

Conditional Zoning District



ORDINANCE NO. 21-1156

The Town Council of the Town of Carolina Beach hereby amends the Zoning Ordinance, Article 2 Zoning Districts and Map to modify the zoning map as follows:

Approves a Conditional Zoning of 902, 910, 1000, & 1010 N. Lake Park Blvd for a mixed-use commercial-residential (PARIDs R08814-003-013-000, R08814-003-015-000, R08818-002-002-000, & R08818-002-013-000). Below are the conditions of approval and are hereby accepted. I/we acknowledge that the approval is dependent on the conditions, and failure to honor the conditions shall constitute a violation of this ordinance as well as grounds for permit revocation.

Conditions for the Conditional Zoning district site plan drawn by Mihaly Land Design dated 9/6/21 for the Proximity shall be met prior to the issuance of a Certificate of Occupancy for the project.

1. Provide for an 8' multiuse path on Saint Joseph St and through the site connecting to the public right of ways and a 6' sidewalk on N. Lake Park Blvd.
2. All lighting shall be aimed, located, designed, fitted, shielded, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
3. Install recommendations of the traffic impact analysis to include upgrades of up to \$300,000 for a traffic light with pedestrian signal at the intersection of Lake Park Blvd and Winner Ave.
4. Provide daily usage of water & sewer and make improvements as required by Public Utilities
5. Access and parking easements to be recorded for usage of the Jersey Mikes parking.
6. Keep existing Live oaks as depicted on the site plan.
7. Prohibit short term rentals less than 90 days within the residential units.
8. Install a pedestrian access on town property located at 108 Winner Ave from the applicant's property to Winner Ave.
9. Memberships to the swimming pool shall be available to residents of Carolina and Kure Beach.

Requirements

10. A stormwater plan must be submitted and approved prior to issuance of a building permit. The stormwater system must be installed according to approved plans and a letter signed and sealed by a licensed engineer must be provided verifying that the system is properly installed and functioning prior to issuance of certificate of occupancy.
11. Drainage plan must be submitted and approved prior to issuance of a building permit, and signed and sealed by a licensed engineer verifying that the system is properly installed and functioning prior to issuance of a certificate of occupancy.
12. Approval Letter from Division of Water Quality for Stormwater Permit before issuance of Building Permit.
13. Approval Letter from Division of Land Quality for Sedimentation and Erosion Control Permit before issuance of Building Permit.
14. Approval Letter from the Division of Water Quality for construction authorization for public water supply.
15. A driveway permit must be obtained from the NCDOT and Town of Carolina Beach prior to issuance of a building permit.
16. Sign permits must be obtained for any new signs located on the property.
17. Prior to issuance of a building permit lots must be combined to one parcel.
18. All structures shall be limited to 50' in height prior to issuance of a certificate of occupancy, certification by an engineer or architect must be submitted and approved.
19. Final project must be designed to provide the required 525 parking spaces and must comply with Article 7 of the Carolina Beach Zoning Ordinance.
20. Project must be constructed to meet fire code.
21. Final site plan must include cross-section of paving detail and indicate on plan areas to be paved.
22. Type B buffer shall be provided and delineated along the perimeter of the property. Any waivers shall be delineated on the site plan.
23. As-built 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 by the Director of Planning or his designee prior to Certificate of Occupancy.
24. Prior to issuance of building permit a plan that includes a grading schedule, and construction schedule shall be approved by the Technical Review Committee.
25. Prior to issuance of 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.
26. 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 11/9/23.

Adopted this 9th day of November 2021.

Applicant Signature: _____ Date: _____

Applicant Printed Name: _____ Date: _____

Mayor LeAnn Pierce: _____

Attest: _____

Kimberlee Ward, Town Clerk