

STAFF-SUGGESTED BOC ACTION (ORDINANCE)  
(TO APPROVE THE REQUESTED CONDITIONAL REZONING)\*

**“ORDINANCE # 2025-O8**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE (ZONING MAP) OF THE TOWN  
OF SWANSBORO**

WHEREAS, Flybridge Swansboro, LLC (“the Applicant”) has submitted a proposal to rezone property located in the Town’s planning and zoning jurisdiction, the property consisting of approximately +/- 38.92 acres, having Tax Parcel ID #019494 & 027733, and situated on U.S Highway# 24/W. Corbett Avenue near the intersection of #24 and Belgrade-Swansboro Road (“the subject property”); and

WHEREAS, the Applicant has proposed that the zoning of the subject property as shown on the official zoning map be amended from a Residential-Agricultural to a Business-1 Conditional classification; and

WHEREAS, in accordance with applicable statutes and Town ordinances, the Applicant’s proposal to rezone the subject property from its current zoning to a B-1 Conditional zoning classification, together with its proposal to amend the Town’s Comprehensive Plan, has been referred to and considered by the Planning Board for a recommendation;

WHEREAS, on September 2, 2025, the Planning Board voted to recommend to the Board of Commissioners that the Applicant’s proposal to rezone the subject property to the B-1 Conditional classification not be approved;

WHEREAS, on September 23, 2025, a public hearing was held pursuant to Article 6 of N.C.G.S Chapter 160D to consider the Applicant’s rezoning proposal;

WHEREAS, at the public hearing, the Applicant presented its conditional rezoning proposal, and presentations for and against the proposal were received.

NOW, THEREFORE, following the conclusion of the public hearing, and after full consideration of the Applicant’s proposal, all materials submitted, and arguments for and against the proposal, and with due consideration given to the Planning Board’s recommendation on the proposal, THE BOARD OF COMMISSIONERS OF THE TOWN OF SWANSBORO HEREBY ORDAINS AS FOLLOWS:

1. The officially adopted Zoning Map, being a part of the Zoning Ordinance of the Town of Swansboro (Ref. UDO Section 152.171) is amended with respect to the property, described herein, to wit: **the subject property shall be re-classified as B-1 Conditional zoning, subject to the following express Conditions:**
  - A. All uses of the subject property shall substantially, and at a minimum, conform to the development Concept Plan for a mixed-use development submitted by the Applicant, attached and incorporated as Exhibit 1 to this Ordinance, specifically including, without limitation: general site development areas and uses; plans for internal roadways; buffers, setbacks, stormwater management areas; amenities serving the

residential uses; modifications and improvements to the Corbett Avenue accesses serving the property; and

- B. With respect to the multi-family development and uses of the property, the maximum residential density shall be 300 units; and
  - C. The minimum number of parking spaces to serve residential development in those areas of the property proposed in the Concept Plan for multi-family residential development shall be 569 spaces, so long as the residential uses comprise 117, 1-bedroom units, 150, 2-bedroom units, and 33, 3-bedroom units. Otherwise, parking requirements as contained in the UDO shall apply.
  - D. Improvements to: (i) the Corbett Avenue (U.S.#1) highway corridor, including those at the intersection of Corbett Avenue and Belgrade-Swansboro Road; (ii) accesses to the proposed development shown on the Concept Plan; and (iii) other intersections along, and portions of, the Corbett Avenue corridor, as shown and proposed in the Applicant's Transit Impact Analysis ("TIA"), prepared by DRMP, Inc., dated 5-21-24, included as part of the Applicant's proposal, and incorporated fully by reference into these Conditions, shall be the sole responsibility (including costs thereof) of the developer.
  - E. The development Concept Plan shows those portions of the property fronting along West Corbett Avenue as five outparcels intended for commercial development and use. Such a division of the property, together with any other subdivisions of the property, will require subdivision review and approval under the UDO.
2. Adopted as part of this Rezoning Ordinance, the following serves as the Town of Swansboro's Plan Consistency and Reasonableness Statement under N.C.G.S. 160A-605:

#### STATEMENT OF CONSISTENCY AND REASONABLENESS

Upon its filing, the application for conditional re-zoning of the subject property was inconsistent with a portion of the Town's Comprehensive Plan (CAMA Plan), specifically, the Future Land Use Plan component, which called for rural and agricultural (R-A) land uses of the property. The applicant submitted its proposal to amend the FLUP concurrently with the proposed conditional rezoning. Public hearings were held on September 23, 2025, with respect to both the proposed Plan Amendment and Conditional Rezoning. Both proposals were considered concurrently by the Board of Commissioners.

The Board of Commissioners, by its adoption of Resolution #2025-R11 has determined that the FLUP component of the CAMA Plan should be amended as proposed. The Conditional Rezoning of the subject property, as finally approved and adopted by the Board, is therefore consistent with the Amended Plan. These actions by the Board are determined to be reasonable, based upon consideration relevant criteria including those, among others, suggested in NCGS 160D-605(b):

- i. (*Size, attributes of the property*) The subject property abuts a major highway corridor with prevalent commercial uses.

- ii. (*Benefits/detriments to landowner, neighbors, community*) The conditional rezoning will allow a mixed use development which is compatible with neighboring uses, and provides housing and economic, including tax base enhancement, benefits to the community.
- iii. (*Relationship between the property's current development and proposed*) The property is currently undeveloped; surrounding properties are developed with a variety of uses, with prevalent commercial uses on US#24. Property to the south, zoned B-1, is developed as a car dealership. Property to the north is zoned B-1 and vacant. Property directly across #24 is designated for non-residential, employment, and light industrial uses. The requested rezoning allows development which is more in accord with neighboring zoning and development.
- iv. (*Why in the public interest*) The proposed conditional rezoning represents a reasonable balance between allowing new, mixed-use development with attendant economic and other benefits, while mitigating the impacts of such development.
- v. (*Changed conditions*). Swansboro is facing much growth and development, particularly along the #24 corridor. The requested conditional rezoning represents a reasonable accommodation of this growth.
- vi. (*Other reasons*)” \*\*

This Ordinance shall be effective upon adoption.

Adopted by the Board of Commissioners in regular session, September 23, 2025.

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William Justice, Mayor

Attest:

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Alissa Fender, Town Clerk

*\*Staff note:* The Applicant did not submit formalized zoning Conditions as part of its Application materials. Our attorney has advised that the Conditions should be enumerated and incorporated as part of any rezoning action. Staff has drafted proposed zoning conditions which are intended to be consistent with the Applicant's proposal. It will be necessary for the Applicant to formally indicate its consent to the adopted Conditions.

*\*\* Staff note:* The BOC will be provided with a copy of the above statute. The described “considerations”, noted in italics, reflects the statutory categories to be considered in the Statement. Per our attorney, the law requires more than a recitation of statutory language. Some showing of an analysis is required. If the BOC approves the Rezoning, the above noted considerations are suggested for adoption as part of the Reasonableness Statement. These are staff-suggested forms of action only, and are not intended to supplant the Board's determinations - amend or supplement as desired.