

Ordinance 2024-05

WHEREAS North Carolina General Statute 160D-701 requires that zoning regulations shall be made in accordance with a Comprehensive Plan; and

WHEREAS NCGS 160D-604 also states that when adopting or rejecting any zoning amendment, the governing board shall approve a statement describing whether its action is consistent with an adopted Comprehensive Plan and any other officially adopted plan that is applicable, and briefly explain why the board considers the action taken to be reasonable and in the public interest; and

WHEREAS the Board of Commissioners finds that the proposed conditional re-zoning of PARID Number: 019324 located off of Swansboro Loop Road, is reasonable and in the public interest because the conversion of approximately 27.287+/- acres from RA (Residential Agricultural) zoning designation to R20SF (Single Family Conditional Rezoning) zoning designation is consistent with the Comprehensive Plan, specifically the 2019 Land Use Plan Update amended August 28, 2023, and the property is identified as appropriate for residential land use.

NOW BE IT ORDAINED by the Town of Swansboro Board of Commissioners that the Town Zoning Map be amended by converting PARID Numbers 019324 from RA (Residential Agricultural) to R20SF (Residential) zoning designation with the following conditions including the subdivision drawings:

1. A Traffic Impact Analysis meeting the Town's requirements must be completed and approved prior to the preliminary plat (construction drawings) and before the development is heard at the Planning Board.
2. Required stormwater for Phase I and II must be located within the development not impacting the wetlands to assure stormwater is not routed to Swansboro Loop Road.
3. The twenty-five-foot required exterior buffer where there is a natural screen that cannot be seen through the vegetation will remain. Where there is an open field or no vegetation the area will be planted to screen the adjoining neighbors using the type A buffer standard.
4. An additional ten-foot-wide buffer will be required between the proposed 20-foot-wide fire road on the west side of the development adjacent to tax parcels 056584 and 002598. If there is natural screening that cannot be seen through the vegetation will remain, otherwise the type A buffer standard will be used.
5. Construct a 4-foot wooden privacy fence with gates surrounding the lift station with hardy fast-growing shrubs outside the fence to form a hedge meeting ONWASA requirements.
6. Any claim of a 3<sup>rd</sup> party regarding the applicant's title to the subject property, or the effect of such a claim, if any, on the requested rezoning, is a civil matter between private parties. This would include title conflicts between any existing easements and proposed public streets. The Planning Board's recommendation of approval has no bearing on claims of title to the property, such being outside the authority and jurisdiction of the Planning Board. The Board's recommendation should not be construed as having any effect on title to the property, claims against the property, or the validity of any such claims.

This Ordinance shall be effective upon adoption.

Adopted by the Board of Commissioners in regular session, March 26, 2024.

Attest:

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Alissa Fender, Town Clerk

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John Davis, Mayor