

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

October 5, 2021

Tuesday, 5:30 PM

***Regular Meeting Zoom Link: <https://us02web.zoom.us/j/86082103395>**

1. Call to Order

2. Minutes

- A. May 17, 2021, Special Meeting
- B. June 1, 2021, Regular Meeting
- C. July 19, 2021, Special Meeting

3. Business

Text Amendment – Parcel Exemption (Food Trucks)

At the Board of Commissioners July 26, 2021, Regular Meeting, they asked for a Planning Board recommendation on an exemption for the outparcel (parcel # 050965) in front of Food Lion but not an amendment to the Land Use Pan which was more in depth.

Action Needed: Recommend approval or denial of an amendment to Section 152.180, NOTES TO THE TABLE OF PERMITTED/SPECIAL USES/CONDITIONAL ZONING DISTRICTS (CD) of the Unified Development Ordinance to an exemption to Note DD.

4. Planning Board Program of Work Review

Review the Program of Work and establish a timeline for completion of remaining items.

5. Chairman/Board Thoughts/Staff Comments

6. Public Comments

7. Adjournment

TOWN OF SWANSBORO
PLANNING BOARD
SPECIAL MEETING MINUTES
MAY 17, 2021

Call to Order

The meeting was called to order at 5:41 pm. Board members in attendance were Michael Favata, Christina Ramsey, Scott Chadwick, Jeff Conaway, and Brad Buckley. The board had 1 vacancy and Ed McHale was on a leave of absence and was excused.

It was noted that member, Brad Buckley attended 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.

Unmaintained Properties Presentation and Discussion

On April 19, 2021, the Board reviewed the Building Design and Compatibility standards of the ordinance to address the two related Land Use Plan program of work items. Staff was asked to prepare an inventory of “unmaintained” properties along Highway 24.

Additionally, the 2018 Economic Strategic Plan Includes Action Items within the Implementation Plan to “Produce a list of available commercial/industrial buildings and sites that includes details such as location, zoning, allowed uses, size, utilities, cost, and contact information”. Staff has combined this effort to further implementation of the Strategic Plan.

Planner Ansell reviewed the list of unmaintained/for sale/vacant properties. Board members inquired on specific properties and thanked Mrs. Ansell for her hard work.

Land Use Plan Program of Work Update and Discussion

Mrs. Ansell shared that there would be an upcoming Special Use Permit to be heard and requested the board direction on the next items to address.

The board reviewed the items on the Plan Program of Work and determined that Stormwater control measures and Wetland preservation were items to concentrate on.

Adjournment

On a motion by Mrs. Ramsey, seconded by Mr. Conaway the meeting adjourned at 6:26 pm.

**TOWN OF SWANSBORO
PLANNING BOARD
REGULAR MEETING MINUTES
JUNE 1, 2021**

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. Brad Buckley had contacted staff to advise he would be absent due to illness and Ed McHale was on a leave of absence and was excused. The board had 1 vacancy.

Minutes

On a motion by Mr. Conaway seconded by Mrs. Ramsey, the minutes for April 19, 2021 Special Meeting and the May 4, 2021 Regular Meeting were approved unanimously.

Business

Sherman Special Use Permit

Mrs. Ansell shared that William Sherman had applied for a Special Use Permit to allow an accessory structure in the front yard of his dwelling located at 177 Deer Island Road in Swansboro. The property is zoned R-8SF, is within the ETJ, and consists of 2.58 acres. A minor subdivision of the property was recorded in October of 2020; however, the property had not been split because a deed is required to be recorded to reference the newly recorded plat.

The Town amended the Unified Development Ordinance in August 2020 to allow accessory structures in the front yard on lots two acres or more with a special use permit.

In response to inquires form the Board, the following was clarified:

- If approved, a public hearing would be scheduled with the Board of Commissioners and abutting property owners would be notified along with posting the property, and advertising in the paper the date and time of the public hearing.
- Subdividing the property in the future would result in the accessory structure would become non-conforming until a primary structure was built on 179 Deer Island Rd.

The Board reviewed the proposed special use permit request and evaluated the application based on the criteria under Section 152.210 of the Unified Development Ordinance. The consensus was that the proposal met the criteria.

