);
  7. Glass;
  8. Split face block; **and**
  9. Concrete block may be permitted **on** interior sides and rears provided it matches the color of the corresponding surface materials; **and**
  10. Metal (MI zoning district only).
- c) If renovating **the** structure, brick, stone, or wood facades shall not be covered or replaced with artificial siding or panels. Synthetic materials that resemble or match the original façade can be used.
- d) Secondary materials may be used to add architectural interest. They may consist of one or more primary materials, **or any other (appropriate) material that adds architectural interest.**



- e) Façade with main entrance may be glass (including windows and doors) or combinations of glass and materials listed in item division (C)(4)(b) of this section.
- f) Variations of materials and textures are encouraged with each storefront in multi-tenant buildings.
- g) It is recommended that primary surface materials shall be natural colors including primary colors, or have “earth” tones (i.e. gray, white, beige, brown, or brick) (See [Figure 152.560.7](#)).
- h) For secondary materials, additional colors may be used.

These amendments are effective upon adoption of this Ordinance.

Adopted this \_\_\_\_ day of \_\_\_\_ 2022.

Town of Swansboro Board of Commissioners

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John Davis, Mayor

ATTEST:

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Alissa Fender, Town Clerk

## PLANNING BOARD STATEMENT OF CONSISTENCY

During its July 5, 2022 regular meeting, the Town of Swansboro Planning Board recommended proposed amendments to the Unified Development Ordinance related to primary surface material allowances in the MI zone.

This proposed amendment is **consistent** with the current Comprehensive Plan, specifically the CAMA Land Use Plan, Implementation Recommendations and Strategies, Other Community Priorities, Enhance Appearance and Maintain Small Town Coastal Character, and has been recommended for **approval** by the Planning Board.

This statement reflects the recommendation of the Town of Swansboro Planning Board this the 5<sup>th</sup> day of July 2022.

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Vote

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Scott Chadwick, Planning Board Chairperson

### **Board of Commissioners**

Scott Chadwick, Mayor  
Philip Keagy, Mayor Pro Tem  
Patricia Turner, Commissioner  
John Lister, Commissioner  
Frank Tursi, Commissioner  
Roy Herrick, Commissioner



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Town Manager  
J. Scott Chase, AICP  
[schase@ci.swansboro.nc.us](mailto:schase@ci.swansboro.nc.us)

Town Clerk  
Administrative Services Director  
Paula W. Webb, MMC-NCCMC  
[pwebb@ci.swansboro.nc.us](mailto:pwebb@ci.swansboro.nc.us)

## **Town of Swansboro**

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[www.swansboro-nc.org](http://www.swansboro-nc.org)

Peterson Review Comments  
Technical Review Committee  
Meeting  
May 23, 2016

Attendees comments/concerns:

### **Scott Chase, Town Manager**

- The State Fire Code will be used not the UDO or Town fire hydrant standards
- Document new fire hydrant location is within 400 feet of all points of the building on the site plan.
- Upon receiving the revised site plan and approval with a building permit may be issued with conditions

### **Wynne Ray, ONWASA, Technical Operations Supervisor**

- We are working with Dave Newsom to get a new hydrant installed on Seth Thomas Lane and this installation does not require a permit from the State since we are allowed to add hydrants on mains already permitted for hydrants (this one was). They may proceed with permitting.

### **Sandi Eubanks, Planning Board Representative**

- Architecture is fine for the use.

### **Jim Stipe, Public Works Director and Building Official**

- No temporary power or CO will be allowed until compliance with all State of NC Codes.
- Pursuant to Section 507.5.1 of the NC Fire Code all portions of the building will be within 400 feet of a fire hydrant.

