

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

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

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

**A. Call to Order**

**B. Minutes**

**A. January 11, 2022, Special Meeting**

**C. New Business**

**A. Harnatkiewicz Special Use Permit**

Jack Harnatkiewicz has 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.

***Action Needed:** Per Section 152.033 of the Unified Development Ordinance, the Planning Board is charged with the preliminary review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.*

*A recommendation including review of the application in accordance with Section 152.210 which addresses plan consistency and any other items deemed appropriate.*

**D. Old Business**

**A. Building Standards**

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.

***Action Needed:** Provide further direction to Staff on Building Standards.*

**B. Zoning Map and Table of Uses**

One of the items 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 our last meeting, we also discussed creating a commercial node at the intersection of Queens Creek Road and Highway 24, which relates to this discussion.

***Action Needed:** Review attachments and prepare comments for discussion at our next meeting on the following:*

- 1) Aligning the current Table of Uses and Zoning Map with the Land Use Plan Future Land Use designations; and*
- 2) Whether or not commercial nodes should be added (Ex. Queens Creek Road and NC Highway 24; the Bailey Center).*

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

**F. Adjournment**

**Town of Swansboro  
Planning Board  
Special Meeting Minutes  
January 11, 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, Jeff Conaway, Laurent Meilleur, and Ed McHale. The board had one vacancy.

It was noted that this meeting was being held in person and via ZOOM, an electronic platform put into place to allow virtual meetings due to the COVID-19 pandemic that had recently taken a huge toll on the United States and other parts of the World requiring social distancing and limited public appearances. Laurent Meilleur attend through the Zoom platform and joined the meeting at 5:45 pm.

**Elections**

In accordance with the Planning Board's General Rules, a Chairman and Vice-Chairman shall be elected from within the membership by the members at the first meeting each calendar year.

On a motion by Mr. McHale, seconded by Mr. Favata and approved unanimously, Scott Chadwick and Christina Ramsey were reappointed to serve as Chair & Vice-Chair.

**Business**

***Political Sign Ordinance Amendment***

Planner Ansell reviewed that an amendment was proposed in November to clarify the allowances for political signs in order to:

1. Align the ordinance regulations with NC GS § 136-32, Regulation of signs;
2. Remove the requirement for a sign permit making enforcement more manageable;
3. Clarify the penalties for placement of signs which do not meet these criteria;
4. Clarify the types of signage allowed under this section; and
5. Clarify the size limitations for signage under this section.

At that time, the Board tabled the request in order for Staff to consult with the Town Attorney on limiting sign placement and the number of signs allowed and review of documents from other communities provided by board member Mr. Conaway. In review of the materials provided it appeared that other communities were limiting the number of signs allowed on private property, which was consistent with the guidance received from Attorney Parson.

During discussion and review of the ordinance the board desired to see a requirement added for candidates or their representatives to obtain a copy of the ordinance and sign that they received them, only allow 1 sign per parcel, and match size allowances to align with state requirements.

On a motion by Mr. Chadwick, seconded by Mr. Ramsey the board recommend approval of the amendment to Section 152.268, Signs Requiring Neither Permit Nor Fee, and Section 152.269, Signs Requiring a Permit But No Fee, of the Unified Development Ordinance to clarify the allowances for political signs with the addition of the following additions:

- Candidates or their representatives must obtain a copy of the ordinance requirements from Town Hall and sign that they received a copy prior to installation of any signs;
- No more than one (1) sign per candidate shall be placed on any parcel;
- And to align size requirements with state requirements.

The motion was found consistent with the comprehensive plan and approved unanimously.

### **Staff Comments**

Mrs. Ansell informed the board on the following matters:

- The Historic Preservation Commission would be considering their seat appointment at their meeting in the coming week.
- The Resiliency Coastal Communities Program grant program was still handling considerations related to holding a public input meeting and once scheduled those details would be shared with the Board.
- Requested the Board feedback on the meeting format moving forward. Mr. Meilleur requested that the meetings still be available through Zoom, and the remaining board members were in agreeance to have hybrid meetings when needed.

### **Adjournment**

On a motion by Mr. McHale, seconded by Mr. Meilleur, the meeting adjourned at 6:03 pm.



# Planning Board Meeting Agenda Item Submittal

---

Item To Be Considered: **Harnatkiewicz Special Use Permit**

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

Prepared By: **Jennifer Ansell, Planner**

---

**Overview:** Jack Harnatkiewicz has 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.

**Action Needed:** Per Section 152.033 of the Unified Development Ordinance, the Planning Board is charged with the preliminary review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.

A recommendation including review of the application in accordance with Section 152.210 which addresses plan consistency and any other items deemed appropriate.

## **Attachments**

Applicable Ordinance Sections

Special Use Application

Resolution 2016-R7, Pier Head Line

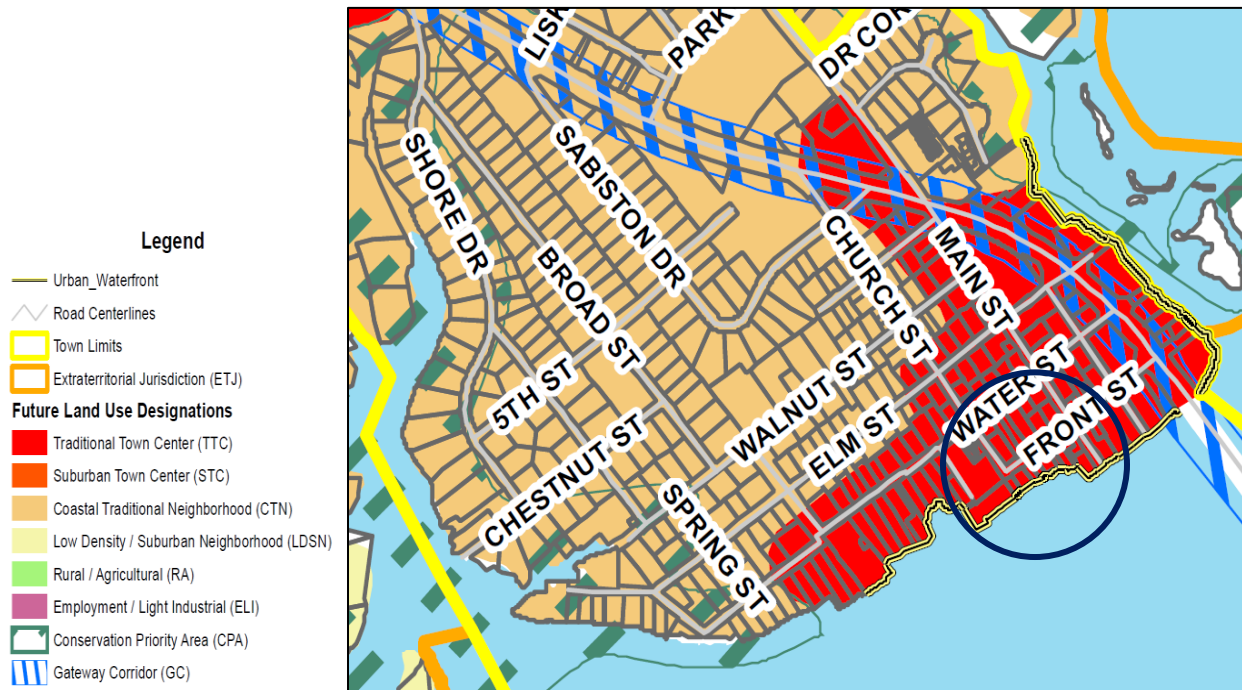
## SPECIAL USES

### § 152.210 PROCEDURE FOR SPECIAL USE PERMITS.

- A) Special use permits may be issued by the Administrator, after approval by the Board of Commissioners, for the uses as designated in the table of regulations for special uses. Applications shall include all of the requirements pertaining to it as specified in this section. A hearing shall be held, and all interested persons shall be permitted to offer relevant comments. The Town Board of Commissioners shall consider the application and may approve or deny the requested special use permit.
- B) In granting a special use permit, the Board of Commissioners shall give due regard to the nature and state of all adjacent structures and uses, and the districts within which the proposed use is to be located, and shall make written findings of fact concerning the existence or absence of the following criteria:
- 1) The special use is allowed pursuant to § [152.210](#) and meets all the required conditions and specifications, including without limitation, those set out in § [152.211](#). The special use, “Marinas”, is allowed by the Table of Uses in the B-2HDO zoning district.
  - 2) The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved. A Major CAMA Permit has been obtained for the dock expansion, a copy of which has been attached. The permit requires that a minimum setback be maintained from adjacent facilities, sets a maximum length for the dock, and requires an as-built survey to be provided.
  - 3) The special use will not substantially injure the value of adjoining or abutting property, OR the special use is a public necessity. There are existing, similarly situated docks along the waterfront in the vicinity of this site:



- 4) The location and character of the special use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is located. The special use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address impacts of the project as required by G.S. §160A-382(b). The CAMA Land Use Plan Update (2019) identifies the property as Traditional Town Center (TTC) and Urban Waterfront:



The Urban Waterfront designation recognizes areas having cultural, historical, and economic significance. Maritime traditions and longstanding development patterns make these areas suitable for maintaining or promoting dense development along the shore. With proper planning and stormwater management, these areas may continue to preserve local historical and aesthetic values while enhancing the economy.

To provide for the continued cultural, historical, aesthetic, and economic benefits of urban waterfronts, activities such as in-fill development, reuse, and redevelopment facilitate efficient use of already urbanized areas, reduce redevelopment pressure on surrounding areas, and work to minimize the adverse cumulative environmental effects on estuarine and ocean systems. While recognizing that opportunities to preserve buffers are limited in highly developed urban areas, they are encouraged where practical.

The Traditional Town Center (TTC) designation is characterized by mixed use pedestrian-oriented development 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.

- 5) Upon the issuance of any special use permit, the Board of Commissioners shall consider whether it is necessary or appropriate to affix conditions thereto for the purposes of protecting neighboring properties and/or the public interest assuring that the use is harmonious with the area, and ensuring that the use is consistent with the spirit of the ordinance, and shall affix to such permit such reasonable and appropriate conditions as it finds are necessary for any of those purposes. If any conditions affixed to any special use permit or any part thereof is held invalid by any competent authority, then said special use permit shall be void.

- C) *Orders of Board of Commissioners.* Upon its determination that all of the criteria set out in this section are met, the Board of Commissioners shall enter a written order with findings of fact and conclusions of law and shall issue the special use permit as requested or with such conditions as it finds necessary and appropriate pursuant to this section.
- D) Upon its determination that one or more of the criteria set out in this section are not met, the Board of Commissioners shall issue its written order with findings of fact and conclusions of law and shall deny the requested special use permit.
- E) Any special use permit approved or approved with conditions shall be recorded in the office of the Register of Deeds of Onslow County, North Carolina.
- F) All such additional conditions shall be entered in the minutes of the meeting at which the special use permit is granted and also on the special use permit approval, and on the approved plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicant for the special use permit, the heirs, successors, and assigns. In order to ensure that such conditions and requirements for each special use permit will be fulfilled, the petitioner for the special use permit may be required to enter into a contract with the Town of Swansboro providing for the installation of the physical improvements required as a basis for the issuance of the special use permit. Performance of said contract shall be secured by cash or surety bond which will cover the total estimated cost of the improvements as determined by the Town of Swansboro; provided, however, that said bond may be waived by the Town Board of Commissioners within its discretion.
- G) In addition to the conditions specifically imposed by the Town Board of Commissioners, special uses shall comply with the height, area, and parking regulations of the zone in which they are located (no variances from requirements within zoning ordinance are allowed).
- H) In the event of failure to comply with the plans approved by the Board of Commissioners or with any other conditions imposed upon the special use permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction nor a certificate of compliance under this special use permit shall be issued, and the use of all completed structures shall immediately cease and such completed structures not thereafter be used for any purpose other than a use-by-right as permitted by the zone in which the property is located.
- I) Where plans are required to be submitted and approved as part of the application for a special use permit, modifications of the original plans may be authorized by the Town Board of Commissioners.