On a motion by Mr. Chadwick, seconded by Mrs. Ramsey, Sherman Special Use Permit was unanimously recommended for approval to the Board of Commissioners and was found consistent with the Comprehensive plan.

Special Meeting Schedule Discussion

The special meetings established to review the CAMA Land Use Plan Program of work were scheduled through the month of June. The board agreed to continue the special meetings for 3 more months and to cancel the July 6, 2021, regular meeting if no applications were received or other business scheduled.

Adjournment

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

**TOWN OF SWANSBORO
PLANNING BOARD
SPECIAL MEETING MINUTES
JULY 19, 2021**

Call to Order

The meeting was called to order at 5:30 pm. Board members in attendance were Scott Chadwick, Christina Ramsey, Michael Favata, and Jeff Conaway. Ed McHale was on a leave of absence and was excused. Brad Buckley was absent with no staff contact or reason provided. It was noted that his vote would be affirmative on all items. The board had one vacancy.

New Business

Commercial Maintenance Code

Maintenance Codes for other municipalities were provided previously for review. At the June regular meeting, the Board requested to discuss and draft a Commercial Maintenance Code as an amendment to the Town Code. Subsequently, the Town Attorney discovered that our Town Code contains provisions for commercial property maintenance. It was his opinion that the existing language was sufficient.

Mr. Chadwick referred to Sections 151.09, 151.10, and 151.99 of the Unified Development Ordinance (UDO) that dealt with allowed cleanup timeframes and penalties. He inquired specifically about the Swansboro Yacht Club and asked whether penalties were being assessed and why the cleanup appeared to be more than the 10-30 days the ordinance provided for. Town Manager Chris Seaberg informed that there were multiple nuisance violations and some involved legal action which added to the delay.

Mr. Favata inquired if there were other properties in town with similar violations. Manager Seaberg was not aware of any.

Mrs. Ramsey asked if language should be added for properties that experienced hurricane damage. Mr. Chadwick read Section 151.09 offering that it probably covered allowances for such damage but asked Manager Seaberg to seek legal opinion if the language was sufficient.

Clear-cutting Definition

At their June 28, 2021, regular meeting, the Board of Commissioners directed staff to work with the Planning Board to develop a definition for clear-cutting as related to the recently adopted amendments regarding land improvement permits and penalty.

Staff provided the following recommended amendments (highlighted):

§ 152.016 DEFINITIONS OF BASIC TERMS.

CLEAR-CUTTING. The alteration and/or improvement of a site when it results in the removal of regulated trees in excess of fifteen (15) per acre and causes the loss of forestland.

PROTECTED/REGULATED TREE. A tree measuring 18 inches at circumference-at-breast height.

There was some discussion on whether a percentage would be better versus an actual number of trees per acre.

On a motion by Mr. Conaway, seconded by Mrs. Ramsey the proposed amendments as written were recommended for adoption. The vote was unanimous.

Board Comments/Staff Comments

Mr. Conaway was hearing comments that the Town was over regulating properties. He felt the Town was trying to protect properties offering that more education was needed on the efforts to protect trees and the goals given through the Strategic Plan to support the CAMA Land Use Plan. Mrs. Ramsey noted that the Town Newsletter (if it were still produced) would be a great source for such education. Mr. Chadwick shared that the Board of Commissioners had gave direction to staff to utilize social media outlets versus a printed newsletter several years ago. He supported the printed version as well, noting that not everyone used social media.

Adjournment

The meeting was adjourned at 6:00 pm.



