

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

**November 10, 2021
Wednesday, 5:30 PM**

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

1. Call to Order

2. Minutes

A. October 5, 2021, Regular Meeting

3. Business

A. Political Sign Ordinance Amendment

An amendment is proposed to clarify the allowances for political signs due to an inadequacy within the current ordinance which was recently discovered. The amendment seeks to do the following:

- 1) Align the ordinance regulations with NC GS § 136-32, Regulation of signs;
- 2) Remove the requirement for a sign permit;
- 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.

***Action Needed:** A motion to recommend an 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.*

B. Planned Order of Work

Discuss remaining implementation items provided after prior meeting via email and provide further direction to staff.

4. Chairman/Board Thoughts/Staff Comments

5. Adjournment

**TOWN OF SWANSBORO
PLANNING BOARD
REGULAR MEETING MINUTES
OCTOBER 5, 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 and Ed McHale. The board had 2 vacancies.

It was noted that this meeting was being held 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.

Minutes

On a motion by Mrs. Ramsey seconded by Mr. Conaway, the minutes for May 17, 2021, special meeting, June 1, 2021, regular meeting and July 19, 2021, special meeting were approved unanimously.

Business

Text Amendment – Parcel Exemption (Food Trucks)

Planner Jennifer Ansell shared that 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 Plan which was more in depth. Mrs. Ansell added that she was on a leave of absence and not in attendance of the meeting and shared that she was concerned with not amending the land use plan. The previous meetings with Mayor Pro Tem Tursi & Commissioner Philpott resulted in keeping the ordinance amendment consistent with the land use plan. There were two qualifiers established, which were to be in a commercial zoning district and within one of the commercial land use designation nodes. The parcel in consideration was in a commercial zoning district but was designated as a low density/suburban neighborhood node. Both the Planning Board and Board of Commissioners are charged with making a consistency statement, and a text amendment without a Land Use plan amendment would result in inconsistency. Additionally, since that meeting, a site plan proposal had been received for a dental office in that parcel.

On a motion by Mr. Chadwick, seconded by Mr. Conaway the board recommended unanimously to deny an amendment to Section 152.180, NOTES TO THE TABLE OF PERMITTED/SPECIAL USES/CONDITIONAL ZONING DISTRICTS (CD) of the Unified Development Ordinance to add an exemption to Note DD.

Planning Board Program of Work Review

Mrs. Ramsey shared that she wanted to continue covering the issues with Stormwater Management and revisit wetlands regulations.

Mrs. Ansell reviewed the remaining items from their program of work which included wetlands, conservation zoning district and RA zoning items remain for review. The Town was approved for the Wetland resiliency grant, and was in the planning phase and waiting to hear back on how to move forward.

Mr. Chadwick request that Mrs. Ansell send the board several options for consideration and let the board decide what of those to hear next.

Adjournment

On a motion by Mr. Chadwick, seconded by Mr. McHale, the meeting adjourned at 5:47 pm.



Planning Board Agenda Item Submittal

Item to Be Considered: **Political Sign Allowances**

Board Meeting Date: **November 10, 2021**

Prepared By: **Jennifer Ansell, Planner**

Overview: An amendment is proposed to clarify the allowances for political signs due to an inadequacy within the current ordinance which was recently discovered. The amendment seeks to do the following:

- 1) Align the ordinance regulations with NC GS § 136-32, Regulation of signs;
- 2) Remove the requirement for a sign permit;
- 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.

Action Needed: A motion to recommend an 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.

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

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

Attachments

Proposed Ordinance

Planning Board Statement of Consistency

NC GS 136-32

ORDINANCE 2021-O?
**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
TO CLARIFY THE ALLOWANCES FOR POLITICAL SIGNS**

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

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

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

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

TITLE XV: LAND USAGE

CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE

SIGNS

§ 152.268 SIGNS REQUIRING NEITHER PERMIT NOR FEE.