TOWN OF SWANSBORO

Special Use Application

APPLICANT'S NAME Jack Harnatkiewicz

MAILING ADDRESS 129 N. Lisk Dr Swansboro Phone # 910 787-3707

OWNER'S NAME Jack Harnatkiewicz

OWNER'S ADDRESS 129 N. Lisk Dr Swansboro Phone # 910 787 3707

TAKE NOTICE THAT THE UNDERSIGNED HEREBY PETITIONS THE BOARD OF COMMISSIONERS OF THE TOWN OF SWANSBORO FOR A SPECIAL USE AS DESCRIBED BELOW AND AS ALLOWED BY ARTICLE 10 OF THE UNIFIED DEVELOPMENT ORDINANCE:

See Attached

ON THE PREMISES LOCATED AT: 147 Front St Swansboro  
LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ MAP 1407-18

THE PROPERTY IS ZONED: B-2HDO-B-2HDO

THIS 3 DAY OF March, 2022

APPLICANT'S SIGNATURE \_\_\_\_\_

DATE FILED 3-11-22

RECIPIENT SIGNATURE \_\_\_\_\_

ZONING ADMINISTRATOR \_\_\_\_\_

APPLICANT OR APPLICANT REPRESENTATIVE MUST BE PRESENT FOR AN APPLICATION TO BE HEARD. IF SOMEONE OTHER THAN THE APPLICANT WILL BE THE REPRESENTATIVE, THE FOLLOWING MUST BE COMPLETED.

I/We Jack Harnatkiewicz am /are the owner(s) of the property located at 147 Front St Swansboro NC 28584. I/We hereby authorize Jack Harnatkiewicz to appear my behalf in order to ask for a special use permit at this location. I/We understand that the special use permit, if granted, is permanent and runs with the land unless otherwise conditioned.

Jack Harnatkiewicz 3-11-22  
Owner Date

Owner Date

Onslow County, North Carolina

I certify that the above person(s) personally appeared before me this day, each acknowledging to me that he/she voluntarily signed the foregoing document for the purpose stated herein.

Date: 3/11/2022 Aliette M. Cuadro

(Official Seal)



ALIETTE M. CUADRO  
Notary Public  
North Carolina  
Onslow County

My commission expires: 2/20/2027

601 W. Corbett Avenue • Swansboro, NC 28584 • Phone (910) 326-4428 • Fax (910) 326-3101

## SPECIAL USE PERMIT APPLICATION CHECKLIST

### **\*STOP\***

**If the following items are not included in your application submittal, your application will not be accepted. Please note that this is not a comprehensive list; there may be other items required following the review of your application.**

- ☒ Fee(s) as prescribed by the current Town of Swansboro [Fee Schedule](#)
- ☒ Application submitted at least 17 days prior to the next Planning Board meeting
- ☒ Application must be filled out completely
- ☒ Owner affidavit on application must be completed if applicant is not the property owner
- ☒ A narrative describing the proposed use of the property. This should include proposed hours of operation, number of employees, etc. Items 1-4 under [Section 152.210](#) (B) of the Unified Development Ordinance (UDO) will also need to be addressed in this narrative.

A report from a licensed real estate appraiser to address finding #3 on value is required

- ☒ A site plan depicting all existing and proposed structures, proposed outdoor dining areas, existing and proposed parking areas and circulation, proposed signage locations, utilities including hydrant locations, etc. is required with all applications. A comprehensive list can be found in [Appendix IV](#) to the UDO
- ☒ For new construction, or if the proposed cost of renovations to the structure exceed 50% of the building value per the Onslow County Tax Office, the [Building Design and Compatibility](#) standards of the UDO will apply, and detailed building elevations demonstrating compliance with these standards

must be included. A private appraisal may be provided in lieu of the documented tax value

- ☒ The [Parking](#) standards will apply whenever there is new construction, when any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area, or when there is a conversion from one type of use or occupancy to another. The number of spaces, dimensions, proposed layout, and circulation pattern need to be depicted on the site plan
- ☒ The [Landscaping Regulations](#) will apply to all new or changed uses of land, buildings, and structures and to any use of building or structure which sits idle more than 180 consecutive days or is abandoned, except for those uses exempted in sections (C)(1) through (C)(3) under [Section 152.525](#). A landscaping plan must be included with the application when required
- ☒ The [Lighting](#) standards of the UDO apply to any fixtures proposed to be installed. A lighting plan should be included to demonstrate compliance with the ordinance standards
- ☒ [Sidewalks](#) are required for property located in Town Limits when the development of vacant property occurs, the redevelopment of property occurs, or when there are substantial additions to property.

Additionally, sidewalks are required in the Extraterritorial Jurisdiction (ETJ) when the development or redevelopment of vacant commercial property occurs; provided that the development involves the razing, dismantling, or removal of all principal structures existing on a tract of land substantially to ground level. See [Section 152.180](#), Note 5

Proposed sidewalks must be shown on the site plan

  
\_\_\_\_\_  
Applicant Signature

3-11-22  
Date

With the addition of the town dock at the port of Swansboro the boat traffic to downtown significantly increase and has been a great addition to the downtown water front. We want to extend our current dock to allow more boaters access to the downtown area. The dock extension will have 4 slips available for rent on a yearly bases. There also will be slips available for day docking. With a place for kayaks and jet skis also. The town of Swansboro needs more docking options, all dock spaces get full. We watch boats circle the turning basin waiting for a spot to open. CAMA has already approved this project.

#### §152.210

- The dock is allowed in pursuant to §152.210 and meets all conditions and specifications in §152.211
- The dock will not endanger the public health or safety verified by the CAMA permit approval. Permit #22-22
- The dock will not injure the value of any properties.
- The dock is in harmony with the area and conforms to Land Use Plan as required by G.S. §160A-382(b)

Permit Class  
**NEW**

Permit Number  
**22-22**

STATE OF NORTH CAROLINA  
Department of Environmental Quality  
and  
Coastal Resources Commission

# Permit

for

☒ Major Development in an Area of Environmental Concern  
pursuant to NCGS 113A-118

☐ Excavation and/or filling pursuant to NCGS 113-229

Issued to **John and Debra Harnatkiewicz, 147 Front St., Swansboro, NC 28584**

Authorizing development in Onslow County at adj. to the White Oak River, at 147 Front Street, in Swansboro, as requested in the permittee's application dated 11/16/21, including attached workplan drawings (2), Existing dated 11/13/21 and 1 of 1 dated "Revised 11/14/21".

This permit, issued on **March 9, 2022**, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

### Marina Expansion within Urban Waterfront

- 1) This permit authorizes only the docks, piers, tie pilings and boat lifts, and other structures and uses located in or over the water that are expressly and specifically set forth in the permit application. No other structure, whether floating or stationary, shall become a permanent part of this marina expansion without permit modification. No non-water dependent uses of structures shall be conducted on, in or over Public Trust waters without permit modification.
- 2) No portion of the docking facility shall exceed a maximum of 157 feet waterward from the waterward edge of the existing bulkhead, to comply the established Town of Swansboro pier-head line, located at the designated U.S. Army Corp of Engineers AIWW setback.

**(See attached sheets for Additional Conditions)**

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date.

Signed by the authority of the Secretary of DEQ and the Chair of the Coastal Resources Commission.

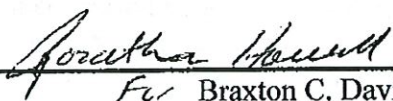
This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

**December 31, 2025**

In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

  
For **Braxton C. Davis, Director**  
Division of Coastal Management

This permit and its conditions are hereby accepted.

\_\_\_\_\_  
Signature of Permittee

**ADDITIONAL CONDITIONS**

- 3) The waterward edge and adjacent riparian limits of the authorized marina shall be staked by the permittee prior to the start of the dock construction and the permittee shall contact the appropriate DCM Field Representative for an inspection to verify the authorized dock dimensions from normal high water. The stake shall remain in place for the duration of the construction project.
- 4) No sewage, whether treated or untreated, shall be discharged at any time from any boats using the marina. Any sewage discharged at the marina shall be considered a violation of this permit for which the permittee is responsible. This prohibition shall be applied and enforced throughout the entire existence of the permitted structure.
- 5) The permittee shall install and maintain at his expense any signal lights or signals prescribed by the U.S. Coast Guard, through regulation or otherwise, on the authorized facilities. At minimum, permanent reflectors shall be attached to the structure in order to make it more visible during hours of darkness or inclement weather.
- 6) This permit authorizes 7 additional formalized boat slips for a maximum of 11 formalized boat slips at this marina.
- 7) The pier and associated structures shall have a minimum setback distance of 15 feet between any parts of the structure and the southwestern adjacent property owner's area of riparian access.
- 8) Should Lot to the northeast be sold prior to the initiation of construction of the docking facility, the permittee shall obtain a written agreement from the new owner(s) waiving the minimum setback, and authorization to construct the portion of the docking facility within the property owner's riparian setback, and submit it to the Division of Coastal Management prior to initiating construction of the docking facility.
- 9) No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work.
- 10) The authorized structure and associated activity shall not cause an unacceptable interference with navigation and shall not exceed the dimensions shown on the attached permit drawings.
- 11) No portion of the permitted structure shall be located within 100 feet of the near bottom edge of the federally maintained AIWW channel.
- 12) This permit does not authorize the interference with any existing or proposed Federal project, and the permittee shall not be entitled to compensation for damage to the authorized structure or work, or injury which may be caused from existing or future operations undertaken by the United States in the public interest.
- 13) The marina shall display a sign showing the location of the nearest pumpout facility, including other appropriate waste disposal information, at the entrance and exit from the main pier.

**ADDITIONAL CONDITIONS**

**Easement**

- 14) An Easement from the Department of Administration's State Property Office may be required under N.C.G.S. 146-12(e). The permittee shall contact the State Property Office prior to the initiation of construction of any structures over state-owned submerged lands to determine if such an easement will be required. Any required easements shall be obtained, and a copy provided to the Division of Coastal Management, prior to the construction of any new boat slips or other docking facilities authorized under this permit.

**As-Built Survey**

- 15) An as-built survey shall be performed on the marina, and copies of the survey provided to the Division of Coastal Management, within 60 days of completion of construction of these portions of the project.

**Sedimentation and Erosion Control**

- 16) In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters.
- 17) Appropriate sedimentation and erosion control devices, measures or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses or properties.

**USACE Conditions**

- 18) In order to further protect the endangered West Indian Manatee, *Trichechus manatus*, the applicant must implement the U.S. Fish & Wildlife Service's Guidelines, and strictly adhere to all requirements therein. The guidelines can be found at <https://www.fws.gov/raleigh/pdfs/ManateeGuidelines2017.pdf>.

**General**

- 19) This permit shall not be assigned, transferred, sold, or otherwise disposed of to a third party without the written approval of the Division of Coastal Management.
- 20) All construction debris associated with the removal or construction of the permitted development shall be contained within the authorized project area and disposed of in an approved upland location.
- 21) The permittee and/or his or her contractor shall meet with a representative of the Division prior to project initiation.

**NOTE:** The permittee is advised to institute a comprehensive marina management plan to address the general use and potential risks associated with the daily use of the marina.

**NOTE:** This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required, including but not limited to any authorizations required by the Town of Swansboro.

**ADDITIONAL CONDITIONS**

- NOTE:** The U.S. Army Corps of Engineers authorized the project by way of Programmatic General Permit 198000291 (Action ID SAW-2022-00073).
- NOTE:** The N.C. Division of Water Resources authorized the proposed project by way of Water Quality Certification No. 004636 and assigned the project DWR Project No. 2021-1839.
- NOTE:** Future development of the permittee's property may require a modification of this permit. Contact a representative of the Division at (252) 808-2808 prior to the commencement of any such activity for this determination. The permittee is further advised that many non-water dependent activities are not authorized within 30 feet of the normal high-water level.
- NOTE:** An application processing fee of \$400 was received by DCM for this project. This fee also satisfied the Section 401 application processing fee requirements of the Division of Water Resources.



***Bake, Bottle & Brew  
CAMA Permitting Addendum  
147 Front St.  
Swansboro, NC 28584  
for Clarification of Existing Boat Slips & Lifts  
(Not for Construction)***

***November 13, 2021  
Not to Scale  
Drawn by JF***



### **Crystal Coast Engineering, P.A.**

Civil and Environmental Consulting Engineers

David K. Newsom, PE

John R. Freshwater, PE

205-3 WARD ROAD, SWANSBORO, N.C. 28584

PHONE: (910) 787- 3728

BUSINESS LICENSE #: C-2553

CAMA Process Planning  
and Permit Facilitation by:

### **COASTAL PLANNING SERVICES, INC.**

Kathy B. Vinson, AICP

*Comprehensive Land Use Planning and Development Assistance*

P.O. Box 827  
Morehead City, NC 28557

Office 252.354.4916  
Fax 252.247.5875



Town of Swansboro  
Resolution 2016-R7

Resolution Adopting an Official Pier-Head Line along the Downtown  
Waterfront Shoreline

WHEREAS the existing pier-head line is one factor used to determine the permitted length of piers and docking facilities and typically limits the length of new structures to the established pier or docking facility length along the same shoreline for similar uses; and

WHEREAS in consultation with the US Army Corps of Engineers the Town of Swansboro has the ability to increase the potential length of piers and docking facilities by adopting an official pier-head line that extends beyond the established pier or docking facility length; and

WHEREAS the Town of Swansboro Waterfront Access and Development Plan contains a policy recommendation that the Town should, if it appears necessary to accomplish access facility projects, adopt an official pier-head line that maximizes the potential length of piers; and

WHEREAS a longer pier-head line extending to the landward edge of the federal channel setback along the downtown waterfront shoreline would provide more flexibility and room for construction of piers and docking facilities and facilitate access facility projects; and

WHEREAS the Board of Commissioners at the March 15-16, 2016 annual planning retreat recommended taking action to further implement the Waterfront Access and Development Plan by establishment of an official pier-head line along the downtown waterfront shoreline; and

WHEREAS adoption of an official pier-head line will not relieve property owners of the responsibility for obtaining CAMA permits for construction of piers and docking facilities and will not affect other applicable local, state, and federal regulations for permitting of piers and docking facilities.

