

**TOWN OF SWANSBORO
PLANNING BOARD
SPECIAL MEETING MINUTES
MARCH 15, 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 Brad Buckley arrived late.

Ed McHale was on a leave of absence and was excused.

It was noted that Brad Buckley arrived to the meeting at 6:11 pm and attended 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.

Business

Tax Valuation Discussion

Kevin Turner, Appraisal Supervisor with Onslow County Tax Administration reviewed that wetlands on properties are broken down and rated by type and size/acreage. Onslow County GIS provides breakdown of the wetland size in acres.

In response to an inquiry from the Board, Mr. Turner advised that properties that have wetlands are rated based on the type and usage available for the wetlands. Usable wetlands are rated higher than unusable ones, and the rates vary by location. Additionally, he indicated that zoning played a role in rates calculation as well.

Residential Cluster Development Regulations

At the March 2, 2020 regular meeting, the Board discussed their immediate goals with regard to implementation of the Land Use Plan. The first priority established was to re-work the Residential Cluster Development Regulations to strengthen the requirements for the protection of vulnerable areas such as designated wetlands and the floodway.

Mrs. Ansell reviewed the following proposed text amendment.

RESIDENTIAL CLUSTER DEVELOPMENT REGULATIONS

§ 152.225 PURPOSE AND INTENT; DEFINITION.

(A) The purpose of residential cluster development is to provide an alternative development option that will:

- 1) Promote more efficient use of land resources than is otherwise possible under conventional zoning and subdivision regulations;
- 2) Reduce the per unit site development costs of dwellings by concentrating residential units on a portion of the site without increasing the overall net density above that which would normally be allowed pursuant to §§ 152.195 through 152.196, Table of Area, Yard, and Height Requirements;
- 3) Preserve the natural character of the site;
- 4) Preserve farmland and scenic views;

- 5) Provide for desirable and usable open space, tree cover, and the preservation of environmentally sensitive areas; and
- 6) Provide variety in residential buildings and properties and provide design flexibility that can relate the location of units to unique site conditions.

(B) For the purposes of this section, a ***RESIDENTIAL CLUSTER DEVELOPMENT*** is defined as:

- 1) A development design wherein conventional zoning standards are relaxed to permit modifications in lot area, lot width, lot frontage, lot coverage, required yards, and public street access, and to save infrastructure development cost, environmental damage, energy use and land resources by concentrating dwellings in specific areas of the site without increasing the net density above that which would normally be allowed pursuant to §§ 152.195 through 152.196, Table of Area, Yard, and Height Requirements;
- 2) Such development shall contain detached single-family dwellings only; and
- 3) Such development shall provide a program for the provision, operation and maintenance of such areas, facilities and improvements as shall be required for the perpetual common use by the occupants of the development.

§ 152.226 AREA; PERMITTED DISTRICTS, EXEMPTION; STREET ACCESS; OPEN SPACE(S); DENSITY; DIMENSIONAL STANDARDS.

(A) Residential cluster developments shall contain not less than five net acres. For purposes of this section “net acres” shall be the total area of all lots and common area(s) exclusive of public street rights-of-way or private street easements. Addition to any existing residential cluster development may be allowed provided such addition meets or exceeds all other applicable requirements.

(B) Subject to division (A) of this section, a residential cluster development may as an option be allowed within any residential zoning district. Such development shall be exempt from the conventional zoning standards relative to lot area, lot width, lot frontage, lot coverage, required yards and public street access normally applicable to such districts, provided such development complies with the minimum standards set forth under this section.

(C) Dwelling units within a residential cluster development may be constructed on lots fronting private streets.

