

Staff comments in green.

SPECIAL USES

§ 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](#). The use, “Restaurants”, is allowed by the Table of Uses in the B-1 zoning district pursuant to the issuance of a special use permit.
- 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. The proposed restaurant will be located on an existing outparcel within the Walmart development. Access to the site will be through the existing driveways; no exterior drives are proposed. A traffic impact study has been provided pursuant to Section 152.312 of the UDO by J.M. Teague and is under review by the Town’s consultant engineer, Jeff Hochanadel with the Timmons Group.

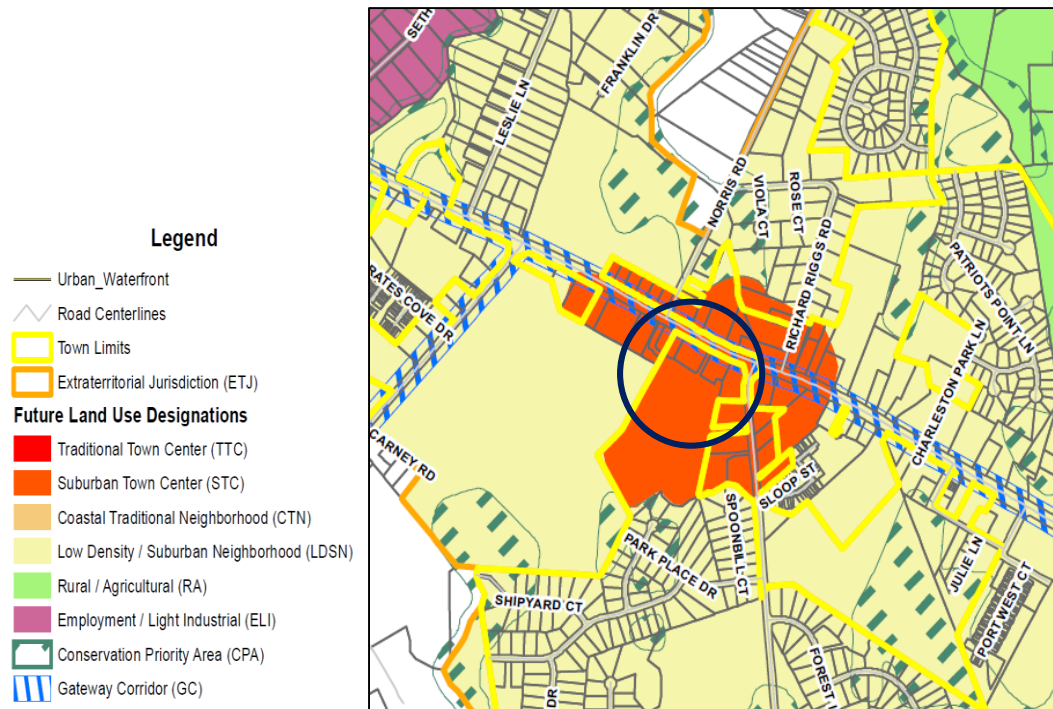
The Traffic Impact Analysis and the Town’s Traffic Engineer Review Report are included. Findings from the report indicate that “No improvement recommendations were provided nor necessary to mitigate capacity concerns at the intersections. The findings also provide the development minimally increased queues at each intersection.”

NCDOT did not require a TIA for this development for the following reasons:

- The land use was covered in the Swansboro Retail TIA and the Swansboro Commercial TIA, which were later updated with the Norris Road Signal Study.
 - All roadway improvements associated with these TIAs have been constructed.
 - The Starbucks will only be accessed via internal, non-system roadways which have previously been reviewed as noted above.
- 3) The special use will not substantially injure the value of adjoining or abutting property, OR the special use is a public necessity. The letter received from Joseph

Blake and Associates, Inc., indicates that the development will not impact adjacent property values.

- 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). The CAMA Land Use Plan Update (2019) identifies the property as Suburban Town Center:



These areas are meant to be commercial activity nodes that are more auto oriented such as the intersections of Hammocks Beach Road or Queen's Creek Road with NC 24. In well-designed projects, a person can patronize several businesses via access easements between businesses, a secondary road network, or on foot. Uses may be mixed, generally are larger in scale and include higher density residential including townhomes, market-rate apartments with access to major thoroughfares and existing utilities. Office, civic and institutional uses may be incorporated into this land use class. Development opportunities may occur on green fields or sites with underutilized uses ripe for redevelopment.

This auto-oriented business district, located at nodes along NC 24, supplies goods and services used by the community over the course of a week or month. These businesses are often supported by customers over a large geographic area and may be a regional draw. Uses may be mixed – often mixed horizontally – outlets and larger-scale (ex – grocery, larger-scale retail up to a certain square footage, etc.). While vehicular traffic dominates, all modes of travel are accommodated.

- 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) Where plans are required to be submitted and approved as part of the application for a special use permit, modifications of the original plans may be authorized by the Town Board of Commissioners.

§ 152.295 PARKING LOT INTERCONNECTIONS.

Vehicle drive connections are required to connect adjacent property when the proposed development is adjacent to a commercial property, public amenity site, public park, public open space and/or residential public street.