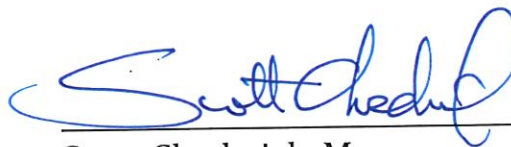
**NOW THEREFORE BE IT RESOLVED**, that Mayor Scott Chadwick and the Board of Commissioners of the Town of Swansboro:

1. The Town of Swansboro establishes an official pier-head line affecting the downtown waterfront shoreline beginning at the NC Highway 24 Bridge and ending at Ward's Shore and extending to the landward edge of the federal channel setback adjacent the shoreline.
2. The Town staff and consulting planner are authorized to submit documentation of the local action establishing the official pier-head line to the US Army Corps of Engineers.
3. Upon receipt of concurrence from the US Army Corps of Engineers of the official pier-head line, notification is to be provided to the NC Division of Coastal Management for use in the issuance of CAMA permits for construction of piers and docking facilities along the affected shoreline.

Adopted this 24<sup>th</sup> day of May, 2016.

Attest:

  
Paula W. Webb, Town Clerk

  
Scott Chadwick, Mayor

**Exhibit A:** Aerial photograph of the downtown waterfront shoreline with federal channel, setbacks to the federal channel, and designated pier-head line indicated.

## Swansboro Federal Project

Map showing the Federal Channel and Setback in the area of Swansboro, NC

Via the Wilmington District, U.S. Army Corps of Engineers  
Google Earth (KMZ, KML) Files

Current Pier Head Line Limited  
by Existing Pier Lengths

Proposed Pier Head Line  
Consistent with Federal Channel  
Setback

Federal Channel Line

Federal Channel  
Setback

Proposed Official Pier-Head Line  
For Town of Swansboro Review & Comment Only  
Provided by:

COASTAL PLANNING SERVICES, INC.  
Comprehensive Land Use Planning  
and  
Development Assistance

Kathy B. Vinson, AICP  
P.O. Box 827

Phone 252.240.9297 Fax 252.247.5875  
Morehead City, NC 28557

With assistance from:

Crystal Coast Engineering, P.A.  
Civil and Environmental Consulting Engineers  
David K. Newsom, PE & John R. Freshwater, PE  
205-3 WARD ROAD, SWANSBORO, N.C. 28584  
PHONE: (910) 325-0006 ~ FAX: (910) 325-0060  
BUSINESS LICENSE #: C-2553

May 12, 2016

Google earth

© 2014 Google

1000 ft



# Planning Board

## Agenda Item Submittal

---

Item to Be Considered: **Building Standards**

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

Prepared By: **Jennifer Ansell, Planner**

---

**Overview:** 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

The Board requested an inventory of unmaintained commercial structures which was provided at the May 17, 2021 meeting.

**Action Needed:** Review of the current ordinance requirements and further direction to Staff on these goals of the Program of Work.

### **Attachments**

Chapter 151

Building Design and Compatibility

## CHAPTER 151: REPAIR, CLOSING, AND/OR DEMOLITION OF NON-RESIDENTIAL BUILDINGS OR STRUCTURES

---

### Section

- 151.01 Finding
- 151.02 Intent
- 151.03 Definitions
- 151.04 Conflicts
- 151.05 Standards and responsibilities
- 151.06 Occupancy
- 151.07 Administration
- 151.08 Investigation
- 151.09 Notices; administrative hearings
- 151.10 Administrative orders
- 151.11 Limitations on orders
- 151.12 Failure to comply with order
- 151.13 Abandonment of intent to repair
- 151.14 Service of complaints and orders
- 151.15 Liens
- 151.16 Salvage
- 151.17 Occupant removal
- 151.18 Nuisance abatement authority
  
- 151.99 Penalty

### § 151.01 FINDING.

The town finds that there are or may exist non-residential buildings or structures that are injurious to public health, safety, and welfare the standards of maintenance, sanitation, and/or safety as a result of their failure to meet the standards of maintenance, sanitation, and/or safety set forth herein.

(Ord. 2011-05, passed 1-18-11)

### § 151.02 INTENT.

The intent of this chapter is to establish minimum standards of maintenance, sanitation, and safety for all non-residential buildings and structures within the corporate limits of the Town of Swansboro, in order to address conditions that are injurious to public health, safety, and welfare. The provisions of

this chapter shall apply to all existing and future buildings and structures in use for, and/or intended for use for, non-residential purposes.

(Ord. 2011-05, passed 1-18-11)

### § 151.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PARTIES IN INTEREST.** All individuals, associations, and/or corporations who have interests of record in a non-residential building or structure and any who are in possession of such building or structure.

**PREMISES.** A lot, parcel, or tract of land, including the buildings and structures thereon, under control by the same owner or operator, devoted to, or zoned for, non-residential use.

**STRUCTURE.** Anything constructed or erected which requires location on the ground or attachment to something having a fixed location on the ground, including, but not limited to, principal and accessory buildings, manufactured homes or offices, trailer units, signs, fences, walls, bridges, monuments, flagpoles, antennas, transmission poles, towers, and cables, above and below ground storage tanks, or other manmade facilities or infrastructures.

**VACANT INDUSTRIAL WAREHOUSE.** Any building or structure that was previously used for the storage of goods or equipment in connection with manufacturing processes, that has not been used for that purpose for at least one year, and that has not been converted to another use.

**VACANT MANUFACTURING FACILITY.** Any building or structure that was previously used for the lawful production or manufacturing of goods, that has not been used for that purpose for at least one year, and that has not been converted to another use.

(Ord. 2011-05, passed 1-18-11)

### § 151.04 CONFLICTS.

In the event that any provision, standard, or requirement of this chapter is found to be in conflict with any provision of any other ordinance or code of the town, the provision that establishes the higher standard or more stringent requirement for the promotion and protection of public health, safety, and/or welfare shall prevail.

(Ord. 2011-05, passed 1-18-11)

### § 151.05 STANDARDS AND RESPONSIBILITIES.

The parties in interest of non-residential buildings and structures shall have responsibility for, and shall ensure that such buildings and structures under their ownership or control are maintained in compliance with the following minimum standards of maintenance, sanitation, and safety.

(A) The premises shall be kept free of all nuisances and any hazards to the safety of occupants, customers, and other persons utilizing the premises and to pedestrians and/or vehicles passing thereby, including but not limited to the following conditions in or about such building or structure.

(1) Interior walls or vertical studs that list, lean, or buckle to such an extent as to render the building unsafe.

(2) Supporting member(s) that show 20% or more damage or deterioration or non-supporting enclosing or outside walls or coverings that show 25% or more damage or deterioration.

(3) Floors or roofs that have improperly distributed loads, which are overloaded, or which insufficient strength to be reasonably safe for the purpose used.

(4) Damage by fire, wind, or other causes that renders the building unsafe.

(5) Dilapidation, decay, unsanitary conditions, or disrepair that is dangerous to the health, safety, or general welfare of the occupants or other persons within the community.

(6) Inadequate or obstructed facilities for egress in case of fire or panic.

(7) Defects that significantly increase the hazards of fire, accident, or other calamities.

(8) Lack of adequate ventilation, light, heating, or sanitary facilities to an extent that may endanger the health, safety, or welfare of the occupants or other persons in the community.

(9) Lack of proper electrical, heating, or plumbing facilities that create a health or safety hazard.

(10) Violation of the Fire Code or other conditions that constitute a fire hazard in the building or on the premises, such as (by way of example and not limitation) the accumulation of garbage, rubbish, hazardous liquids, or other combustible material.

(11) Garbage, trash, or rubbish in or near the building, structure, or premises that is likely to attract or become a breeding place for rodents, insects, or other vermin.

(B) The premises are free of loose and overhanging or leaning objects that constitute a danger of falling on persons on the premises or in the vicinity thereof.

(C) The premises are free of holes, excavation, breaks, projections, or obstructions within buildings or other structures and on walks, driveways, parking lots, parking areas, and other parts of the premises that are accessible to and used by persons on the premises.

(D) The exterior of the building, structure, and/or premises is in good repair and free from deterioration, so as not to constitute a nuisance.

(E) All surfaces are maintained free of cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, loose or broken plastic or vinyl, other dangerous objects, or similar hazardous conditions.

(F) All floors, interior walls, and ceilings of every building or structure are structurally sound and are maintained in a good condition compatible with the intended use and in a manner that does not constitute a hazard to the public.

(G) There are no structures attached or unattached to the principal structure that are found to be hazardous, in poor repair, or structurally deficient.

(H) There are no objects or elements on or protruding from building walls or roofs or the surrounding premises, such as empty electrical or other conduits, open pipes, unused sign brackets, which constitute potential safety hazards.

(I) All foundation walls are kept structurally sound and capable of bearing loads safely.

(J) Building walls that have become exposed as a result of the demolition of adjacent buildings (a) have all doors, windows, vents, or similar openings secured with material of the same type comprising the wall, (b) have no protrusions or loose material that constitute a hazard, (c) are painted, stuccoed, or bricked so as not to detract from the adjacent property, and (d) are weatherproofed to prevent deterioration of the wall.

(K) All windows are tight fitting, have sashes of proper size and design, do not have rotten wood, broken joints, or broken or loose mullions, and do not have broken or missing glazing.

(L) All windows are maintained free of broken glass, in a manner that insures that at least 80% of the total surface of the glass is free of cracking.

(M) All openings originally designed as windows are maintained as windows, complete with sills, lintels, frame, and glass, unless the fire chief approves enclosure of the window in a manner that appropriately fills the space and is weatherproof.

(N) All exterior surfaces that require painting or dealing to protect the underlying surface from deterioration are kept properly painted or sealed.

(O) All exterior surfaces that have been painted are maintained free of peeling and flaking paint or stucco and entire walls are scraped and repainted or recovered if 30% or more of the aggregate area of any painted or stuccoed wall has peeling or flaking paint or stucco that is worn away.

(P) All doors or other pedestrian or service openings are maintained in good repair, capable of being safely secured, all door frames have appropriately designed and installed doors, and no openings are left open or unsecured after hours in a manner that may constitute an attractive nuisance to persons (adults or children), animals, or vermin.

(Q) All advertising structures and their supporting members are maintained in good condition and do not constitute a nuisance or safety hazard. All signs, active or inactive, and their supporting members are kept in sound repair (or if not, removed). All sign surfaces are maintained in legible condition, free of cracks, rips, holes, or other deterioration that diminishes their function or creates unsightly conditions.

(R) All light poles or other vertical poles or frames and their supporting members are maintained in sound condition, do not constitute a nuisance or safety hazard, and have their exterior surfaces maintained in a properly painted or sealed condition to avoid peeling, flaking, or rust.

(S) All washrooms and water closet compartment floors are surfaced with water-resistant materials, kept in a dry and sanitary condition, and are provided with permanently installed artificial lighting with a switch and wall plate located in a manner that does not create a danger of short circuiting.

(T) Flammable or combustible liquids or substances are not kept in a container and a location in compliance with the codes of the National Fire Protection Association.

(U) Chimneys, flues, and vent attachments are maintained in a structurally sound manner, are durable, are smoke-tight, are capable of withstanding the action of flue gases, and provide sufficient draft.

(V) Exterior porches, landings, balconies, stairs, ramps and fire escapes are provided with properly designed, structurally sound, defect-free and properly maintained banisters or railings. Interior stairs and landings are properly maintained and structurally sound.

(W) Gutters and downspouts are securely installed and appropriately located in a manner that does not create hazards to pedestrians or vehicular traffic.