Planning Board Agenda Item Submittal

Item To Be Considered: **Text Amendment – Parcel Exemption (Food Trucks)**

Board Meeting Date: **October 5, 2021**

Prepared By: **Jennifer Ansell, Planner**

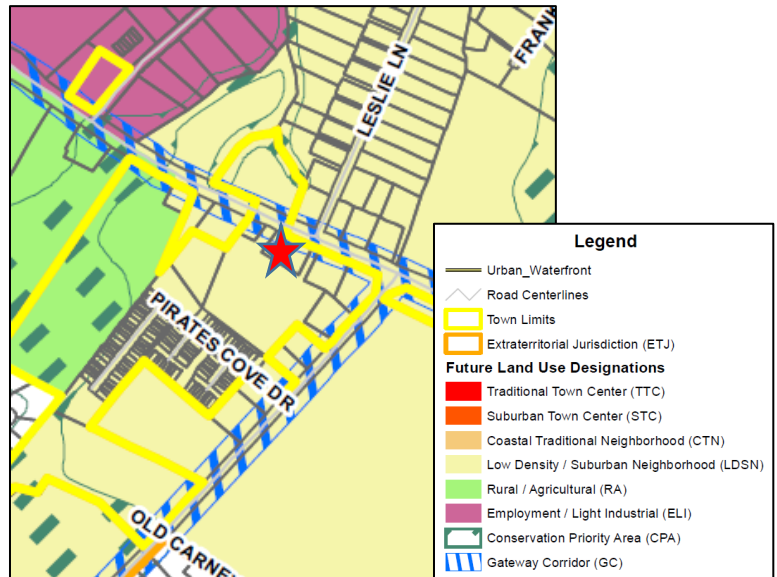
Overview:

At the Board of Commissioners July 26, 2021, Regular Meeting, they asked for a Planning Board recommendation on an exemption for the outparcel (parcel # 050965) in front of Food Lion but not an amendment to the Land Use Pan which was more in depth.

The Board of Commissioners approved the Food Truck Text Amendment Ordinance 2021-07, which permitted food trucks to set up with restrictions in the B1, B2, B3, and MI zoning districts that were additionally identified as Traditional Town Center, Suburban Town Center, or Employment/Light Industrial land use designation on the 2019 CAMA Land Use Plan on the Future Land Use Map. The parcel (# 050965) in front of Food Lion is in the B1 zoning district but is designated as Low-Density Suburban Neighborhood.



(Zoning Map)



(Future Land Use Map)

Action Needed: Recommend approval or denial of an amendment to Section 152.180, NOTES TO THE TABLE OF PERMITTED/SPECIAL USES/CONDITIONAL ZONING DISTRICTS (CD) of the Unified Development Ordinance to an exemption to Note DD.

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

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

Attachment: Draft Text Amendment Ordinance
Planning Board Statement of Consistency

ORDINANCE 2021-O_
AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
TO ALLOW FOOD TRUCK AND PUSH CART VENDORS

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

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

WHEREAS the Board of Commissioners finds that the proposed text amendment is consistent with the current Comprehensive Plan, and considers the action taken to be reasonable and in the public interest because it will allow for a variety of dining options for citizens and clarifies the existing requirements related to peddlers and itinerant salesman.

NOW BE IT ORDAINED by the Town of Swansboro Board of Commissioners that the Town Code of Ordinances, Unified Development Ordinance, and Fee Schedule are amended as follows:

TOWN OF SWANSBORO, NORTH CAROLINA
CODE OF ORDINANCES

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

(DD) Note 30. Food sales, push cart/food truck. A zoning permit is required prior to the establishment of a push cart or food truck on any property within the jurisdiction of the Town of Swansboro. The permit application must include the following information, documentation and acknowledgments by the vendor, and must be submitted at least three (3) business days prior to the vendor occupying the property:

- 1) List of the proposed location(s) of the cart/truck and duration for each location proposed. Vendors will be allowed in the zoning districts shown in the Table of Uses when the property is identified as being within the Traditional Town Center, Suburban Town Center, or Employment/Light Industrial land use designation as identified within the 2019 CAMA Land Use Plan on the Future Land Use Map; Additionally, an exemption is granted for vendor on the Food Lion out parcel further identified as tax parcel # 050965;

The above amendment is effective upon adoption of this Ordinance.

Adopted this ____ day of ____ 2021.

