Conditional Zoning District

ORDINANCE NO. 23-1209

Ordinance Amending the Official Zoning Map of the Town to Rezone Property Containing 18,750 square feet of Land Located at 205 Charlotte Avenue, in the Central Business District (CBD) to Conditional Zoning (CZ) Event Venue / Bar.

LEGISLATIVE INTENT/PURPOSE:

WHEREAS, NCGS §§ 160D-102, 160D-108(d), 160D-603, and 160D-702 authorizes local governments to change or modify zoning boundaries within their jurisdiction; and

WHEREAS, the amendment set out below is made in accordance with NCGS § 160D-601 and Article XVII, of the Carolina Beach Land Development Code.

THEREFORE, BE IT ORDAINED:

SECTION 1: The Official Zoning Maps of the Town of Carolina Beach are hereby amended by removing the hereinafter described tract of land from the present CBD, Central Business District and putting it in the Event Venue / Bar Conditional District (CD) classification, said tract being more particularly described as follows:

Legal Description for Conditional Rezoning of 205 Charlotte Avenue

205 CHARLOTTE AVE
LOT 6/7/8 BLK 48 CAROLINA BEACH
PARID: R09006-032-014-000
As more specifically described on Deed Recorded in Book 6624, Page 2511 of the New Hanover County Register of Deeds.

SECTION 2: The following rules, regulations, and conditions shall apply to the property described in this ordinance.

1. The use and development of the subject properties shall be in substantial accordance with the site plan submitted and approved which was prepared by Progressive Land Development Consultants, LLC dated 2/3/2023.
2. The use and development of the subject property shall comply with all regulations and requirements imposed by the Land Development Code, the Town of Carolina Beach Technical Standards and Specifications Manual and any other applicable federal, state or local law, ordinance or regulation, as well as any condition stated below.
3. If, for any reason, any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted to rezone the property to its previous zoning classification.
4. The use and development of the subject property shall be in substantial accordance with the site plan as submitted and approved.
5. The use and development of the subject property shall meet all requirements for stormwater in accordance with the Town Stormwater Ordinance.
6. The proposed use shall be limited to an indoor event venue / bar. Any addition of outdoor areas shall be considered a major modification of the conditional zoning approval.
7. The required _64_ parking spaces have been waived due to adequate public parking spaces within 500'. Any parking provided on site must comply with Article 7 of the Carolina Beach Zoning Ordinance.
8. The 200' separation requirement for new bars from a residential district has been waived by Town Council.
9. Outdoor lighting shall be installed as to not disturb neighboring properties.
10. The final project must be constructed to meet the fire code.
11. A Type B landscape buffer shall be provided and delineated along the southern property line abutting residential except in the area waived by Planning and Zoning and Town Council.
12. A 6' fence with 80 percent opacity shall be installed along the southern property line abutting residential.
13. Prior to the issuance of a building permit, all approval letters and final site plan shall be submitted, and items mentioned above shall be submitted and approved by the Town of Carolina Beach Technical Review Committee that includes the Town Manager, Planning and Development, Building Inspections, Operations / Stormwater / Public Works, and Fire.
14. Approval of this site-specific vesting plan establishes a vested right under G.S. 160D-108. Unless terminated at an earlier date, the vested right shall be valid until 7/11/24.

SECTION 3: The Town Clerk and the Planning Director are hereby authorized and directed under the supervision of the Town Manager to change the Zoning Maps on file in the office of the Town Clerk and the Planning Division, to conform with this ordinance.

SECTION 4: That any person violating the provisions of this ordinance, including the approved site plan, shall be subject to the penalties set forth in ARTICLE XV of the Land Development Code.

SECTION 5: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 6: If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 7: That this ordinance shall be effective upon its adoption by Town Council, and the Town's receipt of written acceptance by the Applicant of all conditions adopted by the Town.

Adopted this 11th day of July 2023.

Applicant Signature: _____Date:_____

Applicant Printed Name: _____Date:_____

Property Owner Signature: _____Date:_____

Property owner Printed Name: _____Date:_____

Property Owner Signature: _____Date:_____

Property Owner Printed Name: _____Date:_____

_____

Lynn Barbee, Mayor

Attest: _____

Kimberlee Ward, Town Clerk