(X) Parking lots and all curbing, surfacing, sidewalks, and other appurtenances are maintained free of broken or cracked surfaces, holes, or other hazardous conditions; repairs are made with appropriate materials. Curb cuts that are abandoned due to new construction, changes in access, or other causes are closed and replaced with curb and gutter compatible with adjoining curb areas and sidewalks are installed in accordance with municipal design standards.

(Y) Any required landscaping is maintained consistent with the original landscaping plan. Landscaping is kept in good condition, does not obstruct pedestrian walkways, vehicle movement areas, or signs, and does not constitute a vehicle sight distance obstruction, a safety hazard, or a place of potentially dangerous concealment.

(Ord. 2011-05, passed 1-18-11)

## **§ 151.06 OCCUPANCY.**

The provisions of this chapter apply to non-residential buildings and structures whether they are occupied or vacant. All unoccupied or vacant buildings and structures shall be secured by any party in interest to prevent entry by unauthorized persons and to prevent occurrences of activities not permitted by law.

(Ord. 2011-05, passed 1-18-11)

## **§ 151.07 ADMINISTRATION.**

The Town Manager shall designate one or more employees to serve as the enforcement officer(s) for the administration of these requirements and standards. The enforcement officer is authorized to exercise any powers necessary or convenient to carry out and implement the purpose and provisions of this chapter, including the following powers:

(A) To investigate non-residential buildings and structures in the town to determine whether they have been properly maintained in compliance with the minimum standards, so that the safety or health of the occupants and/or members of the general public are not jeopardized;

(B) To administer oaths and affirmations, examine witnesses, and receive evidence;

(C) To enter upon premises with the permission of the owner or other authorized person or under an administrative search warrant for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession; and

(D) To delegate and assign to subordinates or agents those duties and responsibilities necessary to carry out the purposes of ordinances adopted by the board of commissioners.

(Ord. 2011-05, passed 1-18-11)

## **§ 151.08 INVESTIGATION.**

Whenever it appears to a designated enforcement officer that a non-residential building or structure has not been maintained in accordance with the standards of this chapter, or when a designated enforcement officer receives a complaint of same, the officer shall undertake a preliminary investigation. If entry upon the premises is necessary, the officer may obtain the permission of the owner or other authorized person or may obtain an administrative search warrant under the provisions of G.S. § 27.2.

(Ord. 2011-05, passed 1-18-11)

## **§ 151.09 NOTICES; ADMINISTRATIVE HEARINGS.**

If the preliminary investigation discloses evidence of a violation of the required standards, the enforcement officer shall issue and cause to be served a complaint to the owner of, and any known parties in interest in, the building or structure, setting forth the charges of violations and containing notice that an administrative hearing will be held before the enforcement officer (or his or her agent) at a specific place within a period ten to 30 days following the serving of the complaint. The owner and/or parties in interest shall be given the opportunity to appear in person or otherwise at the time and place of the hearing and to give testimony regarding the matters in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in such administrative hearings.

(Ord. 2011-05, passed 1-18-11)

## **§ 151.10 ADMINISTRATIVE ORDERS.**

If, following the investigation, notice, and hearing, the enforcement officer determines that the non-residential building or structure has not been maintained in accordance with the minimum standards of maintenance, sanitation, and safety set forth in this chapter, the enforcement officer shall make written findings of fact in support of the determination and shall issue and cause to be served on the owner of the property an order requiring the owner to take remedial action within a reasonable, specified time period.

(Ord. 2011-05, passed 1-18-11)

### **§ 151.11 LIMITATIONS ON ORDERS.**

Orders to take remedial action are subject to the following limitations [G.S. § 160A-439(e)].

(A) Orders may require the owner to repair, alter, or improve the building or structure in order to bring it into compliance with the minimum standards of this chapter or to vacate and close the building or structure for any use.

(B) Orders may require the owner to remove or demolish the building or structure if the cost of repair, alteration, or improvement would exceed 50% of its then current value. If the building or structure is designated as a local historic landmark, is listed in the National Register of Historic Places, or located in a designated historic district and the board of commissioners determines, after a public hearing, that the building or structure is of individual significance or contributes to the character of the district, and the building or structure has not been condemned as unsafe, the order may require that the building or structure be vacated and closed until it is brought into compliance with the minimum standards.

(C) Orders may not require repairs, alterations, or improvements to be made to vacant manufacturing facilities or vacant industrial warehouse facilities to preserve the original use. The order may require the building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

(Ord. 2011-05, passed 1-18-11)

### **§ 151.12 FAILURE TO COMPLY WITH ORDER.**

If the owner fails to comply with the order of the enforcement officer, the following procedures shall apply [G.S. § 160A-439(f)].

(A) *Orders to repair, alter, improve, vacate, or close.* If an owner fails to comply with an order to repair, alter, or improve or to vacate or close the non-residential building or structure, the Board of Commissioners may adopt an ordinance ordering the enforcement officer to implement the purpose of this chapter with respect to the property. The property shall be described in the ordinance, which shall be recorded in the Office of the Register of Deeds and indexed to the name of the property owner(s) in the grantor index. Following adoption of the ordinance, the enforcement officer may cause the building or structure to be repaired, altered, or improved or to be vacated or closed. The enforcement officer may post on the main entrance of the building or structure that is closed a placard advising that "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful".

(B) *Orders to remove or demolish.* If an owner fails to comply with an order to remove or demolish the building or structure, the board of commissioners may adopt an ordinance ordering the enforcement officer to implement the purpose of this chapter with respect to the building or structure. No ordinance shall be adopted to require demolition of a building or structure until the owner has been given a reasonable opportunity to bring it into conformity with the minimum standards. The property shall be described in the ordinance, which shall be recorded in the office of the register of deeds and

indexed in the name of the property owner(s) in the grantor index. Following adoption of the ordinance, the enforcement officer may cause the building or structure to be removed or demolished.

(Ord. 2011-05, passed 1-18-11)

### **§ 151.13 ABANDONMENT OF INTENT TO REPAIR.**

If the Board of Commissioners or the enforcement officer has issued an order requiring the building or structure to be repaired or vacated and closed and the building or structure has been vacated and closed for a period of two years pursuant to such ordinance or order, the Board of Commissioners may find that that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in a vacated and closed status would be inimical to the health, safety, and welfare of the town, in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children or vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area. Upon such findings, the Board of Commissioners may enact an ordinance and serve such ordinance on the owner. If the cost to repair the building or structure to bring it into compliance with minimum standards is 50% or less of its then-current value, the ordinance shall require the owner to either repair or demolish and remove the building or structure within 90 days. If the cost to repair the building or structure to bring it into compliance with minimum standards exceeds 50% of its then-current value, the ordinance shall require the owner to demolish and remove the building or structure within 90 days. Vacant manufacturing facilities or vacant industrial warehouses must have been vacated and closed pursuant to an order of ordinance for five years before the Board of Commissioners may take action under this section. The ordinance shall be recorded in the office of the register of deeds, indexed in the name of the property owner in the grantor index. If the owner fails to comply with the ordinance, the enforcement officer shall implement the purpose of the ordinance.

(Ord. 2011-05, passed 1-18-11)

### **§ 151.14 SERVICE OF COMPLAINTS AND ORDERS.**

Complaints or orders issued by the enforcement officer pursuant to an ordinance adopted under this chapter shall be served upon persons either personally or by registered or certified mail, as long as the means are reasonably designed to achieve actual notice. Copies may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is refused, but the regular mail is not returned by the post office within ten days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the affected premises. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the enforcement officer in the exercise of due diligence, and the enforcement officer makes an affidavit to that effect, serving of the complaint or order may be made by publication, at least once no later than the time that personal service would be required, in a newspaper having general circulation in the town. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the affected premises.

(Ord. 2011-05, passed 1-18-11)

### **§ 151.15 LIENS.**

The cost of repairs, alterations, or improvements, or of vacating and closing, or of removal or demolition by the enforcement officer under the provisions of this chapter shall be a lien against the real property upon which the cost was incurred. The lien shall have the same priority and shall be collected as a lien for special assessment under G.S. Ch. 160A, Art. 10. The costs shall also be a lien on any other real property of the owner located within the town except for the owner's primary residence; this additional lien is inferior to prior liens and shall be collected as a money judgment.

(Ord. 2011-05, passed 1-18-11)

#### **§ 151.16 SALVAGE.**

If a non-residential building is removed or demolished by the enforcement officer, he or she shall offer for sale any recoverable building materials and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit the net proceeds of the sale, if any, against the cost of the removal or demolition. Any balance remaining shall be deposited in the superior court, secured in a manner directed by the court, and disbursed by the court to the persons found to be entitled thereto.

(Ord. 2011-05, passed 1-18-11)

#### **§ 151.17 OCCUPANT REMOVAL.**

If any occupant fails to comply with an order to vacate a non-residential building or structure, the enforcement officer may file, with the approval of the Board of Commissioners, a civil action in the name of the town to remove the occupant. Such proceedings shall be carried out in accordance with the requirements of G.S. § 160A-439(j).

(Ord. 2011-05, passed 1-18-11)

#### **§ 151.18 NUISANCE ABATEMENT AUTHORITY.**

Nothing in this chapter shall be construed to impair or limit the power of the Board of Commissioners to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(Ord. 2011-05, passed 1-18-11)

#### **§ 151.99 PENALTY.**

In addition to other remedies provided in this chapter, any violation of this chapter may subject the offender to a civil penalty in the amount of \$50 for each day the violation(s) continue to exist.

(Ord. 2011-05, passed 1-18-11)

## BUILDING DESIGN AND COMPATIBILITY

### § 152.555 PURPOSE AND INTENT.

The Town of Swansboro Planning Board and Board of Commissioners deem it necessary and desirable in the interest of encouraging high quality nonresidential and mixed-used development by avoiding poor building design and by creating a rich, harmonious blend of quality buildings. These regulations are intended to influence architectural design, construction and reconstruction of buildings in a manner that achieves a visually desirable environment to allow for creativity and diversity and avoid monotony in design. Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases used in this article shall have the meanings defined in § 152.016, Basic Definitions and Interpretations.

(Ord. 2005-O3, passed 3-15-2005) (Am. Ord. 2013-O13, passed 5-21-2013)

### § 152.556 APPLICABILITY.

(A) (1) The standards and guidelines contained in this subchapter shall apply to all new nonresidential and mixed-used development and to expansions or alterations of any such existing building where the expansion or alteration exceeds 50% of the building value as assessed for real property taxes within the current tax year.

(2) Accessory structures constructed on the same lot and incidental to the principal structure which are less than or equal to 50% of the building value as assessed for real property taxes shall be exempt from this requirement.

(B) All development subject to this article shall utilize a design that enhances existing Town architectural styles, designs, and forms and creates visual character. Enhancement shall be achieved through techniques such as varied roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, relief of the visual effect of long extensive walls, and the use of building materials that have natural color, including primary colors, shades, and textures that adds architectural interest to the façade.

(Ord. 2005-O3, passed 3-15-2005) (Am. Ord. 2014-O18, passed 10-21-2014)

### § 152.557 BUILDING DESIGN STANDARDS.

Design standards promote creativity and innovation while discouraging obtrusive, incongruous structures. The town discourages architectural styles that do not enhance or add visual character to the Town. The town supports the view that inspiring, well maintained, and harmonious development is in the best economic development interests of all residents and businesses.

(A) *Emphasize human scale.* Building design shall emphasize a human scale at ground level, at entryways, and along street frontages through the creative use of windows, doors, columns, canopies, and awnings.

(B) *Major building design features proportional.* Major building design features, such as windows, doors, eaves, and parapets, shall be designed to be in proportion to one another.

(C) *Structural lines retained at storefront level.* The structural lines of a building and its materials shall be retained at the storefront level. For instance, brick piers and columns shall be carried down to street level.

(D) *Awnings and canopies.* Awnings and canopies shall complement the color and material of the building to which they are affixed.

(E) *Massing*. A single, large, dominant building mass shall be avoided. Where large structures are required, mass should be broken up through the use of setbacks , projecting and recessed elements, and similar design techniques. Changes in mass shall be related to entrances, the integral structure , and/or the organization of interior spaces and activities and not merely for cosmetic effect.

(Ord. 2005-O3, passed 3-15-2005)

#### **§ 152.558 AVOIDING MONOTONY OF DESIGN.**

Monotony of design in single or multiple building projects shall be avoided by varying detail, form, and siting to the maximum extent practicable, within the standards set forth in this article, to provide visual interest.

