

Ordinance 24-1244

Town of Carolina Beach
Town Council



CONDITIONAL ZONING DISTRICT

An Ordinance Amending the Official Zoning Map of the Town to Rezone property containing 2.52 acres of land located at 105 Dow Rd, in the R-3 Zoning District to Conditional Zoning (CZ) for a K-5th Grade School.

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, IT BE ORDAINED:

SECTION 1: The Official Zoning Maps of the Town of Carolina Beach are hereby amended by removing hereinafter described tract of land from the present R-3 and putting it in the Planned Unit Development Conditional District (CD) classification, said tract being more particularly described as follows:

Legal Description for Conditional Rezoning of 105 Dow Rd.

105 DOW Rd.

LTS 1-18 BLK 136 CAR BCH

PARID: R09005-012-001-000

As more specifically described on Deed Recorded in Book 5079, Page 2523-2525 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

Ordinance 24-1244

Town of Carolina Beach
Town Council

1. The use and development of the subject property shall be in substantial accordance with the plans submitted and approved by which were prepared by James Branch Smith dated 11/21/2024.
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. Approval of this conditional district rezoning does not constitute technical approval of the site plan. Final approval by the Technical Review Committee and the issuance of all required permits must occur prior to the release of the project for construction.
4. If, for any reason, any conditional 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.
5. The use and the development of the subject property shall be in substantial accordance with the site plan as submitted and approved.
6. The proposed use shall be limited to a K-5th grade school.
- ~~7. The building is in the AE-10 flood zone. Renovations to the building exceeding 49 percent of the value of the building shall meet FEMA requirements.~~
- ~~8. Sloped railing shall be used on the second story bar area.~~
- ~~9. The building is located within the Primary Fire District. All materials used for construction shall be noncombustible.~~
- ~~10. The alleyway on the property shall be free of obstructions and debris.~~
11. A stormwater plan shall be submitted and approved prior to the issuance of a building permit.
12. An as-built survey and certification shall be provided that all improvements, including but not limited to zoning, paving, drainage, stormwater, landscaping shall be constructed and maintained according to the site plan approved prior to Certificate of Occupancy.
13. 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 12/10/2026.
14. Restoration of the previously required landscape buffer surrounding the 8th street fenced in playground as described in the 2020 Conditional Grant Order for 105 Dow Rd.
15. At least 8% of the gross paved area of a parking facility shall be landscaped and located in the interior.
16. The refuse collection site must be enclosed on three (3) sides by a minimum six (6) foot opaque fence.
17. Pervious gravel drive aisles will meet NCDEQ Permeable Pavement design criteria.
18. Once per year the town receives certification of a properly functioning pervious driveway.
19. Any proposed signage will have to meet all standards zoning requirements in the future.
20. A Knox box to be installed on building.

Ordinance 24-1244

Town of Carolina Beach
Town Council

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.

Be it ordained by the Town Council of the Town of Carolina Beach. Adopted this 10th day of December, 2024.

TOWN OF CAROLINA BEACH

Albert L. Barbee, Mayor

ATTEST:

Kimberlee Ward, Town Clerk

Ordinance 24-1244

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