- A) Connections shall be constructed and stubbed to accommodate future development of adjacent properties;
 - B) Connections shall be a minimum of 20 feet in width;
 - C) The requirement for a vehicle drive connection to an adjacent commercial property may be waived by the Zoning Administrator upon a written finding that there is no means due to pre-existing development features, structures, or topographical conditions, to establish such a connection; and
 - D) The requirement for interconnectivity to Town amenities may be waived by the Zoning Administrator for any reason or for no reason.
- The access to the site is through an internal drive; the applicant has asked for a waiver of the interconnection requirement due to a loss of parking spaces. 22 spaces are required, 34 have been provided.

§ 152.528 PERIMETER AND STREETSCAPE BUFFER YARDS.

- (A) *Applicability.* All land uses as defined in § [152.525](#) Purpose and Applicability shall provide perimeter bufferyards and streetscape bufferyards , as defined herein, to separate that use from adjacent land uses.
- (E) *Types and required criteria for buffers.* The four types of natural and landscaped buffers that appear in [Table 152.528-1](#) are described below along with criteria for each. Each of these buffer types may be achieved by meeting the requirements listed below or by an approved alternative method that meets the performance requirements. The preservation and use of natural vegetation is the preferred method of meeting the buffer and landscape requirements, as specified in divisions (F)(4) and (F)(7) of this section.
- (1) *Type A.* For every 50 linear feet, or fraction thereof, the five foot-wide bufferyard shall contain: one canopy tree, two under story trees or four under story trees, and six shrubs.
- (F) *General buffer standards.*
- 1) *Coverage.* All portions of required perimeter and streetscape bufferyards not planted with trees or shrubs or covered by a wall, driveway, or other barrier shall be planted with grass, ground cover, or natural mulch of a minimum depth of three inches.

- 2) *Placement.* New plantings comprising the buffer shall be spread across the entire span of the buffer , not planted in a row or rows, and not concentrated in a limited number of clustered locations such that the purpose of the buffer is violated (as defined in division (B) of this section).
 - 3) *Location.*
 - a) The perimeter buffers shall be located along the outer perimeter of the parcel and shall extend to the parcel boundary line or right-of-way line; however, the buffers may be located along shared access easements between parcels in non-residential developments . Within non-residential centers/ developments , the perimeter buffer area between outparcels may be shifted totally or in part, elsewhere on the site. For example a 10-foot buffer between like uses may be shifted elsewhere on the site preferably interior to the site as long as the total area is provided for. The intent of this section is to provide for more flexibility in designing sites and potentially save larger natural areas elsewhere on the site.
 - b) Stormwater management structures may be allowed in a buffer provided that it can be landscaped to meet the intent of the buffer requirements.
 - c) All perimeter bufferyards and streetscape bufferyards shall not obstruct the view of motorists using any street , private driveway , parking aisles , or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to the public safety upon any such street , driveway , parking aisle , or street intersection. Existing healthy vegetation may be removed and no new plantings shall be installed, within required sight triangles as noted in §§ [152.265](#) through [152.277](#).
- A revised landscaping pan will be required for permitting demonstrating compliance with these sections.

§ 152.539 TRASH CONTAINMENT AREAS.

- (A) All site plans shall show method of garbage collection as well as appropriate details to demonstrate compliance with this subchapter.
- A description of the enclosure has been provided in the exterior finish schedule, but a detail demonstrating compliance with this section will be required for permitting.

§ 152.560 ARCHITECTURAL CHARACTER.

Architectural character focuses on the specific details that greatly affect the overall appearance of a particular development. These architectural character standards in this section provide direction in aspects of color, facade materials, rooflines, and the enhancement of entryways. The primary goal is to define the ‘finishing touches’ that provide the development with a sense of permanence, style, and compatibility. The Town discourages proposals that have not taken these matters into account. The Town policy is that all development is compatible of surrounding areas and that it ensures privacy, safety, and visual coherency.

(C) Entryways.

- (1) *Required entryway features.* Entryway design elements and variations shall provide orientation and aesthetically pleasing character to the building. The following standards identify desirable entryway design features. Each principle building on a site shall have

clearly defined, highly visible customer entrances featuring no less than three of the following: (See also [Figures 152.560.5](#) and [152.560.6](#) as examples)

- (a) Canopies or Porticos;
- (b) Arcades;
- (c) Overhangs;
- (d) Recesses/projections;
- (e) Raised corniced parapets over the doors;
- (f) Peaked roof forms;
- (g) Arches
- (h) Wing walls;
- (I) Outdoor patio
- (j) Display windows;
- (k) Planters; and
- (l) Architectural details such as tile work and moldings which are designed into the building structure and overall design.

- At least one additional entryway feature is required on the front elevation and two on the south side elevation pursuant to this section.

(7) *Roofs*. The following standards are intended to foster variations in roof lines to soften and reduce the massive scale of large buildings:

- d) Flat roofs must be enclosed by a parapet that screens mechanical equipment from view by pedestrians at street level.
- e) The height of the parapet shall not exceed 1/3 of the height of the supporting wall and should not exceed a maximum height of six feet. Such parapet shall not be of a constant height for a distance of greater than 150 feet.

- A revised plan will be required for permitting showing compliance with this section.