(Ord. 2005-O3, passed 3-15-2005)

#### **§ 152.559 HARMONY OF DESIGN.**

The purpose of this section is to enhance the design character of existing development, to add visual character to the community , and to promote harmony in the visual relationships and transitions between new and older buildings or an upgrade from the surrounding area by complementing other buildings of good design. New buildings should respect the scale, and proportion of existing development.

(A) *Building color shades*. Building color shades shall be used to facilitate blending into the neighborhood and unify the development . The color shades of building materials shall draw from the range of color shades that already exist on the block or it the adjacent neighborhood.

(B) *Building materials*. Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color, and texture, shall be utilized to ensure that enough similarity exists for the building to be compatible, despite the differences in materials.

(C) *Similar size and height for infill development* . New infill development shall either be similar in size and height or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures on the same block, or if buildings do not exist thereon, then on adjoining blocks.

(D) *Unify individual storefronts*. If several storefronts are located in one building , the individual storefronts shall be unified in all exterior design elements, such as mass, window and door placement, color, materials, and signage.

(E) *Additions and renovations*. Building additions and façade renovations should be designed to reflect existing buildings in scale. A change in scale may require a transitional design element between the new development and existing buildings .

(F) *Varying architectural styles*. In developments with multiple structures of varying architectural styles, buildings shall be compatible by such means as a pattern of architectural features, similar scale and proportions, and consistent location of signage.

(Ord. 2005-O3, passed 3-15-2005)

#### **§ 152.560 ARCHITECTURAL CHARACTER.**

Architectural character focuses on the specific details that greatly affect the overall appearance of a particular development. These architectural character standards in this section provide direction in aspects of color, facade materials, rooflines, and the enhancement of entryways. The primary goal is to define the ‘finishing touches’ that provide the development with a sense of permanence, style, and compatibility. The Town discourages proposals that have not taken these matters into account. The

Town policy is that all development is compatible of surrounding areas and that it ensures privacy, safety, and visual coherency.

(A) *General form.*

(1) Each building shall have a primary façade that faces a public street , private street , or which has the main public entrance.

(2) The primary façade may have a clearly identifiable base, body, and cap with defining elements, or may have other architectural features that express quality design characteristics by providing other coherent and complete styles of architecture (See 152.560.1).

(3) Any building façade that is not the primary façade , and that has frontage along a private drive , parking area , or street , shall be considered a secondary façade .

(4) Secondary facades shall also have a clearly-identifiable design quality, using materials and architectural elements similar to the primary façade .

(5) Any façade that does not face a street , private drive , or parking area , but is adjacent to a primary or secondary façade , shall continue around the corner any required architectural elements of the adjoining façade for a distance equaling at least 20% of the length of the façade .



**Figure 152.560.1**

(B) *Wall plane.*

(1) Architectural elements can be used to define bays, add interest and variety; relieve the visual effect of long extensive walls; and split tall structures into human scale.

(2) *Recesses and projections.* All primary and secondary facades greater than 100 feet in length, measured horizontally, shall incorporate building wall offsets including recesses and projections along at least 20% of the length of the façade . Windows, awnings, and arcades shall total at least 60% of the façade length abutting a public street.

(3) *Repeating design patterns.* Facades greater than 100 feet in length, measured horizontally, shall incorporate a repeating pattern of change in color, texture, and material modules. All elements should repeat at intervals of no more than 30 feet, either horizontally or vertically.

(4) Rooflines, windows, doors, stairwells, porches, pilasters and breaks in the facades may be used to establish bays.

(5) *Replacement of windows.* Replacement of windows on the façade of an existing building shall be accomplished by using windows of the same trim, size, and character as the original or by using a different style of window that complements the architectural style of the building .

(6) Bays may project or recess four inches or greater.

(7) Landscaping may be used to give the sense of break in long facades . Berms with shrubs and trees of sufficient size to break up façade planted next to the building may be used. Landscaping should be shown on architectural rendering or elevation and meet the requirements of §§ 152.500 through 152.512, Regulations for Landscaping.

**Figure 152.560.2 depicts acceptable method for breaking long façade and Figure 152.560.3 does not.**



**Figure 152.560.2**

**Figure 152.560.3**

(8) Canopies and awnings may be used and are encouraged.

(9) Another way to break façade is through a change of materials or textures.

(See Figure 152.560.4)



**Figure 152.560.4**

(C) *Entryways.*

(1) *Required entryway features.* Entryway design elements and variations shall provide orientation and aesthetically pleasing character to the building . The following standards identify desirable entryway design features. Each principle building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following: (See also Figures 152.560.5 and 152.560.6 as examples)

- (a) Canopies or Porticos;
- (b) Arcades;
- (c) Overhangs;
- (d) Recesses/projections;
- (e) Raised corniced parapets over the doors;
- (f) Peaked roof forms;
- (g) Arches
- (h) Wing walls;
- (I) Outdoor patio
- (j) Display windows;
- (k) Planters; and

(l) Architectural details such as tile work and moldings which are designed into the building structure and overall design.

(2) *Sides facing abutting street* . All sides of a principal building that directly face an abutting public street shall feature at least one customer entrance.

(3) Variations in color schemes are encouraged in order to articulate entryways and public amenities so as to give greater recognition to these features.

### ***Example of Arcade Entryway***



### ***Example of Entryway with Overhang and Planters***



**Figure 152.560.5**

**Figure 152.560.6**

**(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.

(c) If renovating 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.



**Figure 152.560.7**

(5) *Base.*

(a) Each primary façade may have a clearly identifiable base, or the wall materials may extend to the floor slab or into the ground if the material is appropriate for ground contact (such as masonry or stone). Wood, glass, stucco, etc. will terminate above grade.

(b) *Buildingyards.* A landscaped building yard may be used to define the base. The landscaped building yard shall be consistent with Article 24 Regulations for Landscaping. (See Figures 152.560.8 and Figure 152.560.9).

**Figure 152.560.8****Figure 152.560.9**

(c) Soldier course may be used to define the base.

1. *Soldier course* - often a complete course of brick laid on end vertically, with narrow side exposed in the face of the wall (See Figure 152.560.10 and Figure 152.560.11).

**Examples of Soldier Course (Figures 152.560.10 & 152.560.11)**



**Figure 152.560.10****Figure 152.560.11**

(d) A change of materials may be used to define the base.

(e) A “water table” may be used to provide a clear distinction between the base of the building and the middle (See Figures 152.560.12 through 152.560.14).

Examples of “water tables” (Figures 152.560.12 through 152.560.14)

**Figure 152.560.12****Figure 152.560.13****Figure 152.560.14**

(6) *Body.*

(a) Each required façade shall have a defined body.

(b) The body should be the area between the base and the cap.

(c) The body of the building should be broken up in order to avoid long monotonous walls as described in division (B) of this section, Wall Planes, unless the wall is a design element.

(d) Structures in complexes, without streetfrontage shall have their main entrance on a primary façade .

(e) *Building orientation.* To the maximum extent feasible, new buildings shall be oriented or designed to minimize shadows falling on public or semi-public spaces. New buildings should minimize the visual impact on Hwy 24 where possible.

(f) *Exterior wall cladding.* All exterior walls visible from a parking lot or public right-of-way in any zoning district except the MI (Light Industrial) shall be clad with the same material required for the front of the building . Buildings in the MI zoning district are required to provide the same material as the front of the building for at least 25% of the area of the side façades and 100% of the area of side façades directly facing a public right-of-way . All walls not visible from a parking lot or public right-of-way , or the remaining 75% of the side façades in the MI zoning district, may be constructed of alternate material(s), but shall be of a color that is complimentary to the primary material, and is incorporated into the overall color scheme of the building .

(7) *Roofs.* The following standards are intended to foster variations in roof lines to soften and reduce the massive scale of large buildings :

(a) Roof lines shall be varied to reduce the scale of structures and add visual interest (See Figures 152.560.15 through 152.560.26)

(b) Roof shape (for example: flat, hip, mansard, or gable) and material shall be architecturally compatible with façade elements and the rest of the building . Can include cornices, fascias, dormers and overhangs (See Figures 152.560.15 through 152.560.18).

(c) *Roof cornices.* If roof cornices have been removed or damaged on an existing building , renovations of that building must include retaining, repairing, and replacing the roof cornices if previously removed.

(d) Flat roofs must be enclosed by a parapet that screens mechanical equipment from view by pedestrians at street level.

(e) The height of the parapet shall not exceed 1/3 of the height of the supporting wall and should not exceed a maximum height of six feet. Such parapet shall not be of a constant height for a distance of greater than 150 feet.

(f) Green roofs and solar panels are encouraged. Solar panels shall be at the same slope of the roof. Otherwise they should be located at the rear of the building or on the ground (See Figures 152.560.22 through 152.560.23).

### ***Examples of Roof Options (Figures 152.560.15 through 152.560.18)***

***Figure 152.560.15***

***Figure 152.560.16***

**Figure 152.560.17****Figure 152.560.18****Examples of Roof Overhang (Figures 152.560.19 through 152.560.20)****Figure 152.560.19****Figure 152.560.20**

**Figure 152.560.21****Figure 152.560.22****Figure 152.560.23****Examples of Solar Panels (Figures 152.560.24 through 152.560.25)**

**Figure 152.560.24****Figure 152.560.25**

(f) *Evidence of compliance.* The Town Planner shall require such evidence of ability to comply with the building design standards as set forth in this article as the Town Planner deems necessary prior to issuance of a certificate of zoning compliance .

(g) *Appeal* .Appeals of the Town Planner's interpretation of this subchapter shall be made to the Board of Adjustment.

(Ord. 2005-O3, passed 3-15-2005)

### **§ 152.561 COMPATIBILITY STANDARDS.**

The operational compatibility standards in this article shall apply to all uses and shall be in addition to all other requirements of the UDO.

(A) *Glare* .Glare from arc welding, acetylene torch cutting, or similar processes shall be contained within a completely enclosed and vented building .

(B) *Heat and humidity.* Uses, activities, and processes shall not produce any unreasonable, disturbing, or unnecessary emissions of heat or humidity at the property line of the site on which they are situated, which cause material distress, discomfort, or injury to a reasonable person .

(C) *Noise.* No activity or operation subject to this UDO shall exceed the maximum permitted sound as allowed within the town's Code of Ordinances, Chapter 92: Nuisances; Health, § 92.01 Noise Control.

(D) *Vibration.* No use, activity, or process shall produce vibrations that are perceptible without instruments at the property line for more than three minutes in any one hour of the day between the hours of 7:00 a.m. and 10:00 p.m., or for more than 30 seconds in any one hour between the hours of 10:00 p.m. and 7:00 a.m.

(E) *Operational/physical compatibility.* The following conditions may be imposed upon the approval of any development to ensure that it is compatible with existing uses, including but not limited to, restrictions on:

(1) Hours of operation and deliveries;

(2) Location on a site of activities that generate potential adverse impacts on adjacent uses, such as noise and glare ;

(3) Placement of trash receptacles;

- (4) Location of loading and delivery areas;
- (5) Location, intensity, and hours of illumination;
- (6) Placement and illumination of outdoor vending machines, telephones, ATMs, and similar outdoor services, structures, and activities;
- (7) Additional landscaping and buffering;
- (8) Height restrictions to preserve light and privacy and views of significant features from public property and rights-of-way ;
- (9) Preservation of natural lighting and solar access;
- (10) Ventilation and control of odors and fumes; and
- (11) Dust-control paving.

(F) *Evidence of compliance.* The Town Planner shall require such evidence of ability to comply with appropriate performance standards, mitigation measures, and conditions as set forth in this article as the Town Planner deems necessary prior to issuance of a certificate of zoning compliance .

(Ord. 2005-O3, passed 3-15-2005) (Adopted 5-21-2013)



# Planning Board Agenda Item Submittal

---

Item to Be Considered: **Zoning Map and Table of Uses**

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

Prepared By: **Jennifer Ansell, Planner**

---

**Overview:** Follow-up discussion from our regular meeting on March 1<sup>st</sup>.

One of the items 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.

Additionally, we have previously discussed creating a commercial node at the intersection of Queens Creek Road and Highway 24, which relates to this discussion.

**Action Needed:** Discussion on the following:

- 1) Aligning the current Table of Uses and Zoning Map with the Land Use Plan Future Land Use designations; and
- 2) Whether or not commercial nodes should be added (Ex. Queens Creek Road and NC Highway 24; the Bailey Center).