(D) A residential cluster development shall provide open space (s) subject to all the following requirements:

- 1) Such open space shall be greater or equal in area to the total amount of area by which each lot was reduced below the minimum lot size requirement of the prevailing zoning district, or as provided under division (D)(2) of this section, whichever is greater;
- 2) Residential cluster developments shall reserve not less than 15% of the gross acreage as common open space;

- 3) Such area shall not be used as a building site. For purposes of this section, picnic areas or shelters, ball fields, walking or jogging trails, boat ramps and docks or other similar recreational facilities may be allowed;
- 4) Such area shall not be devoted to any public street right-of-way or private street easement, private driveway or parking area ;
- 5) Such area shall be left in its natural or undisturbed state if wooded at the time of development, except for the cutting of trails for walking or jogging or, if not wooded at the time of development, is improved for the uses listed under division (D)(3) of this section, or is properly vegetated and landscaped with the objectives of creating a wooded area or other area that is consistent with the objective set forth in division (D)(6) of this section;
- 6) Such area shall be capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation or for horticulture if not devoted to other allowable uses in this division;
- 7) Such area shall be legally and practically accessible to the residents of the development, or to the public if so dedicated;
- 8) A minimum of one-half of the required open space shall be contained in one continuous undivided part;
- 9) ~~Not more than 25%~~ None of the required open space shall lie within an area identified as either 401 or 404 wetlands or of the required open space shall lie within any floodway zone;
- 10) Not more than 25% of the required open space may be devoted to allowable improvements as set forth in division (D)(3) of this section;
- 11) Such area shall be perpetually owned and maintained for the purposes of this article by a homeowners association or, at the option of the town, dedicated or deeded to the public.
- 12) The location and arrangement of any open space (s) shall be subject to Planning Board approval during the Preliminary Plat review;
- 13) The owner shall, pursuant to the subdivision regulations, cause a final subdivision plat to be recorded in the Onslow County Register of Deeds which clearly describes the open space (s) and conditions thereof, prior to the issuance of any building permit(s).
- 14) These requirements are in addition to those found under Section 152.367, Parks and Recreation Space Requirements, of the Subdivision Ordinance.

(E) Areas identified on the Preliminary Plat as 401 wetlands, 404 wetlands, floodway, or if located within 30 feet of the normal water level along a coastal shoreline shall be reserved and dedicated to the Town in the form of a conservation easement. This designation shall be recorded on the face of the Preliminary and Final Plats and a deed recorded conveying the area to the Town for preservation. No structure, impervious surface or other development shall occur in this area other than that which is permitted by the State or other regulatory agency.

§ 152.227 MAXIMUM DENSITY REQUIREMENTS.

- (A) Residential density shall not exceed that which would normally be permitted under single-family standards within the prevailing zoning district on a net area basis.

- (B) Public street rights-of-way and private street easements shall not be included or count towards the total net area for purposes of calculating allowable density.
- (C) Area dedicated or deeded to the town pursuant to the sections above shall count towards net area for purposes of density calculation.
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Mrs. Ansell shared that this process was an elective process that a developer could choose. The suggested edits strengthen the ordinance to possibility prevent a future situation similar to the Swansgate Subdivision where 401/404 wetlands were dedicated as open space. Wetlands could still be dedicated to the Town but would be in addition to meeting the open space requirements. Additionally, once this option is chosen by a developer, it would be required to reflect at preliminary plat review.

The board members shared their support in keeping open space and wetland dedication separate.

On a motion by Mr. Conway seconded by Mr. Favata the proposed amendment was found to be consistent with the comprehensive plan and was recommended for approval to the Board of commissioners. The motion was unanimous.

Chairman/Board Thoughts/Staff Comments

Mr. Chadwick commented that the clear cutting that occurred at the beginning phases of the Swansgate Subdivision should of never happened because the landscaping that was removed could never be replaced due to the age of the trees. He inquired how this could be prevented in the future. Mrs. Ansell advised that these types of land clearing is not permitted by the Town and is usually not known about until it occurs. She shared that when something like this occurs certain parts of the subdivision approval can be withheld until the developer corrects the issue. Additional provisions could be considered in the landscaping section of the UDO.

Mrs. Ansell shared that the next items from the Planning Board Program of Work to be handled were:

- Text amendment related to the overall appearance of commercial, industrial and mixed-use development; and
- Text amendment related to tying square foot to the use of higher quality materials, additional stormwater control measures.

Review of the landscaping section of the UDO could also be covered. The Board agreed for all items to be discussed/reviewed at the next special meeting on April 19, 2021.

Adjournment

On a motion by Mr. Conaway, seconded by Mr. Favata the meeting was adjourned at 6:18 pm.