### **Kevin Taveirne, Acting Deputy Fire Chief**

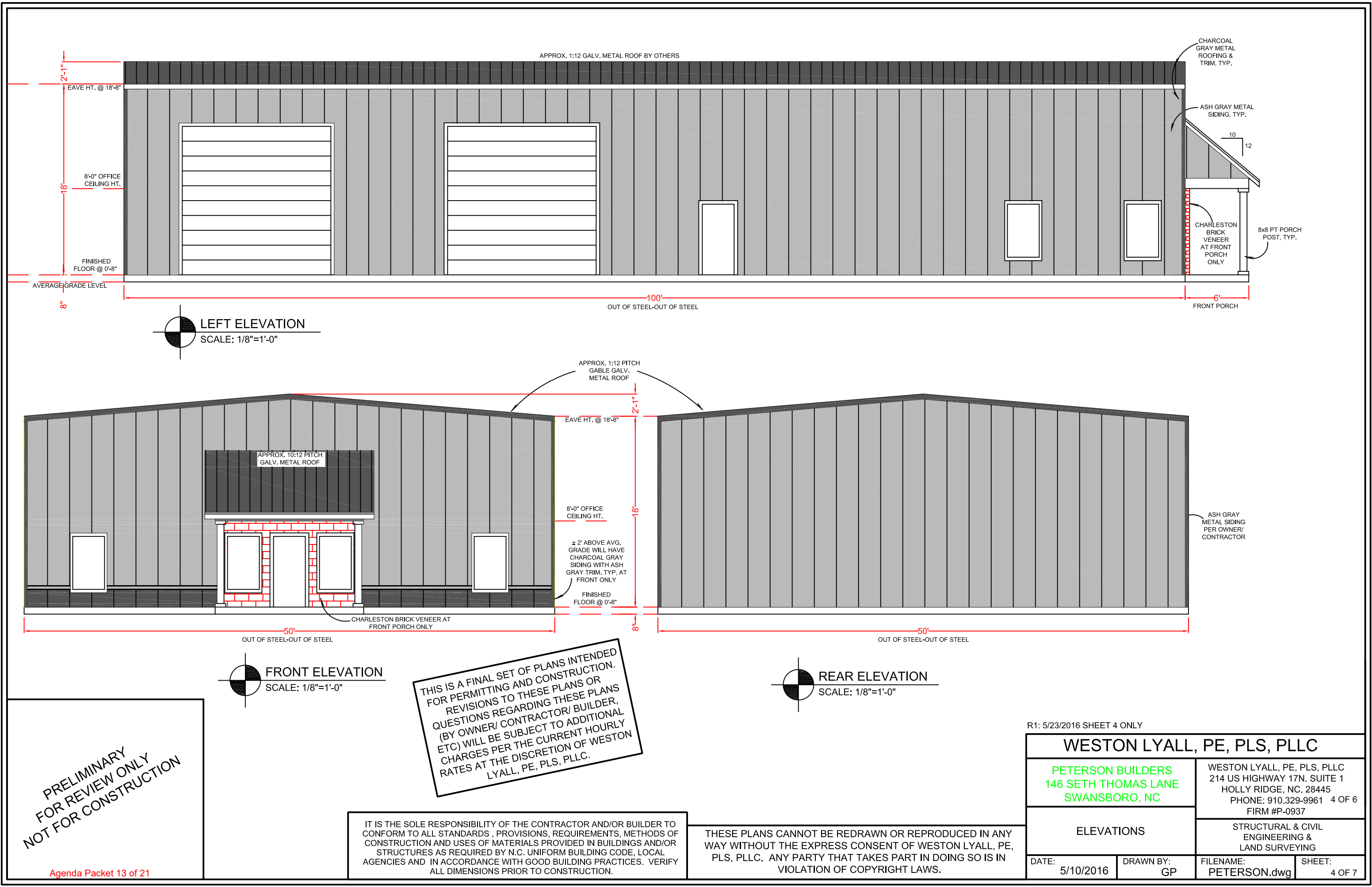
- Provide a fire hydrant pursuant to Section 507.5.1 of the NC Fire Code.
- 503.1.1 - A fire access road shall be provided to within 150 ft of each part of the 1st floor.
- 503.2.1 - A fire access road shall be a minimum of 20 feet wide and have a vertical clearance of 13 feet 6 inches.
- 503.2.3 - A fire access road shall be able to support the weight of the department apparatus. Our heaviest truck weighs 50,000 pounds.
- 503.2.5 - A fire access road of longer than 150 feet, should provide an approved area for turning around of apparatus.

- This fire access is longer than 150 feet but developer agreed to satisfy this requirement by making an exit ramp into Servo-Pro, thru the front parking lot. Doing so will satisfy turning requirement.
- 507.5.1 - Fire hydrant located every 400 feet due to distances of portions of the building being further from this.
- 507.3 - Fire flow to be determined by fire official.
- 507.5.6 - If the hydrant is near an area where it is subjected to be hit by a motor vehicle, physical protection must be installed to comply with section 312.
- 312.2 Posts.
  - Made of steel not less than 4 inches diameter and filled with concrete.
  - Spaced not more than 4 feet between posts on center.
  - Set not less than 3 feet deep in a concrete footing of not less than a 15 inch diameter.
  - Set with top of posts not less than 3 feet above ground.
  - Located not less than 3 feet from the hydrant.

**Andrea Correll, Town Planner**

- Revise the drawing and resubmit for review
- Shown harden surface for fire truck access and provide documentation of the easement from adjacent property owners if applicable.
- Note the required landscape material being used on the drawing
- Note the square footage of the office and warehouse on the drawing

Cc: Richard Peterson  
 Dave Newsome  
 Alan Bell







# Planning Board Agenda Item Submittal

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Item to Be Considered: **Window Signs and Lighting**

Board Meeting Date: **July 5, 2022**

Prepared By: **Jennifer Ansell, Planner**

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**Overview:** At the June 20, 2022 meeting, the Board inquired about allowances for window signage and lighting. The current ordinance standards have been provided for review and further discussion.

**Action Needed:** Review of the current ordinance requirements regarding windows signage and lighting and direction to Staff on how to proceed.

## **Attachments**

Current Ordinance

Window Signage/Lighting Examples

## GENERAL PROVISIONS

### § 152.016 DEFINITIONS OF BASIC TERMS.

**SIGN, WINDOW.** Any sign which is attached to the outside of any window which advertises a product, service, announcement, or special sales of the business. The business name, whether inside or outside of window, will be classified as a window sign.

## SIGNS

### § 152.270 SIGNS REQUIRING A PERMIT AND FEE.

(O) *Window signs*. Wherein the area of the sign does not exceed one-third of the tenants frontal window area. Window signs cannot exceed tenant total allowed signage per ordinance.

### § 152.273 PROHIBITED SIGNS

The following types of signs are prohibited in all districts.

(B) Signs with flashing or moving lights if the sign and/or flashing lights are visible from any residence, or any street or thoroughfare open to vehicular traffic.

## LIGHTING

### § 152.508 SIGN LIGHTING.

Lighting fixtures illuminating signs shall comply with the requirements of [152.265](#) through [152.277](#), Signs, and such fixtures shall be aimed and shielded so that direct illumination is focused exclusively on the sign.