**Attachments**

[Table of Uses](#)

[Zoning Map](#)

[Future Land Use Map](#)

Hybrid Zoning/FLU Map

**Table of Permitted/Special Uses/Conditional Zoning Districts (See Note 1, § 152.180)**

PERMITTED/ SPECIAL USES	ICS <sup>a</sup>	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD <sup>b</sup>	MHP	MHS	MHS- 15SF	MHS-O <sup>c</sup>	O/I	G/E	B1 <sup>d</sup>	B2 <sup>e</sup>	B3 <sup>f</sup>	B2HDO <sup>g</sup>	MI <sup>h</sup>
Accessory uses/structures incidental to any permitted use (see Note 7, § 152.180)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory structures located on a double frontage lots		S	S	S	S	S	S	S	S	S	S	S	S	S	S							
Adult care home									S													
Adult establishments (less than 500 sq. ft.) (see Note 8, § 152.180)																						P
Agricultural supply sales	422910																	S				
Airports (see § 152.180, note 38)	488119		P																			S
Alcoholic beverages, packaged retail sales only											S							S				
Ambulance service/rescue squad	621910		S	S			S	S	S	S		S	S		S			S				S
Amusement indoor																		S	S			
Amusement outdoor																		S	S			
Animal aquaculture	112519		P																			
Animal medical care (no kennels)	541940		S													S		S				
Antique sales	453310																	P	P	P	P	
Apparel & accessory sales	448150										P							P	P	P	P	
Appliance store	443111																	P	P	P		
Art gallery/sales																		P	P	P	P	
Assembly hall (gymnasiums, stadiums)	713940		S								S					S		S	S	S		P
Assisted living residence	623110		S								S					S		S	S			
Auction sales																		S	S	S	S	
Automobile graveyard																						
Automobile service stations, general (see Note 9, § 152.180)											P							P				
Automobile/trailer/truck sales and rental (under 26,000 gross vehicle weight)	532111																	S				S
Automobile washing	811192																	P				P
Bakeries & confection shops	422420										P							P	P	P	P	
Banks, savings and loans financial activities											P					P		P	P	P		
Bar, night club, tavern	722410																	S		S	S	
Barber and beauty shops	812111										P					P		P	P	P	P	
Bed and breakfast accommodations, & inns (see Note 29, § 152.180)				S		S										S			S	S	S	
Bicycle, sales, repair & rentals											P							P	P	P	P	
Blacksmith or horse shoeing services	541940		P																			
Boat and automobile including accessories (retail sales & service)	441222																	S	S	S	S	
Boat construction (wood) (see § 152.180, note 38)																					P	P
Boat/kayak rental and similar watercraft																		P	P		P	
Boat ramp		S																S	S			P

PERMITTED/ SPECIAL USES	ICS*	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD <sup>b</sup>	MHP	MHS	MHS- 15SF	MHS-O <sup>c</sup>	O/I	G/E	B1 <sup>d</sup>	B2 <sup>e</sup>	B3 <sup>f</sup>	B2HDO <sup>g</sup>	MI <sup>h</sup>
Bona fide farms			P																			P
Bookstore	451211															P		P	P	P	P	
Bottling plants (see § 152.180, note 38)																						P
Building components and construction materials manufacturing (see § 152.180, note 38)	326199																					P
Building supplies	444190																	S				p
Bulk grain storage (see § 152.180, note 38)	493130		P																			P
Bulk mail and packaging																		S	S	S		P
Bus terminal	488490																	S				
Cabinet/woodworking shop	337110																					P
Campgrounds & travel trailer parks (see note 23, § 152.180)		S	S																			
Carnivals and fairs	711190		S															S				
Catering establishments	722320																	P				P
Cemetery, public	812220		S															S				
Churches & related uses	813110		S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S			
Clothing alteration and repair																		P	P	P		
Clothing and textile manufacturing (see § 152.180, note 38)	313312																					P
Club or lodge, public or private (see note 25, § 152.180)			S				S	S		S						S		S	S	S	S	
Cluster development			P	P	P	P	P	P	P	P								S	S	S	S	
Cold storage (see § 152.180, note 38)	493120																	S	S			P
Colleges, universities & related uses	611310		S														P	S	S			
Commercial storage, flammables fluids & gases (see note 10, § 152.180) (see § 152.180, note 38)																		S				S
Communication or broadcasting facility	513112																	P				P
Computer sales	443120																	P	P	P		
Computer services	541511																	P	P	P		P
Concealed wireless telecommunications facility			S								S					S	S	S	S	S	S	S
Conference center/retreat facilities	813110																	P	P			
Contractors office/equipment storage	234990																					P
Cosmetics manufacturing (see § 152.180, note 38)	325620																					P
Country clubs, private or public	713910		S	P			P	P	P	P	P											
Courier service	492110																	P				P
Court yard mall																		P	P	P		
Crating services	488991																	P				P
Crude petroleum & natural gas (see § 152.180, note 38)	211111																					S
Dairy products (sales)	422430										P							S		P	P	P
Dairy products (processing)																						P

PERMITTED/ SPECIAL USES	ICS*	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD <sup>b</sup>	MHP	MHS	MHS- 15SF	MHS-O <sup>c</sup>	O/I	G/E	B1 <sup>d</sup>	B2 <sup>e</sup>	B3 <sup>f</sup>	B2HDO <sup>g</sup>	MI <sup>h</sup>
Day care facility (adult)			S								S					S		P	P	S		
Day care facility (child)	624410		S	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S		
Department stores	452110																	P		P		
Detention facilities																						
Distribution centers (see § 152.180, note 38)	221																	P				P
Docks, piers (commercially operated, with or without launching facilities)																		S	S		S	
Docks, piers (not commercially operated, with or without launching facilities)		P	P	P	P	P	P	P	P	P	P	P	P		P	P		P	P		P	
Docks, piers (government operated with or without launching facilities)		P	P	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P	
Drug store	446110																	P	P	P	P	
Drugs, manufacture of (see § 152.180, note 38)	422210																					P
Dry cleaning & laundry service (see note 11, § 152.180)	812323										P							P	P	P		
Dwelling, manufactured home (see note 12, § 152.180)	531110		P									P	P	P	P							
Dwelling, modular home			P	P	P	P	P	P	P	P	P		P		P	P						
Dwelling, multi-family and condominiums (see notes 22 and 37, § 152.180)	233220			S							S					S		S	S	S		
Dwelling located over a business (see notes 13 and 37, § 152.180)																		P	P	P	P	
Dwelling, single-family	233210		P	P	P	P	P	P	P	P	P		P	P	P	S		S	S			
Dwelling, three/four family					S	S	S	S		S								S				
Dwelling, townhouses (see note 37, § 152.180)				S							S							S	S	S		
Dwelling, two-family/ duplex	233220			P	S						P							S	S	S	S	
Electrical appliance manufacturing (see § 152.180, note 38)	334																					P
Electrical appliance sales and service	443111																	S				P
Electrical industrial apparatus, assembly (see § 152.180, note 38)																						P
Electrical industrial apparatus, manufacturing (see § 152.180, note 38)																						P
Electrical machinery manufacture and/or assembly (see § 152.180, note 38)																						P
Electronic component assembly operations (see § 152.180, note 38)																						P
Electronic gaming operations (see note 28, § 152.180)																		S	S			
Emergency shelter	624221		P	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P	P
Employment/personnel agency	561310																	P	P	P		P
Exterminating services																		P				P

PERMITTED/ SPECIAL USES	ICS*	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD <sup>b</sup>	MHP	MHS	MHS- 15SF	MHS-O <sup>c</sup>	O/I	G/E	B1 <sup>d</sup>	B2 <sup>e</sup>	B3 <sup>f</sup>	B2HDO <sup>g</sup>	MI <sup>h</sup>
Fabric or piece goods store	451130																	P		P	P	
Fabrication shops (wood, metal, upholstery, fabric, plastics, etc.)	332312																	P				P
Family care home	623990															P		P				
Family foster home							S	S	S	S	S											
Farm equipment and engine repair	811310		P															P				P
Farm machinery sales and service	811310		S															P				P
Feed and grain sales and storage	422910		S																			P
Fertilizer wholesale and retail sales	422910		S																			P
Fiber manufacturing (see § 152.180, note 38)	325221																					P
Financial institutions (bank, savings and loan, credit unions)	522120																	P	P	P		
Fire station	922160		P	P	S	S	P	P	S	P	P	P	P	P	P	P	P	P	P	P		P
Fish mongers/sales (no outside storage)																		P	P		S	
Fishing piers (public/commercial)																		S	S		S	S
Flea markets	453310																	S				
Floor coverings, sales	442210																	P	P	P		P
Florist shops	453110										P							P	P	P	P	
Flour and feed mills (see § 152.180, note 38)	311211																					P
Food processing/production facilities (see § 152.180, note 38)	233310																					P
Forestry	115310	P	P																			
Fuel sales	422710																	S	S			P
Funeral homes and mortuaries	812210					S										S		S				S
Furniture and fixtures assembly (see § 152.180, note 38)	337215																					P
Furniture and wood product manufacturing (see § 152.180, note 38)	337122																					P
Glass, sales	327212																	P	P	P		P
Golf course (see note 14, § 152.180)	713910		P	P		S	P	P		P	S						S	S	S	S		
Golf course, miniature	713990		S	S			S	S		S	S							S	S	S		
Golf driving range (see note 14, § 152.180)	713990		S	S			S	S		S	S							S	S	S		
Government offices, buildings and facilities																S	S	S	S	S		
Grain mill products (see § 152.180, note 38)	311230																					P
Greenhouse operations			P															P				P
Grocery and convenience stores	445110																	S	S	S	S	
Hardware, paint, & garden supply sales	444130										P							P	P	P	P	P
Hatcheries	112340	P	P																			
Heating, equipment and plumbing fixtures, sales	333414																	S	S	S		P
Heavy equipment manufacturing (see § 152.180, note 38)																						P

PERMITTED/ SPECIAL USES	ICS*	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD <sup>b</sup>	MHP	MHS	MHS- 15SF	MHS-O <sup>c</sup>	O/I	G/E	B1 <sup>d</sup>	B2 <sup>e</sup>	B3 <sup>f</sup>	B2HDO <sup>g</sup>	MI <sup>h</sup>
Home furnishings & appliance sales	442299										P							S	P	P		P
Home occupations (see note 15, § 152.180)			S	S	S	S	S	S	S	S	P	S		S	S	P		S	S	S	S	
Horse shows	711310		P																			
Hospitals	622110		S													P	P	P	S	S	S	
Ice production	312113																					P
Industrial manufacturing the assembly, fabrication, finishing, manufacturing, packaging or processing of goods (see § 152.180, note 38)																						P
Industrial sales & repair of equipment	421830																	S				P
Industrial supplies and equipment services	811310																					P
Jails (see note 16, § 152.180)																						
Jewelry manufacturing (see § 152.180, note 38)	339911																	P				P
Kennels, breeding/boarding (not related to veterinarian's office)			S													S		S				S
Laboratory operations, medical or dental (see § 152.180, note 38)	621512 621511														P		S				P	
Laboratory research (see § 152.180, note 38)	541380															S	S	S				P
Landscape and horticultural services	561730		P															P				P
Laundromat	812310																	S	S	S	S	
Law enforcement station	541110				S											S	S	S	S			
Leather and leather products (tanning) manufacturing (see § 152.180, note 38)	316110																					P
Library	514120		S	S		S	S	S		S	S					S	S	S	S	S		
Livestock and horse boarding			P																			
Livestock, sales & auction			S																			
Locksmith, gunsmith	561622																	P				P
Machine tool manufacturing (see § 152.180, note 38)	333515																	S				P
Manufactured home park but excl. any manufactured home sales (see note 21, § 152.180)	531190											S										
Manufacture of millwork, plywood and veneer (see § 152.180, note 38)	337212																					P
Marinas (greater than 10 boat slips)																		S	S	S	S	
Medical, dental and surgical equipment manufacturing (see § 152.180, note 38)	421450																					P
Metal fabrication facilities (see § 152.180, note 38)																						P
Mixed use																S		S	S	S	S	
Mobile construction site offices, temporary (see note 17, § 152.180)	531110		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Mobile construction site containers (see note 34, § 152.180)			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Mobile home subdivision														P								
Monument sales	327991																	P				P