(C) Political campaign signs, provided the following are met:

- 1) Signs shall be confined to private property and not located within any street-right-of way unless otherwise permitted by State law;
- 2) Permission must be obtained from the property owner where the sign(s) are to be placed or the adjacent property owner if placed in the State-maintained right-of-way;
- 3) The owner of any property upon which the sign(s) are placed shall ensure the sign(s) are placed no sooner than thirty (30) days prior to the first date of "one-stop" early voting and are removed within ten (10) days of the election or referendum;
- 4) Signs shall not create any unsafe conditions;
- 5) The placement of leaflets, signs, posters, or bulletins on vehicle windshields, utility poles, trees, or other signposts is prohibited;
- 6) Signs shall not exceed fifteen (15) square feet in size or five (5) feet in height measured from the ground. If the sign(s) are two-sided, each side counts towards the total square footage if not the same copy. Signs outside of these parameters are prohibited unless otherwise allowed by State law;
- 7) Signs may not be composed of multiple modules or segments, or be illuminated, and must be reasonably secured to prevent windblown debris or other damage to adjacent property;
- 8) Signs affixed to or placed in parked utility trailers or in parked truck beds are prohibited;

- 9) Mobile signs require a special use permit pursuant to Section 152.270 (F); and
- 10) Sign placed unlawfully pursuant to this section may be removed and disposed of by the Town without prior notice.

§ 152.269 SIGNS REQUIRING PERMIT BUT NO FEE.

~~(K) Political campaign signs are allowed, provided the following are met:~~

- ~~1) Signs shall be confined to private property;~~
- ~~2) Signs shall not be erected sooner than 45 days before the election or referendum;~~
- ~~3) The owner of any property upon which the sign is placed shall make sure the sign has been removed within seven days after the election or referendum;~~
- ~~4) Sign shall not exceed 15 square feet and the height to the top of sign shall not exceed five feet from the ground. Should you elect to erect a sign larger than 15 square feet, an application must be submitted with an engineer sealed drawing of footing design with turn over moment calculations. The sign must be located in a commercial zone on non-public lands, out of rights of way, and have a permit from the Zoning Official prior to placement of the sign;~~
- ~~5) Signs shall not create any unsafe conditions;~~
- ~~6) Ordinance prohibits the placement of leaflets, signs, posters, bulletins on vehicle windshields, utility poles, trees, or sign post; and~~
- ~~7) Portable signs are prohibited. Signs affixed to or placed on trailers, in truck beds, etc., are considered portable signs and are prohibited.~~

PLANNING BOARD STATEMENT OF CONSISTENCY

Political Signs

During its November 10, 2021 regular meeting, the Town of Swansboro Planning Board recommended proposed amendments to the Unified Development Ordinance related to Section 152.268, Signs Requiring Neither a Permit Nor Fee, and 152.269, Signs Requiring a Permit But No Fee.

This proposed amendment serves to clarify the allowance for political signs, and is **consistent** with the current Comprehensive Plan, specifically the CAMA Land Use Plan, Land Use Compatibility, Create Zoning Standards that Enhance the Function and Appearance of the Gateway Corridor; and Implementation Recommendations and Strategies, Other Community Priorities, Enhance Appearance and Maintain Small Town Coastal Character, and has been recommended for **approval** by the Planning Board.

This statement reflects the recommendation of the Town of Swansboro Planning Board this the 10th day of November 2021.

Vote

Scott Chadwick, Planning Board Chairperson

Planning Board Land Use Plan Program of Work

*Per Regular Meeting Minutes, February 3, 2020

- 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; Amendments to the Residential Cluster adopted May 10, 2021)
- 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 (Adopted May 24, 2021)

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.
- July 19, 2021: Special Meeting; The Town Code was discussed with regard to Chapter 151, Repair, Closing, and/or Demolition of Non-Residential Buildings or Structures.

A definition for clear-cutting was added to clarify the landscaping ordinance requirements for land clearing related to the May amendment.