Town of Swansboro Board of Commissioners

John Davis, Mayor

ATTEST:

Paula W. Webb, Assistant Manager/Town Clerk

PLANNING BOARD STATEMENT OF CONSISTENCY

Food Trucks Text Amendment for Parcel Exemption

During its October 5, 2021, regular meeting, the Town of Swansboro Planning Board recommended proposed amendments to the Unified Development Ordinance related to Section 152.180 NOTES TO THE TABLE OF PERMITTED/SPECIAL USES/CONDITIONAL ZONING DISTRICTS (CD) of the Unified Development Ordinance to an exemption to Note DD.

This proposed amendment serves to further clarify the recently adopted amendment (Ordinance 2021-O7) by adding a parcel exemption for the Food Lion out parcel further identified as tax parcel # 050965.

The proposed change is **consistent** with the current Comprehensive Plan, specifically the 2019 CAMA Land Use Plan Update, Section 4, Goals and Objectives, 3, “Prioritize the Natural Environment that is key to Swansboro’s Quality of Life” and have been recommended for **approval** by the Planning Board.

This statement reflects the recommendation of the Town of Swansboro Planning Board this the 5th day of October 2021.

Vote

Scott Chadwick, Planning Board Chairperson

Planning Board Land Use Plan Program of Work

- 1) ~~Flood Damage Prevention Ordinance Update~~ (Adopted June 8, 2020; Effective June 19, 2020)
- 2) RA Residential Agricultural Zoning District (rezoning or text amendment)
- 3) Wetlands (Ongoing; Engaged the Carolina Wetlands Association for guidance. Recommended amendments to the Residential Cluster ordinance, on BOC agenda May 10th for final decision)
- 4) Text amendment related to Conservation Zoning District to reflect the recommended CAMA Plan changes to strengthen coastal resiliency
- 5) ~~Text amendment related to requirements for connection for development to nearby amenities~~ (Adopted June 22, 2020)
- 6) Text amendment related to the overall appearance of commercial, industrial and mixed-use development (Reviewed current standards at April 19th special meeting; board asked for inventory of unmaintained structures – presented to board on May 17, 2021)
- 7) Text amendment related to tying square foot to the use of higher quality materials, additional stormwater control measures (Reviewed current standards at April 19th special meeting; board asked for inventory of unmaintained structures – presented to board on May 17, 2021)
- 8) Consider map amendments (zoning maps) that reflect the Future Land Use categories after the regulatory changes are made (if needed) including Table of Uses (BOC recommendation)
- 9) UDO amendments related to NCGS 160D implementation (On BOC agenda for May 10th)

Additional Actions to Date/Upcoming:

- March 15, 2021: the Board reviewed amendments to the Residential Cluster section of the ordinance specific to the preservation of wetlands and other vulnerable areas.

Kevin Turner, from the Onslow County Tax Office participated in the meeting and explained the valuation process because the Board had inquired about tax discounts for wetland properties, which the Town does not have the authority to offer per State law.

- April 6, 2021: the Board discussed the proposed text amendments related to 160D.

Reviewed a Special Use Application for the Blazin' Bird restaurant.

- April 19, 2021: the Board reviewed the Building Design and Compatibility standards of the ordinance to address the two related LUP program of work items. Staff was asked to prepare an inventory of “unmaintained” properties along Hwy 24.

The tree replacement standards of the ordinance were also discussed, and Staff was asked to gather ordinance examples from other communities.

- May 4, 2021: Staff presented 10 ordinances from other communities across the State. The Board also discussed proposed House Bill 496 and recommended that the Board of Commissioners formally oppose the bill.

The Board recommended a text amendment to the UDO to require a land clearing permit and penalty fee for noncompliance.

- May 17, 2021: Presentation on unmaintained properties. The 2018 Economic Strategic Plan Includes Action Items within the Implementation Plan to “Produce a list of available commercial/industrial buildings and sites that includes details such as location, zoning, allowed uses, size, utilities, cost, and contact information”. Staff has combined these efforts.
- June 1, 2021: Special Use Application from William Sherman to allow an accessory structure in the front yard of his dwelling.
- Commercial Maintenance Code was Scheduled for June 21 meeting – cancelled due to lack of quorum. - Maintenance Codes for other municipalities were provided previously for review. At the June regular meeting, the Board requested to discuss and draft a Commercial Maintenance Code as an amendment to the Town Code.