PERMITTED/ SPECIAL USES	ICS <sup>a</sup>	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD <sup>b</sup>	MHP	MHS	MHS- 15SF	MHS-O <sup>c</sup>	O/I	G/E	B1 <sup>d</sup>	B2 <sup>e</sup>	B3 <sup>f</sup>	B2HDO <sup>g</sup>	MT <sup>h</sup>
Mooring fields		P																S	S		S	
Motels/hotels/condotels	721110															S		P	S	S	S	P
Motor vehicle assembly (see § 152.180, note 38)																		S				P
Motor vehicle sales (new and used)																		P				
Motorcycle sales	441221																	P				
Multi-unit assisted housing with services									S							S						
Municipal parking lots		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Municipal public facilities		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Municipal utility stations and substations		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Municipal utility workshops and storage, and municipal water towers		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P
Museums & natural science displays and exhibits																	P	P	P	P	P	
Musical recording sales	451220																	P	P	P	P	
Musical instrument sales/ instruction	421990																	P	P	P	P	
Newspaper offices & incidental printing																P		P	P			
Newsstand	451212										P							P	P	P	P	
Nurseries (plants)	444220		P															P	S			
Nursing home				S			S	S		S	S							S	S			
Off-street parking and loading facilities (in accordance with §§ 152.290 - 152.296)	812930		P	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P	
Office for business, professional, or personal services											P					P		P	P	P	P	P
Outdoor fruit and vegetable markets	445230		P															P		P	P	
Outdoor market, municipal																		P	P		P	
Paper goods manufacturing (see § 152.180, note 38)	322121																					P
Parking lots (commercial)			S	S	S	S	S	S	S	S		S	S		S		P	P	S	P	S	
Parks and playgrounds, public	712190	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parks and playgrounds, semi- public (see note 26, § 152.180)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Pawnshop or used merchandise store	522298																		S			
Pedestrian walkways, waterfront		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P
Pest or termite control services	561710																	S				P
Pet cremation																						P
Petroleum products, storage and/or distribution (see note 10, § 152.180) (see § 152.180, note 38)	812220																	S				S
Photography, commercial	422720										P					P		P	P	P	P	
Portable storage containers or structures (see note 32, § 152.180)	333315															P	P	P	P			P
Portland cement mixing plants (see § 152.180, note 38)	327310																					S
Post office	491110										P					P		P	P	P		

PERMITTED/ SPECIAL USES	ICS <sup>a</sup>	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD <sup>b</sup>	MHP	MHS	MHS- 15SF	MHS-O <sup>c</sup>	O/I	G/E	B1 <sup>d</sup>	B2 <sup>e</sup>	B3 <sup>f</sup>	B2HDO <sup>g</sup>	MT <sup>h</sup>
Pottery and related products, sales	327112																	P	P	P	P	
Precision instrument manufacturing (see § 152.180, note 38)	332212																	S				P
Printing and reproduction establishments	511130																	P	P	P		P
Private recreation club			S	P	S	S	P	P	S	P	P	S	S	S	S			P				
Processing establishments (see § 152.180, note 38)																						
Production of glass products from purchased glass (see § 152.180, note 38)	327215																					P
Production of manufactured housing and wood buildings (see § 152.180, note 38)	421390																					P
Public and private utility facilities (see note 27, § 152.180)																					S	
Public utility stations & substations			S	S			S	S	S	S	S	S	S	S	S	S	P	S			S	S
Public utility workshops & storage					S												P	S				S
Radio & television studio activity without associated tower											P					P		P				P
Radio & television transmitting	513112 513120	P	P	P	P	P	P	P	P	P		P	P		P		P	P				P
Recreation or amusement conducted for profit, not otherwise listed											P					P		S	S	S		
Recreational vehicles (see note 18, § 152.180)				P	P	P	P	P	P	P		P	P		P							
Recreational vehicle sales	441210																	S				
Refrigerated warehousing (see § 152.180, note 38)	493120																	S				P
Rehabilitation facility			P	P												P						
Remote off-street parking																S		S	S	S	S	
Research facilities, including manufacturing incidental to same (see § 152.180, note 38)																		S				S
Residential child care facility									S													
Residential family child care home			P	P	P	P	P	P	P	P		P	P	P	P							
Restaurants (including take- out only establishments)	722110										S							S	S	S	S	
Retail fish markets																		S	S		S	
Retail merchandise sales (greater than 5,000 sq. ft.)											S							S	S			
Retail merchandise sales (less than 5,000 sq. ft.)											P							P	P	P	P	
Retail or service, not otherwise listed																		S				
Riding school or commercial stable	713990		P																			
Salvage and recovery yards (see note 19, § 152.180)																						
Sanitary landfill	562212		S																			
Sawmill or planing mills	321113		S																			
School, business or commercial	611410															P	P	P	S			
School, elementary or secondary & related uses (see note 36, § 152.180)	611110		S	S			S	S	S	S	S					S	S	S	S			

PERMITTED/ SPECIAL USES	ICS <sup>a</sup>	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD <sup>b</sup>	MHP	MHS	MHS- 15SF	MHS-O <sup>c</sup>	O/I	G/E	B1 <sup>d</sup>	B2 <sup>e</sup>	B3 <sup>f</sup>	B2HDO <sup>g</sup>	MT <sup>h</sup>
School, trade or vocational	611210															S	S	S	S			P
Service establishments (see note 24, § 152.180)																				P	P	
Shopping centers	233320																	P	S	P		
Sign painting and fabrication shop	541890																	S				P
Sign, principal use		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solar farms																						S
Stone manufacturing facility primarily engaged in cutting, shaping and finishing marble, granite and other stone (see § 152.180, note 38)																						P
Storage or baling of scrap paper, iron, bottles, rags, or junk	333999																					P
Storage, warehouse, including mini storage	493110																	S				P
Swimming pools (private/ noncommercial) (see note 20, § 152.180)	611620		P	P	P	P	P	P	P	P		P	P	P	P			P				
Swimming pools (public/ commercial) (see note 20, § 152.180)			S	S			S	S		S	S	S		S			S	P	S			
Tattoo/piercing parlor																						
Taxicab office or stand																	S	S			S	S
Telecommunication towers	234920		S													S	S				S	S
Telephone exchange operations											S					S		S	S			P
Temporary residential storage units (see note 33, § 152.180)			P	P	P	P	P	P	P	P	P	P	P	P	P							
Textile manufacturing (see § 152.180, note 38)	313210																					P
Theaters, indoor											P					P		P	S	P		
Theaters, outdoor																		P				
Therapeutic massage business																		S	S			
Tire recapping	326212																	S				P
Tire sales	441320																	S				
Tires and inner tubes manufacturing (see § 152.180, note 38)	421130																					P
Tobacco products manufacturing or processing (see § 152.180, note 38)	312229																					P
Tobacco sales (retail)																		S	S			
Tobacco warehousing (see § 152.180, note 38)																						P
Tour guide/charter services																	P	P	P		P	
Travel agency	561510										P					P		P	P	P	P	
Truck terminal activities (see § 152.180, note 38)	447190																					P
Truck/trailer rentals (over 26,000 gross vehicle weight)	811111																					P
Trucking, transfer companies, and heavy equipment terminals (see § 152.180, note 38)	488490																					P

PERMITTED/ SPECIAL USES	ICS <sup>a</sup>	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD <sup>b</sup>	MHP	MHS	MHS- 15SF	MHS-O <sup>c</sup>	O/I	G/E	B1 <sup>d</sup>	B2 <sup>e</sup>	B3 <sup>f</sup>	B2HDO <sup>e</sup>	MT <sup>h</sup>
Vehicle storage lot (less than 5,000 sq. ft.)																		P				
Veterinary office/hospitals	541940																	S	S			
Warehouse (general storage, enclosed) (see § 152.180, note 38)	493110																	S				P
Water towers			S	S	S	S	S	S	S	S		S	S		S		S	S	S			S
Wedding chapel																					P	
Welding shops	811310		S															S				P
Wholesale fish sales																		S	S			P
Wholesale operations not otherwise listed																		S	S			P
Windmills			S			S												S				S
Wood products, manufacture (see § 152.180, note 38)	421990																					P
Yacht, sailing, and fishing clubs	713930		S	S			S	S	S	S			S		S			P	P		P	
<sup>(a)</sup> See § 152.180(B) Note 2. <sup>(b)</sup> See § 152.180(C) Note 3. <sup>(c)</sup> See § 152.180(D) Note 4. <sup>(d)</sup> See § 152.180(E), (F) Notes 5, 6. <sup>(h)</sup> See § 152.180(LL) Note 38.																						

(Ord. passed 3-15-2005) (Amended 6-08-2005; Am. Ord. 2005-O8, passed 7-19-2005; Am. Ord. 9-20-2005; Am. Ord. 2006-11, passed 4-18-2006; Am. Ord. passed 6-20-2006; Am. Ord. passed 9-18-2007; Am. Ord. 2008-O4, passed 2-19-2008; Am. Ord. 2009-O6, passed 4-21-2009; Am. Ord. passed 1-19-2010; Am. Ord. 2010-O6, passed 2-16-2010; Am. Ord. 2010-O14, passed 5-18-2010; Am. Ord. passed 6-15-2010; Am. Ord. passed 11-16-2010; Am. Ord. passed 1-18-2011; Am. Ord. passed 6-21-2011; Am. Ord. passed 7-19-2011; Am. Ord. 2011-O26, passed 8-16-2011; Am. Ord. passed 2-19-2013; Am. Ord. 2013-O9, passed 3-19-2013; Am. Ord. passed 5-21-2013; Am. Ord. passed 6-12-2013; Am. Ord. 2014-O9, passed 4-15-2014; Am. Ord. passed 1-26-2016; Am. Ord. passed 3-22-2016; Am. Ord. passed 7-26-2016; Am. Ord. 2016-O11, passed 9-13-2016; Am. Ord. 2016-O14, passed 10-25-2016; Am. Ord. passed 11-22-2016; Am. Ord. 1-10-2017; Am. Ord. passed 2-28-2017; Am. Ord. 2019-O4, passed 4-23-2019)

## § 152.179 TABLE OF PERMITTED/SPECIAL USES.

PERMITTED/SPECIAL USES	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD <sup>b</sup>	MHP	MHS	MHS- 15SF	MHS- O <sup>c</sup>
Accessory structures located in the front yard on lots two (2) acres or greater, flag lots, or on a double frontage lot	S	S	S	S	S	S	S	S	S	S	S	S	S	S

## § 152.180 NOTES TO THE TABLE OF PERMITTED/SPECIAL USES/CONDITIONAL ZONING DISTRICTS (CD).

(G) *Note 7. Accessory uses and structures.*

- 2) No accessory building or use may be erected or installed on any lot where a principal building does not exist. No lot shall have in excess of two accessory buildings. Accessory building number on property is exempt if property is identified as having a bonafide farm tax identification number. No accessory structure or swimming pool is allowed in the front yard or on a double frontage lot unless authorized by special use permit is obtained.

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

(F) *Note 6. Accessory structures.*

- 1) Accessory structure setbacks shall also apply to the placement of swimming pools.
- 2) No accessory building, or use, or swimming pool shall be erected in any front yard, within any required side 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):-
- 3) No accessory building or use shall be erected within eight feet of any side lot line.
- 4a) 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 (2) 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.

# § 152.179 TABLE OF PERMITTED/SPECIAL USES.

(F) ~~All new nonresidential and mixed use development and expansions or alterations of any such existing building where the expansion or alteration exceeds 50% of the building value as assessed for real property taxes considered permitted by right and referred to as a commercial use shall be reviewed under §§ 152.210 through 152.211, Special Uses.~~

Table of Permitted/Special Uses /Conditional Zoning Districts (See Note 1, § 152.180)

PERMITTED/ SPECIAL USES	ICS <sup>a</sup>	C O N	R A	R 6	R6 SF	R8 SF	R10 SF	R15 SF	R20 SF	R40 SF	PUD <sup>b</sup>	MHP	MHS	MHS- 15SF	MHS -O <sup>c</sup>	O /I	G / E	B 1 <sup>d</sup>	B 2 <sup>e</sup>	B 3 <sup>f</sup>	B2H DO <sup>g</sup>	MI <sup>h</sup>
Bona fide farms		<u>P</u>	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P
Family care home (see §152.180, note 39)	623990			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P		P				
Temporary family health care structures (see §152.180, note 40)			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>		<u>S</u>	<u>S</u>			
Wireless telecommunication towers-facilities (see §152.180, note 41)	234920		S													S	S	<u>S</u>			<u>S</u>	S

- 2) Any person licensed and/or approved to sell agricultural or horticultural products, handmade products, artwork, or other products within a municipally-operated public market; or
- 3) Push cart and food truck vendors ~~if same are allowed in a specific~~ where allowed by the underlying zoning district ~~or otherwise exempted~~.

### § 112.03 PEDDLERS AND ITINERANT SALESMEN PROHIBITED.

No peddler or itinerant salesman shall be permitted to engage in any of the activities described in this chapter upon any private residence and the premises thereof, unless such peddler or itinerant salesman has been requested or invited to do so by the owner or occupant of the private residence and premises. ~~nor shall any such~~

No peddler or itinerant salesman shall be permitted to engage in any of the activities described in this chapter upon any public park, street, highway, alley, sidewalk, or other public way, or upon any property owned or leased ~~as lessee~~ by the town ~~unless otherwise specifically exempted~~.

