

Conditional Zoning District



ORDINANCE NO. 23-1215

Ordinance Amending the Official Zoning Map of the Town to Rezone Property Containing 10,256 square feet of Land Located at 801 Saint Joseph, in the Highway Business District (HB) to Conditional Zoning (CZ) 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 HB, Highway Business District and putting it in the Bar Conditional District (CD) classification, said tract being more particularly described as follows:

Legal Description for Conditional Rezoning of 801 Saint Joseph Street

801 SAINT JOSEPH ST
WINNER DIV FEDERAL POINT
PARID: R08819-007-007-000

As more specifically described on Deed Recorded in Book 6328, Page 2797 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 Benjamin F Farrow III, PLS dated 8/30/2023.
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 a bar with accessory putt-putt area.
7. Final project must be designed to provide the required 8 parking spaces and must comply with Article 7 of the Carolina Beach Zoning Ordinance.
8. Outdoor lighting shall be installed as to not disturb neighboring properties.
9. The final project must be constructed to meet the fire code.
10. A Type A landscape buffer shall be provided along the property lines except in the areas waived by Planning and Zoning and Town Council as depicted on the approved site plan.
11. An 8' fence is authorized along the rear property line.
12. Stormwater shall be contained on site for all additional impervious surfaces.
13. Concrete aprons shall be provided for the entrance and exit.
14. A 20' drive aisle shall be provided and designated with one-way signage.
15. Drainage plan shall be submitted and approved prior to building permit issuance.
16. The building is within an AE11 flood zone, renovations exceeding 49 percent shall meet FEMA requirements.
17. 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.
18. 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 10/10/24.

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 10th day of October 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