

§ 152.179 Table of Permitted/Special Uses

PERMITTED/ SPECIAL USES	CON	RA	R6	R6SF	R8SF	R10SF	R15SF	R20SF	R40SF	PUD*	MHP	MHS	MHS- 15SF	MHS-O*	O/I	G/E	B1*	B2*	B3*	B2HDO*	MI*
Mixed use															M S		M S	M S	M S	MS	

§ 152.180 NOTES TO TABLE OF PERMITTED/SPECIAL USES. NOTE 37. B-3 TRADITIONAL BUSINESS DISTRICT.

(KK) Note 37. B-3 Traditional Business District. In the B-3 Traditional Business zoning district, the uses “dwelling, multi-family and condominiums”, and “dwelling, townhouses” shall be limited to 20% of the first-floor area. Only parcel ID 1404-16.22 of the Ward Farm Town Center shall be exempt of this restriction. There shall be no limits placed on the use, “Dwelling Located Over a Business”, other than those specified in Note 13.

§152.195 TABLE OF AREA, YARD, SQUARE FOOTAGE AND HEIGHT REQUIREMENTS, B-3 TRADITIONAL BUSINESS.

<i>District</i>	<i>Minimum Lot Size</i>		<i>Minimum Yard Setbacks</i>				<i>Maximum Building Size</i>	
	<i>Min. Sq. Ft. per Bldg Lot (see Note 1)</i>	<i>Min. Width per Bldg. Lot</i>	<i>Interior Side (see Notes 2 and 8)</i>	<i>Corner Side</i>	<i>Front (see Note 3)</i>	<i>Rear</i>	<i>Max. Bldg. Height (see Notes 4 and 5)</i>	<i>Max. Bldg. Gross Square Footage (see Note 9)</i>

B-3 Traditional Business	8,000 sq. ft. for first two units plus 1,975 sq ft per unit thereafter.	25 ft.	0 ft.	5 ft.	5 ft.***	10 ft.	40ft.	40,000 sq. ft.
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Traditional Town Center (TTC)

Blocks

Block length of no more than 400 feet further promote walkability and discourage automobile use for short trips. Crosswalks and mid-block pedestrian connections should be used throughout.

Parking

Off-street parking requirements for nonresidential uses may be lessened due to the walkable district and availability of on-street, shared or lots for parking. Front-loaded parking is discouraged.

Appropriate Density / Intensity

This district should replicate the densities and intensities of those in downtown to provide an alternative to other housing and retail experiences in Swansboro. The norm should be:

- » Compact residential - Up to eight dwellings per acre single family or 12 for multi-family, with an exception of up to 18 for multifamily for B-3 Zoning.
- » Ground floor retail is encouraged but lobbies and entrances would be allowed.
- » Development of this intensity should employ stormwater control measures with extensive Low Impact Design

§ 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](#).
- (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.

(3) The special use will not substantially injure the value of adjoining or abutting property.
OR the special use is a public necessity.

(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).

(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) Minor modifications to special use permits that do not involve a change in the uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification or revocation of a special use permit shall follow the same process for the original approval by the Town Board of Commissioners .

(Ord. 2005-O3, passed 3-15-2005; Am. Ord. 2006-11, passed 4-18-2006; Am. Ord. passed 6-16-200; Am. Ord. 2010-O20, Am. Ord. passed 7-20-2010; Am. Ord. passed 1-21-2014; Am. Ord. 2021-O3, passed 5-24-2021)