Violation of this chapter shall be a misdemeanor.

### § 112.04 NON-PROFIT AND SERVICE ORGANIZATIONS.

Recognized non-profit and service organizations are exempt from this chapter.

### § 112.05 PEDDLERS AND ITINERANT SALESMEN PROHIBITED: EXCEPTIONS.

- A) ~~That p~~ Peddlers or itinerant salesmen duly authorized by the sponsoring agency of any event or exhibition show under town's approval.
- B) Mobile ice cream vendor with certificate of convenience and necessity issued through the Police Chief or his or her designee following approval by the Board of Commissioners; ~~or~~
- C) ~~Special events or sales conducted by businesses on their property not to exceed three (3) days in duration.~~

## CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE

### § 152.016 DEFINITIONS OF BASIC TERMS.

**FOOD SALES, FOOD TRUCK.** Sales of food and/or beverages from a mobile food truck, trailer, or other vehicle.

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

PERMITTED/SPECIAL USES

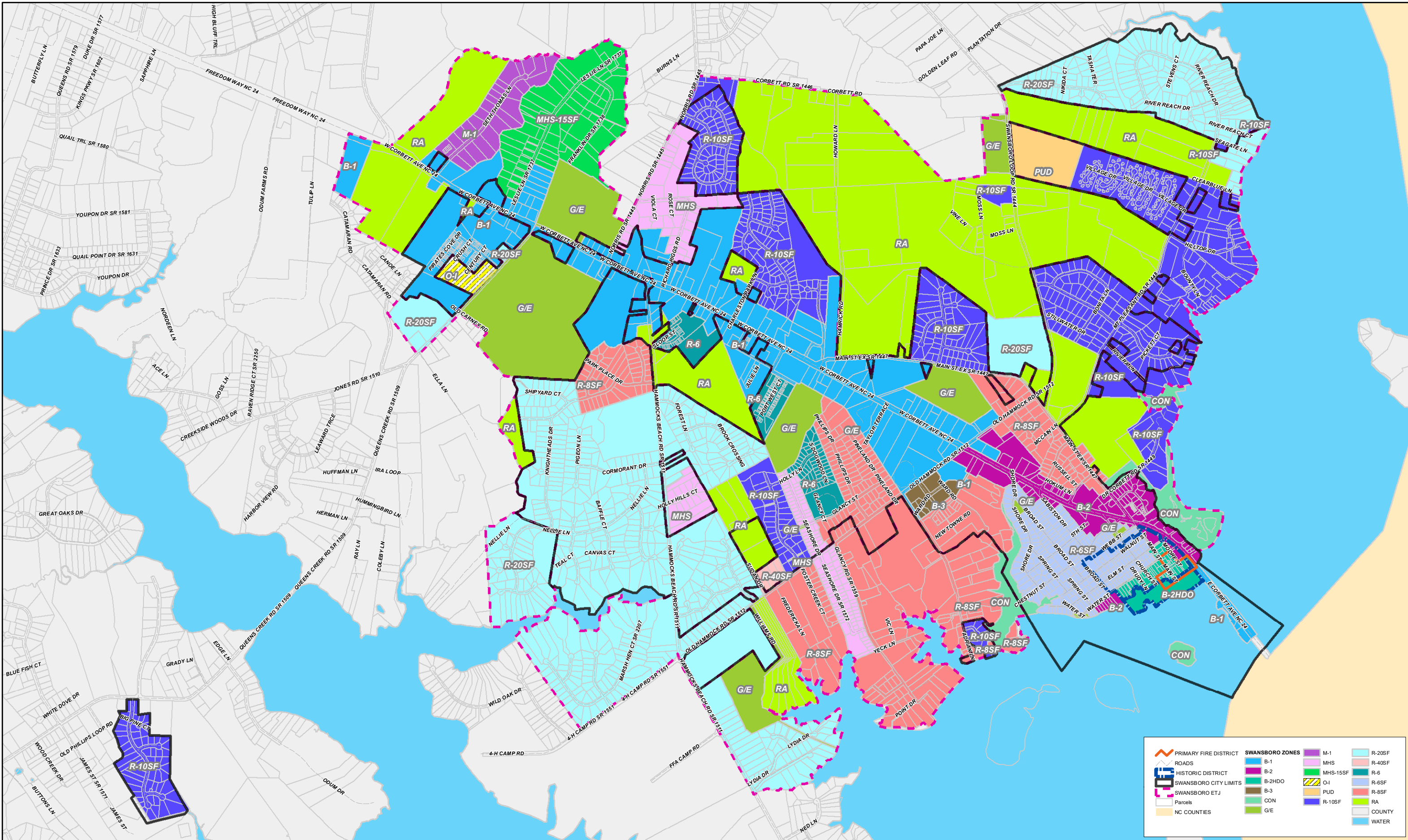
B1 B2 B3 MI

**FOOD SALES, PUSH CART/FOOD TRUCK (see Note 30)**

P P P P

### § 152.180 NOTES TO THE TABLE OF PERMITTED/SPECIAL USES/CONDITIONAL ZONING DISTRICTS (CD).

(DD) Note 30. Food sales, push cart/food truck. ~~Deleted when amended.~~ A zoning permit is required prior to the establishment of a push cart or food truck on any property within the



# SWANSBORO ZONING MAP

PRODUCED BY ONSLOW COUNTY GIS

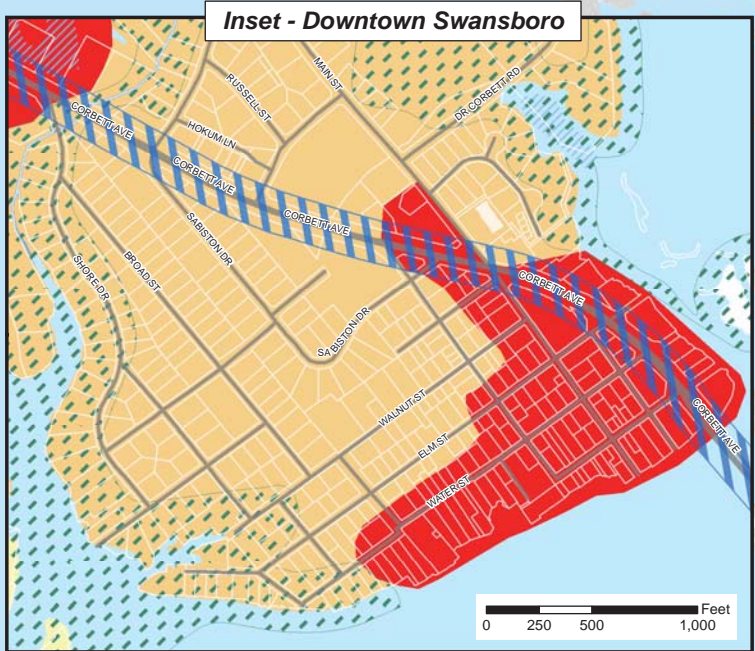
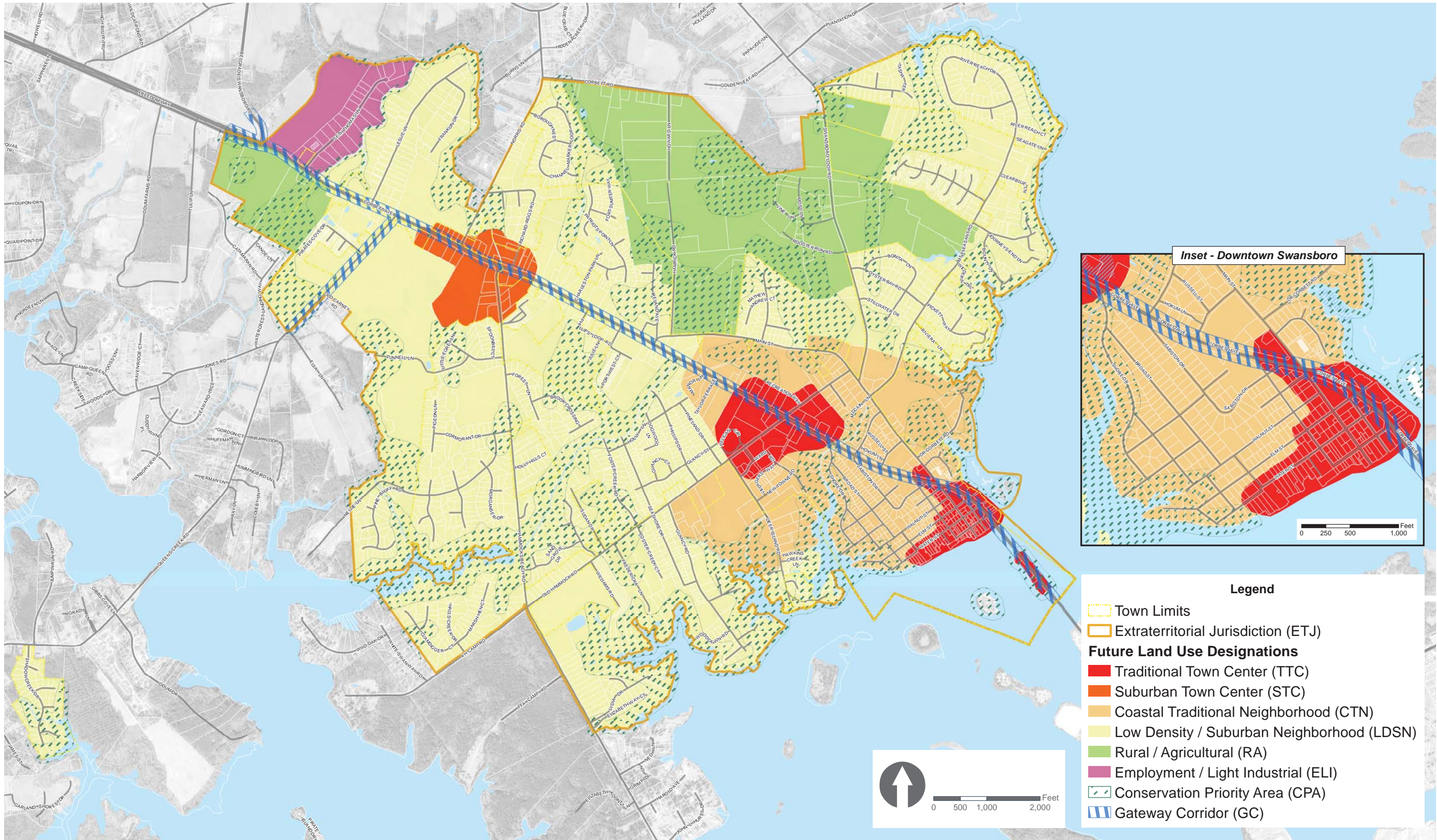
Date: 1/28/2020

THIS MAP IS INTENDED FOR REFERENCE ONLY.  
ALL DIMENSIONS ARE APPROXIMATE.  
AS PER NORTH CAROLINA G.S. 132-10, THIS MAP IS NOT TO BE  
RESOLD OR OTHERWISE USED FOR COMMERCIAL PURPOSES.

Document Path: X:\SWANSBORO\_ZONING\_11x17.mxd

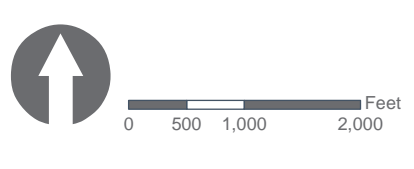


ZONING INFORMATION PROVIDED  
BY MUNICIPALITY. ONSLOW COUNTY  
GIS TAKES NO RESPONSIBILITY FOR  
ACCURACY OF ZONING INFORMATION.



**Legend**

- Town Limits
- Extraterritorial Jurisdiction (ETJ)
- Future Land Use Designations**
  - Traditional Town Center (TTC)
  - Suburban Town Center (STC)
  - Coastal Traditional Neighborhood (CTN)
  - Low Density / Suburban Neighborhood (LDSN)
  - Rural / Agricultural (RA)
  - Employment / Light Industrial (ELI)
  - Conservation Priority Area (CPA)
  - Gateway Corridor (GC)





1 inch = 125 feet

# Light Industrial / Employment Landuse & Zoning Map

Produced by Onslow County GIS

Date Printed: 10/1/2020 11:31 AM

This map is intended for reference only. All dimensions are approximate. As per NCOS 132-10, this map is not to be relied on otherwise used for commercial purposes.



Aerial Flown February 2018